

CLASS INTERESTS, JUSTICE AND MARXISM

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Introduction

What I attempt here is largely negative. I shall, that is, be a nay-sayer and a second-sayer rather than a yea-sayer and a first-sayer. I am not unambivalent about that for I realize it is an easier task to be a nay-sayer and a second-sayer than a yea-sayer who is also a first-sayer. More importantly, and less egocentrically, I think a first-saying positive account here is very important indeed for it is an issue of general human importance concerning which there is considerable confusion. In such a situation it is important, if we can, to set matters straight. I think setting matters straight will reveal that a strong, perhaps even a sound, Marxist case can be made for, given the way the productive forces have developed and are likely to continue to develop, the preferability, morally speaking, though not only morally speaking, of socialism (whatever we might say about its Statist distortions in some existing socialisms) over capitalism and for, in our circumstances, the injustice of capitalism and for the moral unacceptability of the very institution of private productive property. (I do not, of course, speak of personal property like owning a house or a car.) However, I do not yet, philosophically speaking, see my way clearly enough here. What I shall argue instead, and what I hope I have attained some clarity about, is that two very influential and indeed powerfully argued accounts, accounts I shall label *Marxist immoralism* and *Marxist moralism* respectively, are both seriously in error. They both, however, have identified some things which are true, and indeed importantly true, but their own errors are such, along with the importance of what they are gesturing at, as to strongly motivate us to look at the familiar

moral terrain in another way and to try to develop, what I hope to attempt myself on another occasion, namely a more adequate positive account, an account incorporating in a more comprehensive way—some might even say a more dialectical way—the valid elements in both Marxist immoralism and Marxist moralism.

My own nascent view, a half-formed view which I shall not argue for here, is indeed closer to Marxist moralism in substantive conclusion, but, methodologically speaking, it is more in the spirit of Marxist immoralism with its more historicist setting aside of a moral rationalism freely proclaiming. While agreeing, as I have just remarked, in substantive conclusion with some Marxist moralists, I distance myself from their confident reliance on rights—indeed what G.A. Cohen calls natural rights—and from their implicit reliance on moral intuitions unchastened and unweeded by the coherentist discipline of wide reflective equilibrium: a coherentism that would in principle at least, leave no intuitions (considered judgments) intact, protected, as in a totally safe harbor, in some unchallengeable, foundationalist manner, independently of a consideration of how well they fit with other claims so as to make a consistent and coherent whole matching with everything we know or can reliably believe. Indeed there are some very firmly embedded considered judgments that will no doubt never in fact be challenged but they also fit in well in this coherentist package and are not in principle unchallengeable. (We should take to heart here the attitude of Peirce's critical commonsensism.)

1

Marxists, theorists sympathetic to Marx and Marxologists are divided both over whether Marx thought and whether Marxists should think that capitalism or any whole social formation is just or unjust or indeed over whether we can properly use such terms of appraisal at all for whole social formations.¹ Even analytical philo-

¹ Robert Tucker, *The Marxian Revolutionary Idea* (New York: Norton, 1969), Chapter 2; Robert Tucker, *Philosophy and the Myth of Karl Marx* (Cambridge, England: Cambridge University Press, 1961), pp. 11-27; Allen W. Wood, "The Marxian Critique of Justice," *Philosophy and Public Affairs* 1 (1972-3) and Allen W. Wood, "Marx on Right and Justice," *Philosophy and Public Affairs* 8 (1978-9); Ziyad Husami, "Marx on Distributive Justice," *Philosophy and Public Affairs* 8 (1978-9); Gary Young, "Justice and Capitalist Production: Marx and Bourgeois Ideology," *Canadian Journal of Philosophy* 8 (1978); Gary Young, "Doing Marx Justice," *Canadian Journal of Philosophy*, Supplementary Volume VII (1981); Richard

sophers sympathetic to Marx and thoroughly knowledgeable about Marx and Marxism and with a similar philosophical and social science orientation are sharply divided over this issue.² The contrast comes out both vividly and starkly if we compare the views of Allen Wood and G.A. Cohen. They are both analytical philosophers thoroughly immersed in the work of Marx and they both have written distinguished critical interpretations of Marx.³ All that notwithstanding, they are deeply divided over this issue. On the one hand, Wood would have it that concepts such as justice were for Marx through and through ideological constructions which could have no critical content for appraising capitalism or any social formation (or indeed anything else) and that this is not just Marx's own possibly eccentric view about morality but is something which is integral to a thoroughly and consistently Marxist conception of things.⁴ Cohen, on the other hand, takes it that Marx condemned capitalism as unjust, and indeed in a suitably nonrelativist sense, and, he further claims, that such a moral critique should be a central element in contemporary Marxist theory, exhibiting a place where philosophers can make a contribution to establishing whether or not the capitalist system itself, and not just

Miller, *Analyzing Marx* (Princeton, NJ: Princeton University Press, 1985), pp. 3-97; Richard Norman, *The Moral Philosophers* (Oxford, England: Clarendon Press, 1983), pp. 173-201; Steven Lukes, *Marxism and Morality* (Oxford, England: Clarendon Press, 1985); John Elster, *Making Sense of Marx* (Cambridge, England: Cambridge University Press, 1985), pp. 196-233. For an important review article (a) with a thorough grasp and an illuminating categorization of the literature and (b) which provides a defense of Marxist moralism, see Norman Geras, "On Marx and Justice," *New Left Review* 150 (March/April 1985), pp. 47-89.

² On the side I characterize, following Wood, as Marxist immoralism there is Allen W. Wood, Richard W. Miller, Andrew Collier and Anthony Skillen. On the Marxist moralist side there is G.A. Cohen, William Shaw, Norman Geras, Jon Elster, and Gary Young. Yet in their overall philosophical approaches these philosophers have much in common. They are all, broadly speaking, in the analytical tradition. For a description of the phenomena of analytical Marxism see Richard W. Miller, "Marx and Analytic Philosophy: The Story of a Rebirth," *Social Science Quarterly*, 4, No. 4 (December 1983), pp. 846-861.

³ Allen W. Wood, *Karl Marx* (London, England: Routledge & Kegan Paul, 1982); G.A. Cohen, "Review of Wood's *Karl Marx*," *Mind* XCII, No. 367 (July 1983), pp. 440-445; G.A. Cohen, *Karl Marx's Theory of History: A Defense* (Oxford, England: Oxford University Press, 1978); G.A. Cohen, "Freedom, Justice and Capitalism," *New Left Review* (March/April 1981), pp. 3-16; and G.A. Cohen, "The Critique of Private Property: Nozick on Appropriation," *New Left Review* (March/April 1985), pp. 89-108.

⁴ This is argued with particular force by Allen W. Wood in two recent articles: Allen W. Wood, "Marx's Immoralism" in Bernard Chavance (ed.), *Marx en Perspective* (Paris, France: Editions de l'Ecole des Hautes Etudes en Sciences Sociales, 1985), pp. 681-698 and in his "Justice and Class Interests," *Philosophica* 33, No. 1 (1984), pp. 9-32. I shall particularly be concerned to examine the latter article in this essay.

some capitalist systems, is in our historical epoch unjust and whether, by contrast, under socialism and eventually under communism, justice can reasonably be expected to flourish along with a more general human flourishing.

I want to at least make a start at sorting out this general issue by inspecting their respective arguments to see where they leave us. I focus on them because they are both distinguished interpreters of Marx and perceptive and able philosophers with, generally speaking, a similar philosophical orientation and, over most issues, though not over this one, they have rather similar views on Marx. Given their general similarity of approach, coupled with their sharp difference over this issue, they are instructive subjects for comparison.

2

I should like to make one disclaimer initially. I think Wood, and Richard Miller as well, who has a broadly similar conception to that of Wood, are exactly right in arguing that such a rejection of justice, or, more generally still, a rejection of the moral point of view in the assessing of institutions or in deciding, politically and socially speaking, what is to be done, does not entail, justify or excuse a bloodthirsty *realpolitik*, the lack of common human decency or the sorts of excesses that have sometimes been committed in the name of socialism.⁵

In "Justice and Class Interests" Wood wants to confront what I have called Marxist moralism.⁶ He in particular wants to confront the kind of Marxist, sympathetic to justice, who (a) sets out to show, along Marxian lines, that a case can be made for the injustice of capitalism and the justice of a properly democratic socialism, conforming to Marx's conception of what a socialist society will be like, and (b) who also will agree with Wood that on the basis of Marx's own texts Marx himself would not so appraise capitalism and socialism and indeed regarded moral conceptions as through and through ideological. So the position Wood wishes principally to refute (a position more concessive to Wood than Cohen's) is that of the person who will agree here on the Marxological point that Marx did not regard capitalism as

⁵ Allen W. Wood, "Marx's Immoralism," pp. 695-698. Richard W. Miller, *Analyzing Marx*, pp. 94-97.

⁶ Allen W. Wood, "Justice and Class Interests", quoted in footnote 4.

unjust but who will then go on to argue that this Marxological point does not count for much since he regards Marx's "views about morality [as] sufficiently idiosyncratic and sufficiently far removed from the central insights of his social thought that they need not be taken seriously."⁷(11) Taking it that he has made the Marxological point elsewhere, it is this sort of view that Wood wants to confront and confute in his "Justice and Class Interests."⁸

Wood sets out to show that Marxist moralism rests on a mistake. To take Marx seriously, to accept some reasonable reading of the core canonical claims of Marx's social theory, would, he argues, lead one to reject the moral point of view as being irretrievably ideological and with that, of course, to reject justice as a critical category for assessing institutions and to see justice-talk, and moral-talk more generally, as ideological instruments with (in most circumstances) a pervasively conservative social function. Moral norms are not good vehicles for "revolutionary demands and aspirations"; they are rather "expressions of a given social order, and specifically as expressive of the demands that order makes to insure its survival and smooth functioning."⁽¹⁰⁾

Such a view of the essentially conservative social function of morality is, Wood argues, grounded in Marx's historical materialism, his conception of ideology, his conception of class, class interests and class conflict. It is not, Wood claims, rooted in any eccentric and possibly philosophically naive meta-ethical or normative ethical conceptions that Marx may have had. It is rather rooted in canonical elements of his thought.

It is not that Marx or Marxists, following Marx here, are committed to a kind of irrationalism or conceptual relativism with some theses of conceptual imprisonment. Marx, and Engels as well, were plainly children of the Enlightenment and most Marxists have followed them here. They believed, as Wood puts it, that "rational deliberation about social institutions would be an important part of any free or truly human society."⁽¹¹⁾ They would agree with John Rawls that this is one of our highest-order interests. But what Marx and Engels were also concerned to expose—and here they are not typical Enlighten-

⁷ *Ibid.*, p. 11. This article will take close textual analysis in my text. Future page references to it will be given in the text.

⁸ See his "The Marxian Critique of Justice," "Marx on Right and Justice," and his *Karl Marx*, pp. 125-156.

ment figures—is what they took to be the pervasive self-deception of most moral and political philosophers in their believing that what is most essential in “deliberating about how best to set up social arrangements is to develop and utilize principles of justice to distribute the burdens and benefits of social life”.(11) Wood wants to show that, what seems to most philosophers and political theorists to be an almost self-evidently natural and reasonable way to proceed, is, from the point of view of a consistently worked out Marxist social theory, a retrograde step embracing an unfortunate utopianism which blinds itself and would, if accepted, blind us, to the nature of social reality.

Wood agrees that Marx did object—and indeed perfectly consistently with his overall orientation—to the way control over the means of production was distributed in capitalist societies, to the distributions in such societies of opportunities to acquire education and skills, to gain leisure, health care, decent housing, security and the like. He further grants that it seems at least to make sense to see if we could, looking at these concrete judgments of Marx, construct a conception of justice which might be used to explain and justify those, and similar, specific assessments of those capitalist distributions. Wood concedes that there is a certain initial plausibility to that, but, all that to the contrary notwithstanding, when one takes to heart what justice is and when one notes, and carefully reflects on some central features of Marx’s core theory that Wood will advert to, that this initial plausibility will evaporate.

There are here in what Wood adverts to three elements, two specifically Marxist, namely Marx’s historical materialism and his conception of revolutionary practice based on it, and the other, a conceptual point about what justice is. Let us turn to the conceptual point about justice first. Any principle of justice you like, egalitarian or inegalitarian, to be a principle of justice at all must be a principle which is disinterested or impartial as regards the interests of those to whom the principle is supposed to apply. Any differential treatment of those to whom it is supposed to apply “must be justified on the basis of some impartial standard, such as the special desert of individuals or the greatest common good of all concerned.”(14) If such differential treatment is not in some way so justified for the distributions, then whatever we have—on whatever *other* basis we make the distributions—we do not have a principle of justice. A principle of justice, any principle of justice at all, even the most elitist or aristocratic, must “be justified on the basis of disinterested or impartial considerations.”(15) This is a

necessary condition for something's being a principle of justice.

Next—now bringing in the two Marxist elements—Wood adverts to the fact (a fact that Richard Miller has also stressed) that “Marx refused to evaluate social institutions from an impartial or disinterested standpoint, and regarded the whole enterprise of doing so as ensnared in ideological illusions.”⁹(15) Wood next seeks to establish that this is not just an eccentricity of Marx's but is integral to central elements in his theory. Rather than a disinterested appeal to the interests of everyone alike, one must appeal, if one is serious about defending socialist revolution and socialism generally, to the class interests of the proletariat and their allies. They are indeed, on Marx's reckoning, the vast majority, so we are appealing to what is in fact the interests of the vast majority, but, Wood claims, Marx “never confuses this with the common interests of all society.”(16) Indeed, Marx, Wood argues, regards in class societies any conception of the common good or of universal interests as an ideological myth.¹⁰ There are, Marx unblinkingly recognized, large groups of people (the bourgeoisie and the landed aristocracy) “whose interests are going to be simply ignored or sacrificed by the revolution.”(6) Marx is perfectly explicit and straightforward about this.¹¹ This attitude, Wood argues, is what is required if we are to make a consistent application of Marx's account of historical materialism and his theory of classes.

Marx—to get on with seeing what is involved in Wood's claim here—sees history as divided into epochs each with its distinct mode of production. Where there are classes in society, they stand, in these different modes of production, in different positions and, most vitally for identifying their class position, have different roles in the economic relations which are a part of this mode of production. These classes, with their distinctive socio-economic roles, do not all have the same effective control over the means, process and fruits of production of the society in which they live. Throughout history, viewing now human society as a whole, the forces of production tend to develop and indeed have developed and this will invariably, as the productive forces develop, lead in determinate historical circumstances to situations where the relations of production come to make a bad fit with the

⁹ Richard W. Miller, *Analyzing Marx*, pp. 15-97.

¹⁰ Allen W. Wood, *Karl Marx*, pp. 125-156.

¹¹ See also his “Marx's Immoralism.”

forces of production and this in turn tends to sharpen class conflict.¹² But, even when the forces and relations of production are for a time in matching harmony, it still remains the case, since with classes there are relations of domination and subordination, that with their very existence there are class interests which are antagonistic and irreducibly so in a society with such a class formation. Indeed something like this will be true in any class society at all. As the productive powers (forces) develop and the extant relations of production become obsolete in the face of that development, the mechanism, according to historical materialism by which the adjustment of social relations to productive powers is carried out is the class struggle, culminating, where the changes are extensive, in a social revolution which will bring into being new relations of production more consonant with the new powers of production and which together will come to constitute a new and distinct mode of production.

We have, on Marx's conception, except in the mystifying lens of ideology, no conception of and no reality to, the contention that there are society-wide interests which would constitute a common good which might, in a good Durkheimian fashion, bind society together. What we actually have instead is the conflicting class interests of the various antagonistic and contending classes which, for each of them, is based on a situation which is common to the members of each class. It is a situation which should be called their distinctive class situation.

In our society, to take the two main classes, there are the capitalists, who own and have control over the means of production and have a perfectly rational interest in maintaining that ownership and control, and then there are the workers who are excluded from control over the means of production and who have a perfectly rational interest in wresting it away from those who do have control over it.

Where we are not just talking about the individual interests of the members of the class but about what can be called the interests of the class as a whole and hence the class interests (the long term goals of a class movement), we are in effect talking about "the establishment and defense of a certain set of production relations in society." (18) It is in this way that we identify class interests and it is these class interests which are the proximate driving force of history, the central triggers in

¹² Kai Nielsen, "On Taking Historical Materialism Seriously," *Dialogue* XXII (1983), pp. 319-338.

epochal social change, with the underlying and more fundamental causes being the developing productive forces, which, when they come in conflict with the relations of production, give rise to class struggle. Still, as Wood puts it, it is through class struggle that we as historical agents relate effectively to history. Our historical role “depends on the relation of our actions to class interests and the struggle between them.”(19)

3

It is this account of historical materialism and revolutionary class struggle which prepares the ground for what Wood calls *the class interest thesis* which in turn is an essential premise for what he calls *the class interests argument* which is the argument designed to show that Marxists cannot have a theory or an account of justice as a critically normative concept or coherently maintain that in some transhistorical, critical and non-mode-of-production-relative sense, capitalism is unjust and socialism just. *The class interest thesis* is stated by Wood as follows:

To understand ourselves as historical agents is to understand these interests [class interests] and the bearing of our actions on them. Whatever the aims or conscious intentions of our actions may be, Marx believes that our actions are historically effective only insofar as they involve the pursuit of class interests, and the historical meaning of our actions consists in their functional role in the struggle between such interests.(19)

It is Wood's key point that when we think through carefully and nonevasively the implications of the class interests thesis, we will come to see that we cannot be historically effective by moralizing. We cannot in any fundamental way change the world by making a case—no matter how sound a case—for the injustice of capitalism. But, given our conception of the unity of theory and practice, it is one of our deepest interests to be historically effective. But this means that we should not in thinking about society—in thinking politically about what is to be done—have much interest in considerations of justice and injustice. Wood tries to establish this by what he calls “the class interests argument,” an argument which I will now explain and critically examine.

Why does the acceptance of the class interest thesis dictate setting aside such an appeal to justice? If we accept the class interest thesis, as it seems as historical materialists we must, and, if we wish to be historically effective, we will take to heart the fact “that whatever desires, values and goals we may have, our accomplishments as historical agents are basically going to consist in the way we further the interests of certain classes.”(19) In struggling to be historically effective, we will look at the existing historical movements and come, particularly if we have the anomalous class position of most intellectuals, to side with a movement (as in taking the standpoint of labor) and to identify with it (albeit sometimes critically), choosing and seeking to realize its goals as our goals. If we wish to be historically effective, we will take such a standpoint rather than engage in the task of “setting our goals according to abstract values or standards and then trying to find some means for achieving them.”(19) We will, of course, consonant with our vocation as intellectuals, do so critically—and this will (speaking now of intellectuals as a group) have its own, sometimes more, sometimes less, important political effects—but side with one or another of the contemporary classes we must if we have a sense of ourselves as historical agents and care about playing some role in the struggles of our time. This, of course, holds only if we are convinced of the approximate truth of historical materialism and Marx’s conception of class struggle and if indeed these theses are approximately true.

So—at least given certain factual beliefs—to be effective historical agents we must take some class position, but the class interests thesis also asserts that in no case can these goals (the goals consonant with determinate class interests) be determined by disinterested or impartial considerations. What is involved in class struggle is always “the particular interests of one class struggling against other classes.”(20) What we need firmly to recognize is that to identify ourselves with a class movement is therefore to abandon the pretense to ourselves that our fundamental concern is with what is disinterestedly or impartially good. For “according to the class interest thesis, no effective historical action ever takes the form of pursuing what is impartially or disinterestedly good.”(20) What we are to do, in public life at least, is determined by our identification with a class movement. But, says Wood, that involves pursuing class interests as such and not for the sake of some further end. A concern with “justice as one’s fundamental goal

and a acceptance of the practical consequences of the class interests thesis are therefore incompatible.”(20) It is this argument that Wood calls ‘the class interests argument’.

5

Having completed setting out the basic structure of his argument, Wood considers objections, qualifications and caveats. It is here—or at least I shall so argue—where he makes remarks which begin to make his case against a justicizing Marxism or a Marxist moralism vulnerable. Wood remarks, bringing up a point that Richard Miller has also laid great stress on, that “sometimes Marx appears to think that the class interests thesis, perhaps together with the fact that society is torn by deep class conflict, entails the very idea of a common interest, or of what is impartially and disinterested good, is a mere chimera, that there is no such thing.”¹³(21) And that is surely, as my exposition has brought out, the way the argument has been presented here following Wood himself. But now, Wood claims, there is nothing in the canonical core of Marxism, nothing in Marx’s historical materialism or conception of revolutionary practice, which would require that. Marx, as Miller shows in presenting Marx, points to the fact that while in each class society there is a motley of goods, concerning many of whose items there is generally a wide acceptance in that society, there is no general consensus about the specific items (or, at least, all the specific items) or on the weighting of these sometimes conflicting goods. The motley remains just a motley. There is plainly an overlap in people’s interests but there is conflict as well and there is no consensus about how to resolve such conflicts. There is no hierarchically ordered unified picture of the good life or even a unified picture of the good life towards which there is consensus. Concerning this Wood remarks: “the idea of what is impartially or disinterestedly good is not the idea of an empirical agreement or overlap between people’s interests. Instead, it is the idea of something which is good from a standpoint independent of any particular interests, though perhaps not independent of all human interests whatever.”(21)

Wood argues (as does Miller as well), though without reference to any element of the canonical corpus of Marxism, that in our bourgeois

¹³ Richard W. Miller, *Analyzing Marx*, pp. 15-50.

societies there are such sharp conflicts of interest and that there is no agreement about any generalized human interests that might constitute a common good. But, Wood adds, this does not show that there could not be such an agreement, that careful deliberations, using wide reflective equilibrium, could not reasonably be expected, if conditions of undistorted discourse were ever to come to prevail, to establish such a consensus. Moreover, it also does not show that Marxist theoreticians, if there is something to Marxist empirical theory, with their sensitivities to the way ideology functions and the like, would not be in a good position to have some shrewd idea what those generalized interests are, if indeed there are any.

Perhaps, contrary to what I have just said above, a critically skeptical moral theory (say a theory like J.L. Mackie's) could establish that we have no good reason to expect that such a consensus could be attained? It might even be able to show that there is something incoherent, or in some other way radically mistaken, in the very idea of such a standpoint? But, while all these things are possible, neither of these claims, or anything bearing a reasonable family resemblance to them, are part of the core conceptions of Marxism and there are no clear implicates of those conceptions which establish either them or their country or city cousins. As Wood well puts it, it is not enough to show "that people's interests do in fact profoundly conflict"; we must also show that there are no deep underlying interests which would enable us to eke out a sound conception of what is impartially and disinterestedly good and which would provide a basis for a resolution of those conflicts.

However—and this is the really vital point here—Wood's class interests argument, intriguingly and significantly, does not rest on a belief that there is no "universal interest or a disinterested standpoint." (21) What it requires, instead, is what Wood calls the weaker claim "that the practical recognition of the class interests thesis excludes self-conscious historical agents from taking justice (or what is impartially good) as their primary object of concern." (21) But now—or so it seems to me—the narrative begins to have another look, a look which (*pace* Wood) is not so favorable to Marxist immoralism. This comes out in an argument of Wood's meant to establish just the opposite.

In so arguing Wood contends that it may well be the case that "in pursuing the interests of a class" we will also be pursuing what is "in fact just or disinterestedly good." (20) The class interests argument

only claims that we cannot take moral reasons as the primary reasons for supporting the working class. Given the truth of the class interests thesis, such an historical agent with a sense of her vocation, must value proletarian class interests ahead of what, if anything, is disinterestedly good.⁽²¹⁾ Where Marxist immoralism most decisively comes in, Wood claims, is in the belief (resulting in a commitment) that if there is ever a conflict between proletarian class interests and what is disinterestedly good the proletarian interests trump those moral interests. This reverses the usual belief that moral considerations override any such conflicting considerations.

The justicizing Marxist (the Marxist moralist) should reply that this is an unreal situation, a desert-islandish, hypothetical situation. Given a realistic understanding of what proletarian class interests are, they cannot, as a matter of fact, conflict with what is disinterestedly good so that an historical agent could be faced with a situation where she must choose between struggling to realize proletarian class interests and what is disinterestedly good. The Marxist, rightly or wrongly, conceives the matter in such a way that the class interests of proletarians will also, as a matter of fact, though surely not as a matter of definition, be the interests of the vast majority of humankind: proletarians and, as well, many other groups (farmers, lumpen-proletarians, petty bourgeoisie, and most intellectuals and professionals). What is in the class interests of the proletariat will only go against the interests of the capitalist class. But its membership is such that it is only a minuscule part of the total population. (In our times, to put it conservatively, hardly more than 5% of the population.) Moreover, it would not go against all of their interests as individuals but only against those interests closely linked to their interests in continuing to engage in capitalist acts. Their vital interests centering around what are usually called our civil liberties need in most situations not be affected. Where they would be affected, say in the unsettled aftermath of a bitter civil war, their free speech rights would indeed be overridden. But, or so a Marxist is perfectly and consistently at liberty to claim, they still, in the way Joel Feinberg has shown, remain inalienable.¹⁴ What happens here in the overriding in such a particular situation of their free speech rights is no different than what happens in any

¹⁴ Joel Feinberg, "The Nature and Value of Rights," in S. Gorovitz et al. (eds.), *Moral Problems in Medicine* (Englewood Cliffs, NJ: Prentice Hall, 1976), pp. 454-67.

bourgeois society when it is in a state like that of war where all sorts of censorship restrictions are routinely recognized to be essential. Moreover, they are recognized to be essential from the perspective of what is disinterestedly good. (Leon Trotsky was surely right in pointing out in his *Their Morals and Ours* the hypocrisy of bourgeois critics of the communists on such issues.)

In morality in important ways, when push comes to shove, numbers count. If you are standing by a lakeshore in rough weather and you are a strong swimmer and you see two boats equidistant from you capsize, one to your right and the other to your left, with three small children in the one to the right and one child in one to the left, *ceteris paribus*, you will—and indeed should—first try to help the one on the right. Though moral issues are not vote issues, it is also the case that numbers just do count in morality. Where interests of the same type and of the same order of importance intractably conflict and both interests cannot be satisfied, morality (the moral point of view) requires that we satisfy the greater or more extensive interests where this can be ascertained. In the case of my above example the interests of three children trump the interest of the single child. Similarly, in situations where proletarian interests conflict with bourgeois interests of the same order, the proletarian interests trump them, and for at least the same reasons as the interests of the three children override the interests of the single child. Here numbers importantly count. It is crucial in making that evaluation to keep firmly in mind the fact that the interests of the proletariat are also the interests of the vast majority and that the interests of the capitalist are that of a very small minority indeed of the total population.

I say 'at least for the same reasons' for there seem to me additional reasons in the proletarian case that do not apply in my simple example where the same interests are at stake and indeed where conflicting vital interests are clearly at stake. An added item, making a distinct point, is relevant here. It is at least arguable in the proletarian/bourgeois case that the conflicting interests are not of equal importance and that it is also morally relevant that capitalists—and unavoidably so—exploit workers.¹⁵ The essential interest for the worker is that of escape from dehumanizing conditions and the attaining of autonomy or at least the

¹⁵ Andrew Levine, *Arguing for Socialism* (London, England: Routledge & Kegan Paul, 1984), pp. 65-76.

achievement of greater autonomy. Even *if* he is in a sufficiently wealthy capitalist society such that his health and security is not threatened, nonetheless his autonomy surely is, namely his ability to control his own life, to be self-directed. This good—surely a very precious higher-order interest of human beings—is undermined, or at least hedged in and weakened, in capitalist societies since in capitalist societies there is and can be no thorough workplace democracy. That is to say, a capitalist society cannot be a society where the people in the workplace own and control their own means of production and (a) collectively and democratically decide what to do (b) similarly decide under what conditions to do it (where this can be controlled and where there are feasible options) and (c) where they have, in an overall democratic environment, a say in what is to be done with what they produce. In a socialist society a worker would have such autonomy as would the former capitalist as well, for in a socialist society the former capitalist would be a worker like others and would have the same possibilities for autonomy, i.e., the same conditions for self-direction, that the other workers would have. What he would lose is some negative liberty, that is, with the proscribing of capitalist acts, there would be an interference with this freedom to buy and sell and to invest, and thus, in certain domains, an interference with his doing what he wants, but this is not the same as a limitation on a more comprehensive freedom and it is not, as we have for workers in capitalism, an undermining of his autonomy.

The undermining of autonomy, of self-direction, is far more important than an undermining of negative liberty, the interference (in certain domains) with doing what you want to do. These two interests, while both are important, are not on a par. So the proletarian interest are not only the interest of a far greater number of people, they are, as well, interests which are also more important interests than the interests of the bourgeoisie which get sacrificed in socialism.

The defender of the class interests thesis, if she is well informed, knows that, so she knows that in siding with socialism she does not have to choose between the pursuit of proletarian class interests and a pursuit of what is disinterestedly good, for, if there is such a thing, it will best be achieved, if it can be achieved at all, by pursuing proletarian class interests. It is on the Marxist story—and this is part of its canonical core—the case that proletarian emancipation, which on such an account is a key to the creation of a classless society, will provide the conditions for a general human emancipation. The

defender of the class interests thesis does not have to choose between pursuing class interests and pursuing what is disinterestedly good, for *by* pursuing class interest she *thereby* in fact also pursues what is disinterestedly good and, if, contrary to what is involved in that claim, the disinterestedly good is an ideological illusion, something that Wood, as distinct from Miller, does not believe that Marxists must assume, then there is nothing like this in the first place that can be coherently contrasted with proletarian interests so that we have to choose between them. If, on the other hand, there is a coherent concept of the disinterestedly good, as we have assumed, then it is the case that proletarian interests are the means by which we achieve a situation in which what is disinterestedly good can prevail and, in practical political action, by placing them first, we achieve a differential treatment of interests that is itself impartially defensible from the vantage point of what is disinterestedly good both at the point of choice—where sometimes hard choices must be made and the lesser evil chosen—and in the future. There is no good reason for claiming that someone who accepts the class interests thesis, as I believe we should, must reject the moral point of view or the possibility of assessing capitalism and socialism in terms of justice.

6

The above (*pace* Wood) does not stand in conflict with a practical, if you will, tactical stress, of the class interests thesis, namely that it is counterproductive and harmful to the socialist cause to be preoccupied, as Marxist humanism is, with trying to ascertain what the disinterested human good is or with what is a really fair distribution of things. Marx remarks contemptuously of such utopian 'true socialists' that they "have lost all revolutionary passion and proclaim instead the universal love of humanity."¹⁶ In the midst of revolutionary struggle, there is no time for such Feuerbachian proclaiming. It is hard enough to try to figure out what proletarian class interests are let alone to try to figure out what is disinterestedly good or what is the really fair distribution of things. Such a moralistic stress would, if successful, breed a generation of revolutionary Hamlets and that would impede a socialist transformation of society. The thing to do, if we can, is to

¹⁶ Karl Marx, *Marx Engels Werke*, Vol. 3 (Berlin: Dietz, 1961-66), p. 443.

work towards ascertaining what this interest is and then try to spread among the working class and their allies as widely as possible this understanding, an understanding that will constantly be refined by workers themselves as they gain in struggle a better understanding of their situation. This, with a caveat I shall mention in a moment, seems to me the right tactical move for socialist intelligentsia. But a firm acceptance of those tactics does not at all entail an abandonment of the belief that capitalism is unjust and that with the establishment of socialism we will have established a better society that is more comprehensively and extensively just than even the best of capitalist societies. It is, moreover, fully compatible with the belief that by furthering the cause of proletarian class interests we thereby will in fact further the cause of justice. Such a belief is fully compatible with an acceptance of the class interests thesis and is not undermined by the class interest argument. If we ourselves are committed to acting as historical agents on the side of the working class and to trying to be fully aware and responsible moral agents as well, we can and should say to the person who also is committed to being such an historical agent and yet worries about whether she can ever know what justice is or can ascertain what is disinterestedly good, 'Do not, for the time being, put such questions at the center of your consciousness but instead struggle now for proletarian emancipation and come back to these deep questions about justice and the good after socialism has been established, though remember, even if we do not have them in reflective equilibrium, we have some deeply embedded fairly specific considered moral judgments in these domains and they should not count for nothing even though they clearly should not be taken as self-evident truths (whatever that may mean) clear to the light of reason (whatever that may mean). Still they are there as deeply embedded considered judgments and they should guard you against the feeling that you are just acting in a morally arbitrary manner. But, for the time being, put such deep questions about justice and moral philosophy aside and, being the intellectual you are, concentrate instead on critiquing ideology and on helping ascertain in our concrete historical situation what proletarian class interests actually are and on seeing how they can be made to prevail. Do your bit, following the vocation of an intellectual in a working class movement, in ascertaining against the prevailing ideology, what those class interests are and be part of a movement which seeks to bring into existence and sustain a social world which answers to those interests'.

I said above that I had a caveat to make to what I believe to be this largely correct tactical position. We in North America, Western Europe and Japan, whether we like it or not, are (or so at least it appears) distant from a socialist revolution and we do not have a proletariat that shows much militancy or even a recognition of itself as a class, as a proletariat. Philosophers and social scientists are almost invariably situated in universities where debates about the justice, including the justice of whole social systems, goes on. However, in a wider, vastly more influential world, there are also all sorts of plays, novels, television dramas, films and the like which, sometimes with great subtlety and sensitive nuance and sometimes (indeed more frequently) just as crude propaganda, give their readers/viewers to understand that Marxist revolutionaries are a fanatical lot who have substituted historical necessity for morality and decency. Lenin and Trotsky were tarred with the phrase 'Bolshevik amoralists' and similar things go on today. In the context of such debates, it is appropriate, even tactically appropriate, to make the claim—a claim which can rationally and morally stand on its own—that socialism, indeed socialism in the Marxist mode, can, among other ways, be justified ethically speaking. Indeed it can even be justified in terms of claims of justice and what is disinterestedly good. In the world of propaganda in which we are immersed that claim, a claim which anyway can be defended as being true, is, in the very name of proletarian emancipation, worth making. But his remark about what should be done in our rather special environment need not carry over to what should be stressed to revolutionary cadres forming in South Africa, Central America, and Philippines or in the shanty towns of Kenya or Peru.

7

Wood would, I believe, still resist and maintain that the class interest thesis and the class interests argument still dictate that the pursuit of justice is for a consistent Marxist of secondary importance, that Marxist socialists must get their "priorities straight and dampen their enthusiasm for justice" so that they can "get on with what really matters," namely furthering "the particular interests of the proletariat." (22) The consistent Marxist, Wood claims, who has really taken to heart the class interest thesis, cannot take the moral point of view for the moral point of view requires, not just that we "look to some degree favorably on what is disinterestedly or impartially good" but that we

place "what is disinterestedly or impartially good ahead of any particular interest." (22)

The Marxist, for the reason I have called attention to, who, in my view, should accept the class interest thesis can quite properly resist this counter-argument by Wood by arguing in turn from a further description of what the class interest thesis commits her to. The class interest thesis indeed requires, she should argue, that class interests must be given center stage. We must in acting put them first but she can also quite consistently and reasonably assert, as I have already argued, that by doing so she *thereby* also furthers the cause of justice. There is no good reason to believe that in any nondesert island situation she will have to choose between proletarian interests and justice. To think otherwise is just Koestlerian dramaturgy. We do not need to be able to say in some very unlikely counterfactual situation what we should do if what might conceivably be the case were to happen and proletarian class interests and moral interests were pulled apart. To take a mundane analogy, we need not, in thinking about social policy, decide what we should do if the whole society at the same time needed blood transfusions or dialysis machines. We do need to think about things like the effects of there being an increasingly large aging population but we do not need to think about these desert island situations. We do not need a morality for all possible worlds. Moral theory, even assuming we need one, should be constructed, as John Rawls has stressed, for our world and worlds recognizably like ours and not for all logically possible worlds.¹⁷

It is important for me to reemphasize at this juncture that I agree with Wood that it is vital for a moral agent to attend to the historical effects of actions and, I would further contend, that what this, as the world is with us, requires, for someone who has a good grasp on the facts, is clearheaded and is impartially caring, is a proletarian class affiliation. It requires, that is, siding with the working class, taking the standpoint of labor. I also agree with Wood that for such a person—indeed for any consistent Marxist—that it would, as things stand, be wrong and, I would add, immoral to place any interests above

¹⁷ John Rawls, "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association*, Vol. 47 (1974-75), pp. 5-22 and his "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs* 14, No. 3 (Summer 1985), pp. 223-251.

proletarian class interests. But, *pace* Wood, I am claiming that the moral agent will never have to pit class interests against morality. In fine, I agree with Wood that “what the class interests thesis tells us is that those who strive for justice in human history are, objectively speaking, always striving on behalf of the interests of some class or other, and that their striving must, from a historical point of view, be regarded in this light, whatever their private aims and intentions may be.”(25) He is also right, I believe, in recognizing that we “cannot accept this thesis and still pretend to view our own aims and intentions in the same way we did before.”(25) Indeed, as I have tried to make evident, I accept the class interest thesis, as I think all Marxists must, but, so accepting it, does not at all commit one to Marxist immoralism or to a rejection of the assessment of socialism or capitalism by the canons of justice. There is no sound reason for saying with Wood that “objectively speaking the pursuit of justice is *only* a vehicle or mask for the pursuit of class interests...”(27, emphasis mine). It is perfectly possible, and indeed desirable, while adhering firmly to the class interest thesis and the Marxian conception of revolutionary practice, to engage in a moral critique of capitalism. (*pace* Wood, 30-1).

8

I have tried in previous sections, after bringing out its not inconsiderable force, to set aside Marxist immoralism. I now wish to consider and, after due consideration, to set aside at least some forms of Marxist moralism as well. I shall consider a very strange, yet, all that notwithstanding, powerful form of it. It is a form which contends, much against the grain of what most Marxists think, that Marxists should argue for the injustice of the capitalist system and—of course relatedly—for the wrongness of holding private productive property, any private productive property at all, on the basis that such institutions violate *natural rights*. It is, of course, this last claim which sits so strangely with a Marxist perspective.

This strange thesis comes from G.A. Cohen, a Marxist with impeccable credentials, whose *Karl Marx's Theory of History: A Defense* is the most distinguished rational reconstruction and defense of historical materialism to come along in many years.¹⁸ Cohen, reasonably

¹⁸ An important defense of it from a variety of criticisms is made by Cohen in his “Reply to

enough, urges Marxists not to be knee-jerk and luddite in their rejection of natural rights and he enjoins them carefully to reconsider whether they are not in reality in effect appealing to natural rights, when, giving expression to what is surely one of their deepest convictions, they maintain that private property is to be abolished. He further asks them carefully to consider whether or not it is just bad theories about the nature of morality that stand in their way of acknowledging what Cohen takes to be an operative feature of their thinking, namely a belief in natural rights and some objective conception of justice.

Cohen's reasoning is, if nothing else, challenging, jarring those of us who like to think of ourselves as working in the Marxist tradition out of our more accustomed ways of thinking about morality. Suppose it could be shown, as I think I have shown in my *Equality and Liberty*,¹⁹ (to use Cohen's statement of the same point) "that socializing the principal means of production would enhance freedom, because the extra freedom gained by the less well off would be greater than the amount lost by the rich." (8) However, Cohen remarks, even if this is so, it might still remain true that it would be unjust to expropriate and socialize any private property. (8) While it is a good thing to bring more freedom into the world, it is not right to do so if rights are violated in the process. This is so, Cohen adds, "because justice is a matter of rights, and rights are especially potent weapons in moral debate." (8)

There are many defenders of capitalism who defend the right to private property, including private productive property, on the ground that we have a natural right legitimately to acquire private property and that to deprive people of such legitimately acquired private property is to violate their natural rights and that, they claim, is about as deep a form of injustice as you can get.

Many philosophers, among them almost all Marxists, will, as Cohen is well aware, reject any such an appeal believing with Bentham that talk of natural rights is nonsense on stilts. Cohen thinks that this is plain unreflective dogmatism. There is nothing problematic at all, he

Four Critics," *Analyse & Kritik* 5, No. 3 (December 1983), pp. 195-222. The article with the strange natural rights thesis I am concerned critically to inspect in his "Freedom, Justice and Capitalism," *New Left Review* 126 (1981), pp. 3-16. Future page references to it will be given in the text. I think in general in this domain Cohen's work suffers from taking Nozick too seriously.

¹⁹ Kai Nielsen, *Equality and Liberty: A Defense of Radical Egalitarianism* (Totowa, New Jersey: Rowman and Allanheld, 1985).

believes, about a suitably sanitized conception of natural rights. "Natural rights," Cohen tells us, "are rights which are not merely legal ones. We say that we have them on moral, not legal, grounds." (8) He thinks there is no good reason at all to think that this notion is nonsense or even particularly problematic. He does not think (*pace* Locke and Nozick) "there are natural rights to private property" but he does think "there are natural rights" and he offers the following paradigm case which he thinks Marxists and other Left Wingers (people who normally scoff at talk of natural rights) should be sympathetically inclined toward in spite of their distaste for natural rights talk. Suppose a government, using constitutional means, forbids plainly peaceful protests against its nuclear defence policy claiming that these protests will endanger national security. Suppose people outraged at such a patent maneuver—national security is hardly genuinely threatened—express their outrage by asserting 'People have a right peacefully to protest against any part of government policy'. When they so respond, they are, says Cohen, whether they know it or not, appealing to natural rights, since *ex hypothesi* what they claim would not be true at the level of legal rights. What they must be claiming, Cohen argues, when they claim their rights have been violated, must be a natural right since they "would be claiming to possess a right which is not merely a legal one." (8) But to claim a right which is not merely a legal one or perhaps, as in this case, not a legal right at all is just what Cohen means by claiming a natural right. There is, he believes, nothing at all problematic here, nothing to get excited about which would lead to wild claims about natural rights being nonsense on stilts. As he sums it up, "the language of natural (or moral) rights is the language of justice, and whoever takes justice seriously must accept that there are natural rights." (8)

Marxists often deny they believe in natural rights or in justice because they, Cohen claims, have a bad theory about their own moral beliefs. They have, that is, a deficient self-understanding here, and with these defects they misdescribe their own beliefs about justice and rights. Cohen puts it thus:

Now Marxists do not often talk about justice, and when they do they tend to deny its relevance, or they say that the idea of justice is an illusion. But I think that justice occupies a central place in revolutionary Marxist belief. Its presence is betrayed by particular judgments Marxists make, and by the strength of feeling with which they make them. Revolutionary Marxist belief often misdescribes itself, out of lack of clear awareness of its own nature, and

Marxist disparagement of the idea of justice is a good example of that deficient self-understanding. I shall try to persuade you that Marxists, whatever they may say about themselves, do have strong beliefs about justice.(8)

He tries to show *ambulando* where in practice Marxists would typically make a strong judgment of justice at a point where social democrats typically engage in evasion.

Social democrats—to work with his paradigm—object to an unmixed capitalist market economy. They complain rightly that *laissez faire* capitalism sends the weak to the wall. We must, they argue, have welfare cushions to protect the weak: to protect, that is, the unemployable, those temporarily out of work, the underemployed or those whose salaries are so low that they cannot maintain themselves in anything like a decent manner. A good society—indeed a just society—will, they argue, be a *caring* society. But, Cohen claims, they will, the humaneness and reasonableness of the above remarks notwithstanding, have a hard time meeting the conservative counter that while an unregulated free market in any unmixed capitalist economy does indeed hurt a lot of people, still we cannot justly and rightly move to the mixed economy of the liberal welfare state for with its taxation powers to sustain welfare payments it will violate the rights of people to do what they will with what is their own, namely their own private property, to which they have a natural right. Being theirs they can do with it what they will, as long as they do not violate the rights of others. Indeed under capitalism people do sometimes get hurt. After all it isn't the Salvation Army, but, if need be, it is better that people get hurt than that their rights be violated. Where rights and harms that do not violate rights conflict, rights trump. Capitalists should become charitable persons and give philanthropic aid, but they cannot, rightly, be forced to do so by the State or the Church or indeed by anyone. It would indeed be a good thing for them to become charitable and for society to become a caring society but it is not something that can rightly be forced, as the state can rightly force someone to desist from a violation of rights, for it would be a far greater evil to override considerations of justice and violate people's rights than to be uncharitable and not help people in need. The social democrat, as Cohen sees it, will lose out to the conservative here.

The revolutionary socialist (the Marxist) has, by contrast, Cohen has it, a principled reply but it requires a justice argument and it requires an appeal to natural rights. Instead of bemoaning the unfortu-

nate effects on human well-being of the absence of transfer payments of the welfare state, the Marxist, according to Cohen, should reply, "that the socializing state is not violating rights, or even overriding them in the interest of something more important, but righting wrong: it is rectifying violations of rights, violations inherent in the structure of private property." (9) The very existence of the institution of private productive property, he will argue, is unjust. As Cohen puts it—vividly contrasting the Marxist and the socialist position with the more evasive position of the social democrat—"the socialist objection of justice to the market economy is that it allows private ownership of the means of existence which no one has the right to own privately, and therefore rests upon an unjust foundation." (9)

Cohen knows and grants that such rights talk has a very un-Marxist ring, but he urges Marxists and socialists to persist in such moralizing talk—to be, that is, Marxist moralists—in spite of the long standing tradition which claims moral talk is ideological and rejects Marxist moralism. "I am sure," he remarks, "that revolutionaries believe this in their hearts, even those revolutionaries who deny that they believe it, because of ill-conceived philosophical commitments." (9) Well, I do indeed believe in my heart (and in my head as well) that capitalism is unjust and that the private ownership of productive property is morally unacceptable, but I am also very uncertain, indeed deeply skeptical, as many socialist revolutionaries are, as to whether such natural rights talk—*such* justice talk—has any non-rhetorical force. I wonder, that is, whether it is not utterly caught up in the distortions of ideology.

Marx was not scathingly contemptuous of such talk of natural rights and natural justice for nothing. Nozick tells us that we have a natural right to private property, including private productive property and that no one can override that right without violating our rights. Cohen, by contrast, tells us that we have no such natural right and that instead private ownership of productive property is theft and that morally speaking the right to productive property belongs to all of us in common. He believes, that is, that it is the case that it is our moral right that such property be held in common. He believes this obtains whatever the law of a given society may say and as a moral right it is our natural right. This is just something we somehow discover by moral reflection to be true just as Nozick thinks he has discovered (though Cohen would have it mistakenly) the opposite to be true.

There are, however, as far as I can see, all the old problems about

natural rights standing there before us unresolved as well as all the old problems with what John Rawls calls 'rational intuitionism'. These problems seem at least to apply to Cohen and Nozick alike with equal force. There are—to gesture at some of the problems here—problems about how we would determine with any objectivity what is and isn't a natural right. We know historically and sociologically from the lists that have been proffered over cultural space and historical time by philosophers, politicians, theologians and the like that very different and not infrequently incompatible things with different rationales have been claimed as human rights or as natural rights. Some claimants, such as H.L.A. Hart at one time, have been very abstemious about what, *if anything*, could count as a natural right, while others have been very latitudinarian in talking of welfare rights as natural rights and there have been all sorts of positions in between.²⁰ As Richard Miller has argued, we seem at least to have too many rights, many of which conflict, with no way—or at least no apparent way—of making a further appeal to natural rights to tell us which rights override when they conflict.²¹ We seem, at least, if we remain in a hermeneutical circle of rights-talk, to have no way of knowing which of our putative rights, if any, are genuinely natural rights. Cohen and Nozick, philosophers of no mean intellect, assert exactly opposed things are natural rights and they each seem at least to give to understand that, if we would but carefully reflect, perhaps getting our judgments in reflective equilibrium, it would just be clear to the light of reason what our natural rights are at least in determinate circumstances. They do argue in that Cartesian idiom—the idiom of rational intuitionism; they do, however, within that kind of framework, try to provide convincing moral argumentation for one view or another, but they continue to appeal to the very notions which seem to be in question— notions which seem at least to be very problematic—and it is anything but clear whether we should expect anything very decisive here. Certain intuitions just seem without much in the way of rationalization to be unquestionably taken as foundational—a kind of founda-

²⁰ H.L.A. Hart, "Are There any Natural Rights?" *The Philosophical Review* 64 (1985) and Rodney Peffer, "A Defense of Rights to Well-Being," *Philosophy and Public Affairs* 8 (1978-79).

²¹ Richard W. Miller, *Analyzing Marx*, pp. 22-30. See also his "Rights or Consequences," in Peter French et al. (eds.), *Midwest Studies in Philosophy*, Vol. VII (1982), pp. 151-174 and his "Rights and Reality," *The Philosophical Review* XC, No. 3 (July 1981), pp. 383-407.

tionalism without any explicit foundations. Yet it seems, at least, very late in the day to try to run such a moral Cartesianism. We seem to be at a loss here to ascertain what our natural rights really are. We are, as Bernard Williams has pointed out, relying very heavily on intuition in a world where we know there are many and conflicting intuitions.²²

Reflecting on this and reflecting on Marx's talk about morality being ideological, it is difficult, to put it mildly, to sustain a belief in natural rights. This is reinforced by reflecting on Marx's claims that rights claims are ideological (on a rational reconstruction: 'pervasively tend to be ideological') and that what is standardly taken to be a right, either juridically or morally, in a given society during a given epoch, will be determined or strongly conditioned by the mode of production at the time and that our very understanding of ourselves, including our moral self-understanding, is deeply conditioned by the dominant ideology of the time. That sort of awareness inclines thoughtful people to be very wary indeed of talk about what in our heart of hearts we recognize to be a natural right. It leads us to be very cautious about rational intuitionism. Our understanding of the way ideology functions gives us very good reasons to believe that our society, as every class society, cooks the books here. This should lead us to be, if we are reflective, very suspicious of our own self-consciousness, of, that is, our own moral intuitions. Perhaps in some way—say by a very careful application of what John Rawls and Norman Daniels call the method of *wide* reflective equilibrium—we could winnow out these intuitions.²³ But this kind of fallibilism is distant from Cohen's, or for that matter Nozick's, confident moral proclaiming.

There is, moreover, something deeply unsatisfactory about Cohen's initially attractive streamlined way of talking about what it is for something to be a natural right. Recall Cohen's minimalist conception of what a natural right is: "Natural rights are rights which are not merely legal ones. We say that we have them on moral, not legal, grounds." (8) But suppose J.L. Mackie is right and it is the case that moral beliefs, including beliefs in rights, are merely social demands, a conception with which some Marxists at least would sympathize. If

²² Bernard Williams, "The Moral View of Politics," *The Listener* (June 3, 1986).

²³ John Rawls, "The Independence of Moral Theory," pp. 5-22 and Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *The Journal of Philosophy* 76 (1979) and his "Reflective Equilibrium and Archimedean Points," *Canadian Journal of Philosophy* 10, No. 1 (March 1980).

that is so, what contrasts with something that is *just* a legal right? That which is not *merely* a legal right is not just customary in the way legal rights are customary but is customary in some other way as well. If Mackie's account of moral beliefs is near to the mark, 'being customary' in this context comes close to being just the social demand of a determinate society, with a distinctive mode of production. That is surely not what Cohen wants to call a 'natural right' but it is a right which is not merely a legal one or perhaps not a legal one at all and so it fits Cohen's conception of a natural right. And it is a reading, albeit a reductionist one, of what a moral right is. Moral rights are social demands which are not merely legal or perhaps are not legal demands at all. But surely Cohen wants to say something more than that or at least people who have wanted to defend natural rights have wanted to assert something more robust.

The point—perhaps the whole point—of asserting natural rights is to assert something that people just have in virtue of being human beings, something that allegedly does not depend on the legal code, the set of conventions, the customary conceptions of what is right or morally required or on any other customs or on the social demands of a particular society, no matter how strongly or pervasively expressed. Natural rights were meant to be something that moral agents could assert in the face not only of those social demands which are legal but in the face of any social demands at all no matter how much social pressure there was behind them. But Cohen's characterization of a natural right, as a moral right which is not merely legal, does not entitle us to set natural rights against such social demands or to contrast them with such social demands. It does not give us a higher tribunal, as the natural rights tradition thought it was doing, to assess our social demands whether legal or nonlegal. With what, in effect, is a low redefinition of a 'natural right', we are, with that reading of a 'natural right', no longer able to make the very strong kind of claims that defenders of natural rights wished to make and that gave such talk point.²⁴

To say that, the above notwithstanding, it really does because for Cohen natural rights are rights we have on moral grounds is unhelpful. For such a counter to be persuasive, Cohen would have to make out

²⁴ Paul Edwards, in his *The Logic of Moral Discourse* (Glencoe, Illinois: The Free Press, 1955), explains the term of art 'low redefinition'.

that anti-realists in morality, such as Mackie or Westermarck, were mistaken in identifying morality with social demands. But, to make this out, he would have to do a not inconsiderable amount of arguing, particularly in the face of Marxist claims about ideology, the class bias of moral conceptions and about historical materialism. Marxist sociology of morals and Mackian-Westermarckian anti-moral-realism claims seem at least to fit like hand and glove, mutually supporting and explaining each other. I do not believe a Marxist has to have a Mackie-like conception of ethics but it is a very natural resting place for him, fitting, at least on the surface, far better with a Marxist sociology than a Cohen-like, Nozick-like Cartesian moral rationalism about natural rights clear to the light of reflective moral reason. No one who has a firm sense, a sense we get from Marx and the Marxist tradition, about how ideology-prone we are in such domains should have such an unqualified confidence in our capacities to be able to intuit and in moral reflection to capture what it is that is right and morally required of us. Marxist immoralism jettisons too much, but natural rights Marxist moralism is far too rationalistically confident about our unschooled moral capacities.

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