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Distributive Justice, Injustice and Beyond Justice: The Difference from Principle to Reality between Karl Marx and John Rawls

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ABSTRACT In order to compare the distributive principle between Marx and Rawls on justice, we have to definite the concept of distributive justice, injustice and beyond justice. By Marx the theoretical concept of distributive justice is something like distribution according to contribution, that is what you earn correspondence to what you have done, principally it is also could be accepted by Rawls, but as soon as we actualities this principle from theory to reality, it is distorted, on the sense of Marx, by the actual capitalism social structure. Related to the principle of justice I regard the principle of beyond justice as distribution regardless what you have done, under the situation of capitalism, it means to adjust distribution by the way of taxation and etc, which is defended by Rawls with justice as fairness, under the situation of supposed communism, it means distribution according to one's needs. The principle of distributive injustice could be understood as economic exploitation with Marx' labor theory of value, but it first comes from Hegel's theory of labor alienation. With this understanding of the principle of distributive justice, injustice and beyond justice, we try to analysis distributive principle from theory to reality between Karl Marx and John Rawls.

I. How to compare Marx and Rawls?

We can begin by asking what sense it makes to compare the views of distributive justice between Marx and Rawls. After all, they lived in different periods separated more than one century. Yet the distance in time turns out not to be significant. Contemporary Western capitalism is still capitalism. The transition to what is now often called post-industrial capitalism is still capitalism, which continues to follow the same basic economic rules. In order to construct a comparison firstly we need to look at the historical background of this comparison.

The discussion of distributive justice has brought about more by the second historical transition in Russia, Eastern Europe, around 1989, and the historical transformation in China that has begun from 1978, rather than by the comparatively first historical transition, or Communist revolution in Russia in 1918, in Eastern Europe after Second World War, and in China after 1949.

After the comparatively first historical transition in those countries mentioned above, public ownership has replaced private ownership. Therefore on the sense of Marx, the actual condition of exploitation has no longer existed, anyhow new problems on justice distribution has come out, because the distributive principle of allocation according to contribution actually has been replaced by egalitarian distribution, and the principle of justice distribution has been neglected. This situation has to be changed by the second historical transition begun from 1978.

The second historical transition begin with enhance the distributive principle of awarding by effort, which gradually has brought back some kind of private ownership, combined with public ownership, and also market competition in China (Russia and Eastern Europe have a different transformation procession, which has have a radical reform begin from political area to economic area), which has brought out a very big changes in China, not only the high speed of economic

development, but the changes in all different areas, meanwhile it has also brought out the big social income difference.

When we separate the causation of terrible corruption and all those illegal process which has easily happened during the period of historical transformation from one economic form to another economic form, the question of the principle of justice distribution has risen, and some people are hesitated between Marxism and liberalism. That is the historical background for today's scholars concerning and discussing the distributive justice with the theory of Marx.

The historical back ground for the justice theory of Rawls is quite different; Rawls lived in the period of modern capitalism, the basic economic rule of capitalism are generally accepted by society, but the trends of social difference are unavoidably continuing to enlarge under situation of private ownership free market competition. The debate between the new liberalism and the conservatism is mainly concerning methods of regulation by states, which includes pushing forward the way of redistribution to limit, to some extent, the social differences by tax.

Under this kind of situation, what Rawls concerns is how to reduce the social income differences by the regulation policy, meanwhile to justify the differential income principle to guarantee economic efficiency, while not challenge capitalist system itself.

Considering the different historical background we have to understand Marx's theory of distributive justice in a changed situation, the situation before and after the first and second historical transformation, and to understand Rawls' theory in a relatively stable social situation, the situation of capitalism.

II. The justice distributive principle of Marx is expressed in his way of criticizing capitalism

Marx has never discussed the abstract principle of distributive justice. Yet Marx often criticizes the distributive injustice of capitalism in

pointing particularly to its relations of production. For instance, in the Paris Manuscripts of 1844, he formulates a deep philosophical critique of alienated labor.

The entire discussion in the Paris Manuscripts is based on the presupposition that in so-called national economy there is a fundamental separation between capital and worker, and the national economy sees the capital as the reason for getting other's alienated labor, while Marx sees the capital at first is the result of other's alienated labor.

Later in his work of Capital, Marx's contribution lies in disclosing the secret, that the workers are paid wages which are not equal to, in fact less than, the price of the force of labor expended in their work. The missing value, which is not paid for by the capitalist, is the profit of capital, that is, the value beyond the price of labor, which is known as surplus value. Marx divides general capital into invariant capital, and variable capital. Only the latter is a source of surplus value, hence of profit.

Then we could ask, what are the principles on which Marx bases the labor theory of value?

Marx himself never addresses this question, and it is also not normally discussed by Marxist scholars. The question is raised by the libertarian theorist, Robert Nozick, in dialogue with Marxists who object to his view of so-called self-ownership. According to Nozick, Marx's labor theory of value is also based on this same principle. Nozick maintains that Marx's objection to the capitalist appropriation of surplus labor is only unjust because it in fact can be said to belong to the workers. Therefore Marx's critique of capitalism rests on the same conceptual basis as Nozick's own principle of self-ownership.¹

¹ See G.A. Cohen: *Self-Ownership Freedom and Equality*, CAMBRIDGE, 1995.

Perhaps Nozick is correct. Marx is not opposed to this principle. He is rather opposed to the fact that this principle is effectively violated in the normal functioning of the capitalist productive cycle. As Marx points out, it is only possible for capitalists to appropriate surplus labor since the workers do not themselves possess the means of production. It follows that since Marx is critical of the separation of the workers from capital, then he should also be concerned with the process that has brought out of this situation.

Now we could ask, how does this historical process of dividing arise?

Marx try to answer this question in different times and in different ways, in German Ideology. Marx, together with Engels, deal with this problem by analyzing the relation between the development of productive forces and the communicate relation of people, trying to find out how the social classes come out by tracking the way that how they connect with each other in economic activity.

In Capital I what Marx says is: "In actual history it is notorious that conquests, enslavement, robbery, murder, briefly force, play the great part. In the tender annals of Political Economy, the idyllic reigns from time immemorial. Right and 'labor' were from all time the sole means of enrichment, the present year of course always excepted. As a matter of fact, the methods of primitive accumulation are anything but idyllic."²

It seems Marx deals with this problem from two ways, one is to track the co-relation between the development of productive forces and the relations of production, which could be a universal way, and the other is the way of violence.

Now the question is that if we suppose that the idyllic process plays the main part, hence whether the model of capitalist distribution could be justified. Through the historical process, a series of forms of violent forces has slowly been replaced by the idyllic or legal process. Since the various individual processes have been replaced by a universal process,

² MEGA2, DIETZ VERLAG BERLIN, II/9, P.620.

one can ask if the procession of the division between individuals with the means of production, that is some individuals have it, some individuals have lost it, is legal, could its result of exploitation be justified?

It is not only a question in the times of Marx, the legal or idyllic process actually could happen even under certain circumstances today.

We could use the process in Russian as an example. After the historical transition, there was a massive reallocation of state-owned property equally to every people, so at first stage, there is no division between individuals and the means of production, the property is equally reallocated among its people. As a direct consequence, the prerequisite conditions for exploitation, such as the division among people with respect to the means of production, not exists. But it follows unavoidably.

The division, or separation, between people with the means of production, would unavoidably have happened under the actual condition of private ownership with market economy. Compared with the violent procession in history, what has happened today is much more like legal or idyllic procession, although it in reality includes the abuse of political power. In Eastern Europe this process perhaps are little different from that of Russian.

In China the process are different from Russian and Eastern Europe, it is more like to repeat the process of the early stage of history, that is to say it happens, to some extent, naturally with the appearance of private ownership and market economy. No matter under which process, the conditions necessary for eliminating exploitation by Marx are under way of changing. Many people understand this procession is that all the socialism in these countries has to be reformed because it has been set up on a base of pre-capitalism.

If we consider the necessary development of productive forces for Marx is the precondition for the realizing of distributive justice and the

general way of understanding what distributive justice is contribution according to distribution, we could see there are two dimensions in Marx's theory, one is historical dimension, and the other is universal dimension. How to look at the relationship between historical dimension and universal dimension in the theory of Marx?

In German Ideology, Marx, together with Engels, analyzes the history of the developmental changes of the relations of production. Still later, in the famous Preface to A Critique of Political Economy (1859), Marx stresses that the development of the relations of production is based on the forces of production. According to Marx, although the elimination of such conditions is the prerequisite for the elimination of distributive injustice (exploitation), the elimination of such conditions itself depends on a certain level of productive forces.

In this sense, and also considering his Hegelian background, observers usually think that there are only historical dimensions, but no universal dimension in Marx's theory of distributive justice. What I want to say is that the universal dimension does not come into conflict with the historical dimension. In other words, the need for the existence of the capitalist model in a certain historical period although could justify its relations of production on the sense of legal procession, but not on the sense of moral justification, just as the existence of slavery, or feudalism in certain period of history.

III. Are there any principles of distributive justice in Rawls?

Rawls doesn't talk about the principle of justice distributive directly either, instead what he talks is the principle of justice as fairness, and he expresses it with two points.

"First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all."³

Seeing the distributive justice would unavoidably result in serious distributive inequality, especially under the condition of class difference, he stresses justice as fairness, what important for Rawls apart from the equality of opportunity is the equality of liberty. He not only justifies the distributive inequality from the point of economic efficiency and equal opportunity, as well as equal liberty, but also amends the inequality with regard to redistribution.

Although he knows the social class structure would definitely affect equal opportunity and equal liberty, as he says: "those starting out as members of the entrepreneurial class in property-owning democracy, say, have a better prospect than those who begin in the class of unskilled laborers."⁴ He never questions the relations of production and the rules of it.

On this sense we could say although there is a disagreement between Rawls and Nozick related to the policy of redistribution, considering he didn't challenge the existed capitalist system, what behind Rawls's theory of justice as fairness is still basically Nozick's principle of "self-ownership".

Nozick sees that the capitalists get profit from the investment of capital could be justified by justifying the process of the separation of the means of production between capitalists and workers. According to Nozick, if the original process of appropriation of property (or the means of production) is legal, then its result, that is to get profit from it, should be justified, he sees it as the chain of justice.

³ John Rawls: *A Theory of Justice*, Cambridge, Mass.: Harvard University Press 1971, P.60.

⁴ John Rawls: "A Theory of Justice", Cambridge, Mass.: Harvard University Press 1971, P.78.

Furthermore Nozick uses the principle of self-ownership to against government getting property from rich people to equalize it to poor people though redistribution. It is on this sense that Rawls disagrees with Nozick.

Perhaps in order to revise the weak point of justice distributive, which is based on the principle of self-ownership, Rawls set up his principle of justice as fairness instead of justice. The principle of justice as fairness could be understood as to challenge Nozick's principle of self-ownership.

But the difference between Rawls' principle and Nozick's principle are only dealt with the point of redistribution, both of them accept the basic system and the rules of capitalism, Nozick justifies its whole circle from production to distribution, Rawls justifies its natural result from the stance of the disadvantaged and less well people, with readjusting the unequal distribution by redistribution.

IV. From principle to reality: the difference between Marx and Rawls

In order to understand the difference between Marx and Rawls, we have to understand the difference between Rawls and Nozick as we have mentioned above, otherwise Rawls' principles of justice as fairness could only be regarded as a principle of moral judgment. If we compare Rawls with Nozick we could see there is no difference between Nozick and Rawls concerning the point of relations of production, but we already know that Nozick goes further, he even use the principle of self-ownership to oppose redistribution.

Now we could summaries their agreement and disagreement by some points, in order to see more clearly how is the connection between Rawls' ideas with the deep existence of social structure which is accepted by both of them.

1. Self-ownership⁵ (it could be extended to one's property, in the level of relations of production.)

2. The differences between the rich and the poor derive from this principle⁶.

3. Governmental redistribution by way of taxation cannot be justified because it would violate individual's rights (self-ownership)⁷.

For points 1 and 2, basically, there is no disagreement between Rawls and Nozick. They only disagree on point 3. Although there are direct connection between point 1 and point 3, Rawls cannot accept point 3, and he defense distributive inequality as:

4. All social values are to be distributed equally unless an unequal distribution of these values is to every one's advantage⁸.

So Rawls set up point 4 to challenge point 3, but he defenses point 2 that is the unavoidable result of point 1.

That is the contradiction existed in Rawls' theory. Now we could compare the difference between Marx and Rawls:

In comparison with Marx, we see that for Rawls, the problem of the differences between the rich and poor only concerns the type of distribution; there are no essential differences, although Rawls knows that the social class structure would affect the opportunity of equality.

Anyhow for liberalism, this kind of difference is not so important. At least in theory, those who begin from the class of unskilled laborers can leave behind the class of wage earners in order to become a

⁵ Robert Nozick: "Anarchy, State, and Utopia", BLACKWELL, 1974, Reprinted 1997. P.172.

⁶ Relate to Nozickian formula: "Whatever arise from a just situation by just steps is itself just", see G.A.Cohen: "SELF-OWNERSHIP FREEDOM and EQUALITY", CAMBRIDGE UNIVERSITY PRESS 1995, P.12.

⁷ See Robert Nozick: "Anarchy, State, and Utopia" BLACKWELL, 1974, Reprinted 1997. P.ix.

⁸ See John Rawls: "A Theory of Justice", Cambridge, Mass.: Harvard University Press 1971, P.62.

businessman. But those few who from an initial position as a wage earner are lucky enough to become a businessman cannot change the position of wage earners as a whole.

We can understand how Marx deals with the social difference so differently from the way of Rawls by analyzing the double relations.

According to Marx's labor theory of value:

a, Products should belong to their producers.

b, Those (capitalists) who occupy the means of production could be further occupy the labor of others (workers), which results exploitation. Could we regard exploitation as moral justice? The answer is easily no, but the fact of exploitation could be justified by its legal procession. We are easily confused by these two points of view which look at the things in different ways.

Marx's labor theory of value could be understood only through the following double relations:

a. The relation between person and property (means of production) relies on the relation between people (workers must be employed by those who own the means of production).

b. The equal relation between people has been distorted by social division (Those who own the means of production not only dominate the work of others, but also dominate the surplus labor of others).

Here Marx has uncovered two kinds of relations, and criticized that if the division of people and property has happened, the value of equality will go to its opposite, which for liberalism can be justified and readjusted if the process is legal.

The key problem is still that with which the early Marx was concerned, namely the separation between capital and workers. That is why Marx wants to change the social structure (relations of production), while not the principle itself.

The Rawls' way of treating social difference looks like to reduce the double relations to a single relation; it is something like if individuals

freely get into the labor market and are not forced to do so, the result of distribution according to property could be justified. Nozick and Rawls disagree only about the redistribution of property.

Now we shall ask, could the double relations be reduced to one?

According to the Rawls' theory of justice as fairness:

- a. he doesn't challenge the basic rule of capitalism.
- b. he amends the unequal distribution with re-distribution, and he defends it with equal opportunity, equal liberty, and the benefit also for those less well people.

This obscures two relations:

- a. the relation between two person change their own products with the relation between capitalists and workers change their money with their labor force are different, according to Marx, it is an unequal exchange, the late is the result of social division.
- b. the equal opportunity and equal liberty are not only the relation between people and people, but affected by the relation between people and property.

Although Rawls's differentia principle could be defense as also benefit the less well people from it's point of economic efficiency, but due to the two kinds of relations, people have more property would be benefited more from his differentia principle, which would result in the tendency of increasing social difference, threatening equal opportunity and equal liberty.

V. Problems in Marx' theory of distributive justice

Principally according to Marx after the end of the separation between the means of production and workers, distributive justice could be realized, but Marx understand, it is not so easy, although now there are no private owners as employers and the proletariat as employees, both the managers and workers theoretically are the owners of the means of production, they are equal in position.

Even so, for Marx there are still problems between equal rights and equal distribution. In "Critique of the Gotha Program," Marx discusses a confusion between equal rights and equal distribution. What Marx means as equal right by its essence is a remunerate right which is actually based on the principle of distributive justice: what you own depends on what you have done. One is focused on the right, the other is focused on the distributive, and both of them deal with the same thing.

Marx knows that equal right doesn't mean equal distributive, just as we know that distributive justice doesn't mean distributive equally. Considering the difference in abilities (both mental and manual) that people can contribute and also the different living conditions that people have (e. g. how big the family is), the equal right for allocation according to one's contribution might actually mean unequal distribution for each person of consumer goods. Therefore Marx regards equal right as is still based on the rule of bourgeoisie principle.

For if remuneration implies differences in distribution, then how should we deal with the accumulation of differences? Could this difference be transformed into capital? If the answer were yes, then the process of history would repeat itself. If the answer is no, then the differences are limited. But we know with modern science and technology how big the differences could be. Yet if we limit the differences, then we close the way that surplus labor can be transformed into social productive force.

In reality, this problem had appeared in traditional socialist countries. And in order to avoid the transformation of accumulated differences into capital, in practice the principle of remunerating distribution was replaced by equal distribution, which actually had appeared as egalitarianism.

The actual practice of egalitarianism would unavoidably neglect of equal right or we could say distributive justice, limiting the economic motivation of people's effort, which would unavoidably cut down the

pace of economic development. This kind of situation actually had resulted in great difference in economic development between Russian and America, between Eastern Europe and Western Europe, between Northern Korea and Southern Korea, between the mainland of China and Taiwan, and etc.

The tension between justice (equal right) and equality are clear, no matter under the condition of private ownership or public ownership. As concerns the former, the inequality comes from the social division on property concerning the means of production, in turn the social division unavoidably would be increased; as concerns the latter, the inequality is difficult to limit within a certain scale, especially as relates to modern science.

Based on the above analysis, one can say that there are no differences in the principle of distributive justice between Marx and liberalism, and the differences between them exist mainly in practice, in the reality context. According to Marx, the separation of workers from the means of work is the precondition of distributive injustice. Liberalism justifies the process of separation with the same principle. Yet when they face serious inequality as the result of division, they have different opinions. Either they justify the unequal result through defending the principle (Nozick), or they justify the unequal result from the view of economic efficiency (Rawls' differentia principle) and amend it with redistribution through taxation.

VI. From justice to beyond justice: the different way of Marx and Rawls

For the theory of Marx, after the elimination of private ownership, the conditions of exploitation no longer exist, and the justice distribution can be realized. But justice distribution still means actually unequal distribution, we could also say that equal right still means unequal distribution, the stress between the two still exist. In order to satisfy the latter, one has to change the former, that is to change the principle of

remunerate distribution, which is the problem Marx studies with respect to the second period of communism.

The second period of communism different from that of the first is that it transform from the principle of from each according to his/her effort to each according to his/her needs, therefore the equal right of remunerating distribution, or the principle of distributive justice has been beyond: it gives up any direct correspondence between a person's effort with his reward, to satisfy his needs no matter how much he has done. Marx expresses this idea in the "Critique of the Gotha Programme" as: "From each according to his abilities, to each according to his needs!"⁹

By this way Marx solves the problem of the stress between justice and equality, the new idea of equal right is already different from the old one: it is not equal on the sense of remunerating distribution, while equal on the sense of being satisfied with one's own needs. At the same time the economic development is not motivated by one's self-ownership, but by, as Cohen interpreted, by one's communist ethos.

Rawls dose not express the view that there are conflicts between the principle of justice and capitalism, but when he says that the coherence society is beyond justice that means he has recognized the existence of the contradiction.

He said: "Rather a society in which all can achieve their complete good, or in which there are no conflicting demands and the wants of all fit together without coercion into a harmonious plan of activity, is a society in a certain sense beyond justice."¹⁰

This means Rawls understands that if in a society all people can achieve their complete good , just like what Marx said satisfy what they

⁹ Karl Marx Frederick Engels Collected Works, 1989. Progress Publishers, Moscow, Vol.24 P. 87.

¹⁰ John Rawls, 1971. "A Theory of Justice", Cambridge, Mass.: Harvard University Press, P.281.

need, it is in a sense of beyond justice, that is beyond the relation between what an individual does with what an individual owns: the principle of justice, although he never challenges capitalist social structure.

It is obvious that the contradiction of equal rights with unequal distributive, which leads to the result of social difference is recognized both by Marx and Rawls. But they react to the same problem in different ways. Besides different attitudes towards the relations of production, they also differ in their way of looking at history.

Marx treats the transformation of the principle of distribution from reward to needs occurs historically one after the other, we could say that in Marx's theory there are three historical stages: injustice, justice (relatively), and beyond justice.

Rawls believes that differences in distribution and readjustments can exist simultaneously. He looks for coherence based on capitalism with certain kinds of distributional equality through the principle of going beyond justice in a society based on class. What we have seen in today's western society the existences of different extent of social welfare, such as the free charge of certain stage of education, medical insurance and the minimum of live standard, could be regarded as the practice of the principle of beyond justice, it guarantee one's basic needs without count what one contributes, meanwhile there continue the trends of increasing social division between the rich and poor, and the conflicts between different interest group.