

MARX'S CONCEPT OF JUSTICE AND THE  
TWO TRADITIONS IN EUROPEAN POLITICAL THOUGHT

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In what follows I mainly ask the question: could we get a new outlook on the glaring contradiction between an anti-justice — and a justice — stand in the work of Karl Marx, indicating that it was affected by two different traditions in Western-European political and social thought, traditions which emerged with bourgeois society in the late 17th and the early 18th centuries? From asking this question it follows that I believe there is a contradiction in Marx's work. Moreover it appears that I am convinced of Marx conceiving justice — in a very specific meaning. — an end in itself; which means there is no room for the opinion, holding that Marx was not at all interested in problems of justice.

I am not saying that the contradictory influence of the two traditions on Marx's work is the only explanation for the lack of clearness about the important ethical issue of justice in his work. Other reasons play a role as well. Yet, I expect that my explanation can give at least a partial clarification of the subject, which the organizers of this colloquium put in the middle. To say it differently: I am suggesting that we should focus on the "existential perspective" (Abraham Edel's powerful tool of analysis in clarifying the proper stage-settings of ethico-political thought<sup>1</sup> should be used here) of Marx's views, from the angle of the history of ideas. It follows that I am not giving you an analytical approach to the problem of justice in Marx's work, on the contrary. I will be very continental.

1. Speaking about Marx's conceptions concerning justice, one usually refers to his *Kritik der Gotha-Program* (1875), especially article 3. In it, Marx's criticism of conceptions of a just (fair) and equitable distribution of the product of labour is evident. The actual political purpose of his criticism was to fight the influence of

Lasalle's philosophy in the German Social-Democratic Party. The criticism may be summarized as follows: Marx challenged the idea that it should be the aim of socialism to alter laws and to make respect rights. This was the essence of Lasalle's conceptions<sup>2</sup>. With much scrutiny Marx searched for the remnants of these conceptions in the program of Gotha. And he found too many of them. He argued against the juridical and moralistic conceptions, which he, as always, linked with a retrograde and traditionalistic view of future society. Juridical and moralistic conceptions betray an essentially gradualistic outlook on social development, for they call for illusions of a step by step correction and transformation of socio-economic situations.

The major part of his arguments in art. 3 deals with a future community, which he opposed to existing society. Marx conceived of things in terms of a radical shift. This implies a radical defeat and transcending of all legalistic categories, i.e. categories of just and fair distribution. It follows that we can only overcome the old legalistic approach by drawing a "precise" picture of a future community, according to the proper development of actual society. We may say that Marx challenged Lassallian conceptions of a *hic-et-nunc* reachable justice with a *jenseits*, which so radically differed from this *diesseits*, that justice and fair distribution (in the old terminology) would become totally superfluous.

As one knows the challenge runs into a defence of a far-distanced, not at once reachable communist future, in which the principle "to each according to his needs" is pre-eminent and all-important<sup>3</sup>.

This distant future, Marx did not conceive of in terms of just or fair in the ordinary way, because he thought those terms to be linked and to be blurred with conceptions of a bourgeois offspring. One knows also that he opposed the idea — actually he thought it to be an illusion — of separating the distribution of the total product of labour from the production of it. A change in distribution, without a corresponding change in production (the mode of production), meaning a political praxis to reach an alteration of the mechanism of distribution without touching the very conditions of production, must remain limited and will time and again be overcome and deteriorated (in this, Marx in a way remarkably agreed with Proudhon). Marx urged a focus on the global social process of labour and to see the unavoidable importance of the historical conditions of distribution and production. This was the surest way to get rid

of all considerations of justice and equity. But it could only be thought of in conceiving a future, radically different community. In any case, and quite contradictory, it meant that we should consider a transitional stage in the history of mankind in which justice and equity keep all their value and importance.

It has to be clear that in the major part of art. 3, Marx worked with an "other-worldly" view of equity. A social organization is fair when the individuals are liberated from considerations of equity. Once again in his text of 1875, Marx wished a community in which every single person could be in the first and the last place himself — autonomous and free —, and in which his work could be a way of being — un modo de ser —. This condition only is fair because we no longer have to be put on a same denominator.

May I remind you of the *Grundrisse...* (1857—58) in which Marx distinguished in "Das Kapitel vom Geld" three major stages, in what had to be a historical consideration of the developing relationship between the individual and society, from the point of view of labour and production<sup>4</sup>. Here also the picture of "free individuality", which is based on the universal and multiple development of all individuals, appears on the fore-front. It cannot be conceived of yet, without emphasizing its all important precondition: namely the mastering of community's production.

Summarizing: that this condition only might be called fair in which no longer exists a necessity to ask for equity among the individuals. Asking for equity means to compare individuals using one brutal criterion of comparison. It also means to bring them to a common denominator, which means a foreign and outside measure. This can never do justice to their particular and valuable idiosyncrasies. All comparisons are wrong, for they emerge from a society based on the enslaving division of labour, and consequently on a general equivalent. Once we could get rid of a situation of "personal independence linked with a business-like dependence", i.e. bourgeois order, free individuality for all human beings would be realized. This is an eminent ethical view of the future of mankind, and it was central to Marx throughout his all life. It was central to Marx in his arguments against Lasalle as it was earlier against Proudhon. Future social organization should do justice to the free individuality of each member of the community. Each one should "revolve about himself as his own true sun"<sup>5</sup>.

From Marx's "other-worldly"-conceptions it follows that the application of an equity-concept must remain both contradictory

and moralistic. The contradiction is that one uses conceptions of right and just, which can barely have any clear and distinctive meaning other than their bourgeois meaning. It is moralistic (which means inadequate) to comprehend society, because one abstracts from the actual relationships, which can explain the ongoing antagonism between the individual and society. What this last issue means, one can read in *Die heilige Familie...* (1845), more specifically in Marx's criticism of Szeliga (a young-Hegelian journalist and writer). The latter used Eugène Sue's *Mystères de Paris*, sympathizing with the "noble" personality of Rudolph, who endeavoured to make a convert of a criminal by urging and stimulating him to develop and to use his "conscience". Rudolph (and Szeliga with him) was putting forward another outer violence, to reach control of the individuality of the criminal. What we should aim at, to the contrary, said Marx, wholly in correspondence with his subsequent writings I mentioned, is to extinguish *outer violence* altogether<sup>6</sup>.

2. Marx's manifest refusal to apply the categories "right", "just", and "equitable" to social and political conditions in bourgeois society, is based on the idea that we only can do justice to individuals in making social conditions human themselves. The way to do this, can only be known by "working out" (ausarbeiten) a social organization through its proper historical tendencies; in such a way that it might become in due correspondence with its proper "economic logic", a community of free individuals.

I would like to ask the following questions:

- a) could it be possible that Marx, in holding this peculiar view, confronted two conflicting traditions of European political thought?
- b) could it be possible that he conceived his work as an ultimate and transcending mediation between these two conflicting traditions?

I am not quite sure that I am able to answer these questions in a satisfactory way. Let's say that I am answering them hypothetically in the affirmative. It will be necessary next, to see how much this explains of the apparent contradiction of Marx's views. Moreover I should give some evidence, taken from Marx's work itself, supporting my answers.

First I have to explain, what the two traditions are. Second, I ought to make clear how they reached Marx, whether indirectly or directly. Third, I should show how they figure in his work, in a conflicting and contradictory way. But to make things as easy as possible, I will only sketch the two traditions very briefly, only

opposing two leading representatives. The first is Thomas Hobbes, the second is Baruch Spinoza.

Let's start with Thomas Hobbes. When one makes an abstraction of the Hobbesian myth of the "state of nature", in which everyone is at war with everyone, then it becomes clear that in his political thoughts, Hobbes chose a realistic starting-point. Namely, early modern bourgeois society characterized by a positive legal organization and resting on concrete competing individuals, moved by a never ending longing for power. No valuation whatsoever is mixed up with this the matter-of-fact starting-point. Hobbes had some good reasons to do this. Only from that basis might one be able to analyse society and to explain its mechanisms, in order to derive efficient principles of action. This very idea would inspire the major part of British social and political thought. Jeremy Bentham appears as the culmination of this positive philosophy. From the beginning to the end this philosophy refuses to examine social problems from a "natural-right"-angle. There is no place either for a view in which human self-perfection and self-conscious autonomy is emphasized. The the-matter-of-fact-approach must prevale, with the distinctive purpose to investigate as clearly as possible actual processes of political power, social problems and jurisprudence, in order to be able to intervene in an efficient and cool manner.

The point of view of benevolence, solidarity with fellow-men and fundamental human rights, can only bewilder us with dangerous fictions. That is why Hobbes's considerations of the human condition start with the actual political organization of society. It is also the meaning of his proposition :

*That men performe their covenants made:* without which, covenants are in vain, and but empty words; and the Right of all men to all things remaining, we are still in the condition of Warre.

And in this Law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a covenant is made, then to break it is *Unjust*: And the definition of INJUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is *Just*.

...

Therefore where there is no Common-wealth, there nothing

is Unjust. So that the nature of Justice, consisteth in keeping of valid Covenants: but the Validity of Covenants begins not but with the Constitution of a Civill Power, sufficient to compell men to keep them: And then it is also that Propriety begins.<sup>7</sup>

The correct examination of justice and equity starts with the pact, with obedience and political power. Outside this, justice has no content. The idea of liberty Hobbes had, is connected with this positive point of view. Liberty is a negative concept. It is defined as the absence of external impediments. Liberty means to do as one likes, without being disturbed by others. This significance fits together with his conception of the everlasting striving for power<sup>8</sup>. Man can never stop desiring things. It means that he will strive for power, glory, esteem, and wealth without interruption. To cease desiring would mean death. In view of his felicity, man is obliged time and again to enlarge his possibilities to satisfy his needs. Felicity is the continual progress to get the things man longs for. With Quentin Skinner, I may call this conception of liberty a negative one. Hobbes makes this clear in yet another way:

For there is no such thing as perpetuall Tranquillity of mind, while we live here; because Life is selfe but Motion, and can never be without Desire, nor without Feare, no more than without Sense<sup>9</sup>.

From all this, one should explain his abhorrence for political thinkers who, abstracting from concrete individuals and from their historical situation of early bourgeois society, seek for felicity in a *summum bonum*, which gives rest and which is founded on the understanding of the order of things in nature.

Hobbes gives us the advice not "to moralize" on social situations of men, but to choose as realistic a position as possible: the efficient organization of social life by means of political authority. From that starting-point onwards one might be able to examine problems of law-giving and -changing of administration and of policing. The modern character of Hobbes's political philosophy appears to be linked with this "worldly" point of view. But there is more: any other position in which a concern for "human dignity", "perfection", and "self-conscious autonomy" is displayed, makes one run into hypocrisy, "false consciousness", or even ignorance.

Particularly the unforgettable bore, Bernard Mandeville, developed this criticism still further. He never stopped arguing how concrete private vices yield public benefits and national happiness. For this hard-headed man, who was the enemy of charity, and the defender of the poverty of the "labouring-poor", and of the overt organization of prostitution, the repugnance for political theorists of "benevolence", "human dignity", and "self-conscious autonomy" reached its highest peak. Jeremy Bentham was a somewhat "nobler" edition of Mandeville, but the same criticism appears in his work. But enough of this.

Spinoza was well acquainted with the thoughts of Hobbes. We know how the latter influenced the former<sup>10</sup>. But, be this as it may, Spinoza among others lies at the origin of the second tradition. Not only his theory of the State, his view of society, but also his philosophy of man is totally different<sup>11</sup>.

In the fourth part of the *Ethica*, in which he deals with "Human servitude or the power of the passions", Spinoza assumes that we are unescapably confronted with rational self-government, because we are part of the one great nature. Rational self-government consists of the temperance of the passions (IV, 4 and IV, 5). In treating this subject, he returns to the classic notion of *virtue*, which holds that a man is free when he has an insight into his human condition. Man must learn to understand his own limits. From this understanding he can start organize a rational life (IV, 22; IV, 23). This understanding will render him the *summum bonum* (IV, 28), a thing Hobbes called totally "unintelligible". But there is more. In so far as men are led by reason, self-government and temperance, they always and necessarily will live in natural harmony with each other. They could regard each other as being parts of the great whole of nature (IV, 35). Man's inner harmony runs into harmony with the other (Inference II, IV, 35). Here, the mastery of the passions is the precondition of felicity; it is essential also for man's striving for autonomy and his search for identity.

Human beings may be compared from this angle. There exists a general denominator, on which the life of the individuals can be brought back, whatever the social conditions they experience. "For those who follow virtue, the "summum bonum", is the same and all can enjoy it in a similar way"<sup>12</sup>.

Spinoza was conceiving a positive freedom, founded on the understanding of ones own self, as a consequence of which one could live in solidarity with the whole of mankind. This is the basis of a

just political order. In Remark II, part IV, 37, he links freedom with right and just:

Ieder mens bestaat krachtens het hoogste natuurlijke recht en bijgevolg doet elkeen krachtens dit hoogste natuurlijke recht datgene, wat noodwendig uit zijn aard voortvloeit (cf. positive freedom), zodat ook elkeen krachtens het hoogste natuurlijke recht uitmaakt wat (voor hem) goed of kwaad is, volgens eigen inzicht zijn eigen belang behartigt (...), zichzelf wreekt (...), dat wat hij liefheeft tracht in stand te houden en wat hij haat tracht te vernietigen (...) <sup>13</sup>

Once again the implication seems clear: one should fight against the passions (i.e., the striving for power, esteem, and pleasure), which means that one should live by reason. And again this is a precondition for the solidarity with fellow-man, and for equity. Especially in the final chapters of the *Tractatus Theologico-Politicus* <sup>14</sup>, Spinoza drew the political consequences of this theory. In the *Ethica* it is formulated as follows:

De mens, die door de Rede geleid wordt, is in de Staat, waar hij volgens algemeen besluit leeft, vrijer dan in de eenzaamheid, waar hij alleen zichzelf gehoorzaamt. <sup>15</sup>

Spinoza further explained the content of positive freedom in part V of the *Ethica* (cf. "The power of the understanding and human Liberty"). He seemed to have continued an old line of thinking, which through the work of René Descartes can be drawn to the Stoics. Spinoza handed the classical themes on to later continental and even Anglo-saxon thought.

How could these two traditions have reached Karl Marx? I am afraid I am not able to answer that question at length in so short a paper. Yet I am convinced that the two traditions can be traced in his work. Marx was affected by the second tradition through the influence of German Idealism, in which Fichte's philosophy of the transcendental ego, Schelling's philosophy of identity, Hegel's philosophy of self-realization, and evidently the critical philosophy of the Young-Hegelians were of major importance. After reading French political theory, "Les Socialistes", and still more after studying British social thought, especially the social science "par excellence" at that moment, political economy, Marx came under the influence

of the first tradition.

When we considered art. 3 of the *Gotha-program*, we could already apprehend the presence of the two traditions in the political thoughts of the older Marx. In his criticism of the Lassallian inspirations in the program, Marx took a pure Hobbesian position. Within a social system, it is impossible to refer to rights other than the rights of the system (= the rights given with the establishment of that system). There are no rights other than those created in a bourgeois order, with its underlying economic relationships. Marx wished to make as clear a distinction as possible between his position and that of the "socialistes des sectes", who cultivated all kinds of strange moral criticism and who kept speaking of the equitable distribution of the product of social labour.

We saw however that Marx himself started to conceive of a future stage of social life. In this future and final stage, men could liberate themselves from the division of labour. With it, the problems of distribution, equity and justice would cease to exist. When Marx assumed it would at last be possible to speak of social relationships in terms of needs, he was in correspondence with what he mentioned about free individuality in the *Grundrisse*... Marx came back to the second tradition: a society liberated from "indigent distress"<sup>16</sup> will engender free individuals, who are occupied with their self-perfection, and who in the full meaning of the word, will be incomparable. To be incomparable means irreducible to a common denominator. The only thing they will have in common will be their autonomous striving for perfection. In this way they will acquire understanding; they will see their proper limitations and will be free at last in the positive sense. Social relationships will have become human. The individual striving for perfection spontaneously runs into solidarity with fellow-man.

Maybe it is not exaggerated to summarize as follows: Spinoza's ideal of man can be realized, after one has succeeded in fully working out Hobbes's approach to right and liberty. Perhaps this was what Ernst Bloch meant, when he said that the citizen comes after the bourgeois, as Athens comes after Rome.

Marx wished to relate the two traditions, not in their permanent contradictory character, but in their possible and reachable dialectical unity. His anti-moralism goes together with a strong ethical stand: human perfection and liberty, not as an acquisition of the few against the others, but as an attainment of all men, for all men and by all men. Only after the radical abolition of the enslaving

division of labour can social relationships be conceived of as such.

We know that Marx was conscious of the necessity of reaching a dialectical synthesis of the two traditions. In a letter from 1843 to Arnold Ruge, he wrote:

Es wird sich ... zeigen, dass die Welt längst den Traum von einer Sache besitzt, von dem sie nur das Bewusstsein besitzen muss, um sie wirklich zu besitzen. Es wird sich dann zeigen, dass es sich nicht um einen grossen Gedankenstrich zwischen Vergangenheit und Zukunft handelt, sondern um die *Vollziehung* der Gedanken der Vergangenheit<sup>17</sup>.

Let us not be mistaken about this. The attempt to relate the two traditions was not only a characteristic of Marx's work. On the contrary. Within the boundaries of the German Enlightenment, even Immanuel Kant, that eminent representative of the second tradition, considered it a necessity to come to synthesis. He explained this in his important essay, *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*<sup>18</sup>. The subject of this essay can be sketched as follows: the final end of humanity is to reach as perfect a state as possible. Only the study of history might be able to show how to reach that end. History has to disentangle and to demonstrate how all those circumstances, which to particular men appear as confused and without regularities, represent for all mankind a constant and continual progress of original capacities of the will. Kant himself was only engaged to formulate a general idea of this synthesis; he was convinced someone else would finish the job<sup>19</sup>. In the 4th proposition of the essay, Kant even suggested which way to follow to reach a "solution". He said "Nature" uses the antagonism between the different projects (potencies) to succeed in the full deployment and development of them. This clearly anticipates Marx's work.

More than by any other thinker, however, Marx was influenced by Pierre-Joseph Proudhon. With his *Qu'est ce que la propriété*, the latter discovered the essential significance of political economy. This was the all-important social science, which could liberate us from inadequate philosophy and moralistic discourse. It enables us to "disenchant" the history of mankind, i.e. the history of the *bellum omnium contra omnes*.

Political economy is the science of concrete and matter-of-fact interests in their continuous interplay. Proudhon attempted to find a mediation between justice and liberty, and political economy, he

thought, was serving that end. One knows Marx's criticism of Proudhon, the subject of which was neither Proudhon's very idea of the inadequacy of philosophical and moralistic verbiage, nor his stress on the significance of political economy, but his illusory synthesis of justice and liberty is an ever-lasting contradictory way. For Marx it was clear that even Proudhon did not remark the enslaving role of the division of labour. He (Proudhon) could not understand that it would necessitate the radical abolition of the division of labour in order to liberate mankind from the justice-equity-problem<sup>20</sup>. Marx was convinced that the antagonisms between men could not be solved until the most progressive system of the social division of labour would be abolished, namely "le salariat".

3. Marx's synthesis of the two traditions runs counter to all mediating solutions. This made him a strong and harsh defender of the matter-of-fact approaches to social antagonisms. Let me illustrate this in what follows, with some striking examples. It will be shown yet, that the "Spinozist" view of mankind never disappeared, on the contrary. The two approaches go together. But first, I should open a methodological parenthesis. It is not always easy to be clear and definite about the influences Marx underwent. What has he been reading and what has he been using? It is evident that we only can answer this question after an examination of the manuscripts and note-books. In preparing my paper for this colloquium, I used the MEW-edition, which can be easily consulted, but which is uncritical. We should accept Quentin Skinner's methodological position, and ask ourselves: "what did people such as Marx do, when they wrote (and read) as they did?". Within the narrow limits of time, I had not the opportunity to be very faithful towards prof. Skinner's device. For example: I only can answer approximately the question "what has Marx read actually of Hobbes's work?". With the exception of his brief historical sketch of Western philosophy in *Die heilige Familie*.... in which Marx demonstrated a somewhat rude view on the development of this philosophy, we do not find elaborated references to the author of the *Leviathan*. Things are but a little bit different with John Locke, for Marx kept referring to him dealing with his writings on the subject of political economy. Be that as it may, Marx never appears to have shown a profound knowledge of the history of Western thought, after writing *Die heilige Familie*..., but probably he had one.

If all this is really true, then we are fatally confronted with the

danger of distorting the picture in our examination of Marx's thought. Marx's work has usually been related by marxists to the whole of Western philosophy. His work is considered to be a successful settlement with it. The 11th thesis on Feuerbach has even been "canonized".

But there is still more. As we are used to read different philosophical (primary) sources, in confrontation with Marx (and we surely have many facilities to do so), we easily commit the error of suggesting to ourselves, that in the intellectual work of Marx, a similar confrontation has taken place. This is another distortion. We set up an ideal Marx in an ideal history of Western thought, and we start a dialogue with these ideal-types. It can only be an ideal dialogue<sup>21</sup>. One should realize oneself, how many different literary contexts are arbitrarily mixed up in fictitious way, in our dealings with the "master-thinkers". It even goes beyond the intrigues of *The Name of the Rose*.

To conclude: in what I said until now almost certainly similar distortions appeared. In what I am going to say next, I shall try to avoid it as much as possible.

Above I suggested that Marx was affected by two traditions in European political thought, and that he attempted to make a synthesis, which would do more than to exemplify the continual contradictory interplay between the two. What was needed, was a unity going beyond this interplay. Marx continued to support the ideal of free individuality, autonomy, spontaneous solidarity and identity. He only objected against a moralistic application of this ideal within the boundaries of a social order founded on a still ongoing division of labour. Inadequacy must be the outcome of such an application. The very antagonisms of society aren't understood. Therefore, as Proudhon had noted already, it was necessary to choose a "cool" point of view: political economy. In studying this social science "par excellence", one might disentangle the contradictory relationship between individuality and generality<sup>22</sup>. In this manner could be discovered the true means to the realization of an harmonious state of infinite individual diversity, of which Western philosophy had been dreaming all the time (see the letter to Arnold Ruge, 1843, above-mentioned). F. Engels summarized the significance of the "cold stream"<sup>23</sup> in historical materialism very well, when speaking of equity, he said:

Pour obtenir une réponse à cette question (qu'est-ce qu'un

salairé équitable/un travail équitable) ce n'est pas à la science de la morale ou de l'équité, ni à un sentiment quelconque d'"humanité", de justice ou même de charité que nous devons en appeler. Ce qui est moral ou même équitable du point de vue légal est encore loin d'être équitable du point de vue social. Ce qui est équitable du point de vue social ou ce qui ne l'est pas, seule une science qui s'en réfère aux faits matériels de la production, seule la science de l'économie nationale peut l'établir<sup>24</sup>.

Once again T. Hobbes's great inspiration is felt. This is important, because we know how "imitating" Hobbes, all distinguished British moralists (John Locke, G. Berkeley, D. Hume, F. Hutcheson, A. Smith, Jeremy Bentham, and John Stuart Mill) were also political economists. In a way, Karl Marx was but one of them, and his work appears to be the outcome of evolving bourgeois social thought itself.

We know at which moment, Marx departed from the "hot stream" of European political thought. *Die heilige Familie...* and *Die deutsche Ideologie* made the difference. Proudhon's inspiration and his understanding of the mechanism of social antagonism had had their influence. In *Die heilige Familie...*, Marx speaks of the French socialist with approval. But the departure from the "hot stream" is all the more evident in references Marx made to Jeremy Bentham, the patriarch of British utilitarianism and political radicalism. Bentham had always been a strong defender of a scientific outlook on social problems. Whoever knows Marx's opinion concerning good old Jeremy, such as expressed in *Das Kapital*, where Bentham is said to be a "Uhrphilister" and a "Genie in der bürgerlichen Dummheit"<sup>25</sup>, will be amazed to read Marx's gentle appreciation of the same author in *Die heilige Familie...* :

Bentham gründet auf die Moral des Helvétius sein System des wohlverstandnen Interesses, wie Owen, von dem System Benthams ausgehend, den englischen Kommunismus begründet...<sup>26</sup>

When he discusses the crime-punishment-theory, defended by Szeli-ga, Marx once more speaks of Bentham. Again he refers to the *Théorie des Peines et des Délits* (the later *Rationale of Punishment*), with what sounds as an approval:

Diese Strafrechtstheorie (i.e. Szeliga's), welche die *Jurisprudenz* mit der *Theologie* verbindet, dies enthüllte "Geheimnis des Geheimnisses", ist durchaus keine andere als die Strafrechtstheorie der katholischen Kirche, wie schon *Bentham* in seinem Werk "Theorie der Strafen und Belohnungen" weitläufig auseinandergesetzt hat. Ebenso hat *Bentham* in den angeführten Schrift die moralischen Nichtigkeit der jetzigen Strafen bewiesen. Er nennt die gesetzlichen Züchtigungen "gerichtliche Parodien".<sup>27</sup>

After the consulting of the *Grundrisse...*, we can conclude that Marx really never came back to *Bentham's* work. It is not clear if he read any other of his books. He surely knew his *Defence of Usury*. The work is mentioned in the *Theorien über den Mehrwert*<sup>28</sup>, but there is neither a discussion of its content, nor a reference to it.

Against this background we must judge Marx's ridiculing of *Bentham's* theories, which is completely in contradiction with the prudent approval in *Die heilige Familie...* :

Die Späre der Zirkulation oder des Warenaustausches, innerhalb deren Schranken Kauf und Verkauf der Arbeitskraft sich bewegt, war in der Tat ein wahres Eden der angeborenen Menschenrechte. Was allein hier herrscht, ist Freiheit, Gleichheit, Eigentum und *Bentham*...<sup>29</sup>

Marx's disapproval of *Bentham's* thoughts had no ground. *Bentham* actually never stopped to defend himself against political thinking, using concepts such as "human rights" and "natural rights". Such thinking runs into "anarchical fallacies", he once argued. Be this as it may, Marx even ceased to approve the point of view of the "wohlverstandne Interesse", but again he was wrong in attributing to *Bentham* a theory of the "natural identity of interests"<sup>30</sup>.

If Marx's relation to the works of *Bentham* was changing and deteriorating, things were completely different with the work of *Bernard Mandeville*. Once again Marx is strongly in favour of the cool and the matter-of-fact analysis of social relations in *Mandeville's* books. There was hardly any better example of the *Hobbesian* style of thinking, than the thoughts of *Mandeville*. He was a relentless, cynical, but boring commentator of his age (the first decades of the 18th century). He never got tired to ridicule moralistic approaches to man and society. It is important to know that *Mandeville's*

principal enemy was the very spinozist writer, Anthony Ashley Cooper, 3th Earl of Shaftesbury, who more than anyone else in England had defended the truly classic image and ideal of free individuality, spontaneous generosity and ultimate identity with nature and fellow-men<sup>31</sup>.

When, in *Die heilige Familie...*, Marx says that it is important to make correspond private interests with human interests, he mentions Mandeville. He refers to the *Fable of the Bees* with great approval :

Bezeichnend für die sozialistische Tendenz des Materialismus ist Mandevilles, eines älteren englischen Schülers von Locke, Apologie der Laster. Er beweist dass die Laster in der heutigen Gesellschaft unentbehrlich und nützlich sind. Es was dies keine Apologie der heutigen Gesellschaft.<sup>32</sup>

This picture has been amended in the *Grundrisse...* Reference is made to Thomas Hobbes himself, but Marx is also speaking implicitly of Mandeville. Marx is dealing with the subject of the reciprocal relationships of dependence in a social system, based on the division of labour. This reciprocal dependence gives rise to a correspondence between private interests. From this automatically a harmony follows. That is what political economists make us believe, says Marx. He adds :

Vielmehr könnte aus dieser abstrakten Phrase gefolgert werden, dass jeder wechselseitig die Geltendmachung des Interesses der andern hemmt, und statt einer allgemeinen Affirmation, vielmehr eine allgemeine Negation aus diesem bellum omnium contra omnes resultiert.<sup>33</sup>

The analysis of the general social metabolism shows that private interests always are socially determined interests.

Karl Marx once more refers to Mandeville in *Das Kapital*, I. He says that Adam Smith in Book I, chap. I, of his *Wealth of Nations*, plagiarized Mandeville's Remarks on the *Fable of the Bees*. He mentions three editions of Mandeville's work: edition 1704 (without the Remarks), edition 1714<sup>34</sup>, and edition 1728. When he refers to the edition of 1728, he mentions Mandeville's point of view concerning the means to a quick accumulation of capital. Accumulation of capital means capitalization of surplus-value, as one knows.

Mandeville defended the position that the "labouring poor" had to be obliged to live as frugal as possible and to work as hard and as long as possible. Marx continues:

Was Mandeville, ein eihrlcher Mann und heller Kopf, noch nicht begreift, dass der Mechanismus des Akkumulationsprozesses selbst mit dem Kapital die Masse der "arbeitsamen Armen" vermehrt, d.h. der Lohnarbeiter, die ihre Arbeitskraft in wachsende Verwertungskraft des wachsenden Kapitals verwandeln und eben dadurch ihr Abhängigkeitsverhältnis von ihren eignen, im Kapitalisten personifizierten Produkt verewigen müssen...<sup>35</sup>

Marx makes no further comments on that subject. But from the context, it seems clear that Marx only had praise for Mandeville's distinctive understanding of accumulation and its proper mechanisms.

This are but a few examples of Marx's appraisal of the "cold stream" in European thought. He was convinced he could use it to defend the ultimate deliverance of free individuality. The ideal of free individuality could not be realized in bourgeois society. Only from the death of bourgeois order could freedom proceed.

I must repeat that Marx never appeared to have studied "bourgeois thought" in general in an elaborated way. Thomas Hobbes, one of the founding-fathers of scientific materialism, has never been mentioned with his books *De Cive* and *Leviathan*, but yet the correspondence with his inspiration is evident. But the same can be said about Spinoza's work. There are no proper references to the works of Spinoza. Most of the time, in his mature work, Marx only makes some vague allusions to Spinoza's famous expression "sub specie aeternitatis". But again, we can discover throughout his whole work (from the *Die heilige Familie...*, to the *Grundrisse...* and *Das Kapital*, to arrive at the *Gotha-program*) a defence of the aristocratic ideal of "free individuality".

Perhaps the two traditions touch each other most expresly in the famous passage in the *Grundrisse...* "Widerspruch zwischen der Grundlage der bürgerlichen Produktion (Wertmass) und ihrer Entwicklung selbst. Maschinen etc."<sup>36</sup>. The enigma by which Marx's mind was captured (through the influence of Proudhon's "chaotic" work) might be solved in principle at last. The "cold stream" (the study of society's metabolism) and the "hot stream" (the ideal of free individuality and justice done to mankind and every individual)

are strongly linked in what Marx has to say concerning the "Realm of Freedom", both in the *Grundrisse...* and in *Das Kapital*, book III :

Das Reich der Freiheit beginnt in der Tat erst da, wo das Arbeiten, das durch Not und äussere Zweckmassigkeit bestimmt ist, aufhört; es liegt also der Natur der Sache nach jenseits der Sphäre der eigentlichen materiellen Produktion...<sup>37</sup>

4. Time and again it has been said that Marx's work has nothing to do with ethics, and that we do not find in it a conception of justice in the ethical sense. I tried to argue, that this conception is wrong. Therefore I tried to show how Marx's work was affected by two traditions. This might explain his attempt to use scientific means to end the opposition between the two traditions, and to end the contradictions of Western civilization.

The two traditions got opposed to each other as a consequence of the development of bourgeois society in the late 17th and the early 18th century. For Marx Proudhon's earlier attempts to aludicate the opposition failed. But in this judgment on Proudhon's work, Marx appears to have been captured even more strongly than anyone before him, by the ideal of free individuality.

Once again I can refer to the *Gotha-program*. Only that social organization is just ("recht", meaning also "wahr") in which considerations of justice and equity are no longer an issue of social antagonisms. I can express myself using a metaphor: "Machiavelli can return to his beloved Florence. No more exile, good Niccolo, for virtu became a reality now". This will only be realized when the common denominator to judge people stopped to be a necessity in everyday life. Men, at last, will be able to bring themselves to perfection freely and autonomously. Truly human relationships and harmonious identity with nature will be the result.

For Marx socialism meant the fight for a social order in which men ought not to be compared, and in which they can freely develop themselves. In this order justice is done to the infinite multiplicity of individual human natures and to the infinity of human nature itself. This is the eminent ethical ideal Shaftesbury expressed in his famous dialogue between Theocles and Philocles, in *The Moralists: a philosophical Rhapsody*. In the dialogue, two uncomparable men, autonomous but related to each other and to nature, different and yet similar are presented, in a timeless relation, for the time being,

because no money has to be made out of time. But in the dialogue, bourgeois society watches dangerously, as it was in Spinoza's philosophy. The two men stay out of daily social life (soziale Verkehr), which is inverted (verkehrt)<sup>38</sup>. They both know that to return to daily life, makes them heteronomous once more, i.e. victim of the division of labour and victim of comparison. At the end of the dialogue a — till then — hidden sense of life is tragically revealed, when they conclude their conversation :

By this time we found ourselves insensibly got home. Our philosophy ended, and we returned to the common affairs of life<sup>39</sup>

Marx longed for a future state of mankind, in which people had not to go home any more, because they are at home all the time. He wished a future, which would not make individuals insensible to each other, in order to be able to return to the "common affairs of life". On the contrary, he wished that the common affairs of life would have become sensible. That is why Bloch is right in saying of Marx and marxism :

Nachdem sich nämlich all grossen Denker vor Marx wesentlich nur mit einem Philosophisch werden der Welt im Buch begnügt haben, beginnt im Horizont der marxistischen Menschlichkeit nun wirklich, suo Modo, eine Verweltlichung der Philosophie...<sup>40</sup>

...

...die Menschlichkeit selber ist der Entmenschlichung ihr geborener Feind, ja indem Marxismus überhaupt nichts anderes ist als Kampf gegen die kapitalistisch kulminierende Entmenschlichung bis zu ihrer völligen Aufhebung, ergib sich auch a contrario, dass echter Marxismus seinem Antrieb wie Klassenkampf, wie Zielinhalt nach nichts anderes ist, sein kann, sein wird als Beförderung der Menschlichkeit...<sup>41</sup>

In 1865 Marx's great inspirer died. The penultimate paragraph of his *Philosophie de la Misère* sounds as a consolation for the many desillusions, which resulted from marxist expectations:

L'humanité, dans sa marche oscillatoire, tourne incessamment sur elle-même: ses progrès ne sont que la rajeunissement de ses traditions; ses systèmes, si opposés en apparence, présentent

toujours le même fond, vu de côtés différents. La vérité, dans le mouvement de la civilisation, reste toujours identique, toujours ancienne et toujours nouvelle: la religion, la philosophie, la science, ne font que se traduire. Et c'est précisément ce qui constitue la Providence et l'infaillibilité de la raison humaine; ce qui assure, au sein même du progrès, l'immutabilité de notre être; ce qui rend la société à la fois inaltérable dans son essence et irrésistible dans ses révolutions; et qui étendant continuellement la perspective, montrant toujours au loin la solution dernière, fonde l'autorité de nos mystérieux presentiments.

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## NOTES

<sup>1</sup>See A. Edel, *Science and the Structure of Ethics*, in: *Foundations of the unity of science*, Vol. II, Chicago, 1970 (1939), p. 289. See also his *Ethical Judgment: the Use of Science in Ethics*, Glencoe, 1955, and *Method in Ethical Theory*, London, 1963. Also Maria Ossowska, *Social Determinants of Moral Ideas*, London, 1971, for similar ideas.

<sup>2</sup>Lassalle dwelt at length on this subject in his *System of Acquired Rights* (1861), in which he discusses property and inheritance.

<sup>3</sup>"Dans une phase supérieure de la société communiste, quand auront disparu l'asservissante subordination des individus à la division du travail, et avec elle, l'opposition entre le travail intellectuel et le travail manuel; quand le travail ne sera pas seulement un moyen de vivre (one could say "un modo de ser"), mais deviendra lui-même le premier besoin vital, quand avec le développement multiple des individus, les forces productives se seront accrues elles aussi et que toutes les sources de la richesse collective jailliront avec abondance, alors seulement l'horizon borné du droit bourgeois pourra définitivement dépassé et la société pourra écrire sur ses drapeaux: 'De chacun selon ses capacités, à chacun selon ses besoins!' ". *Gotha-program*, Editions Sociales, 1950, 25.

<sup>4</sup>"Jedes Individuum besitzt die gesellschaftliche Macht unter der Form einer Sache. Raubt der Sache diese gesellschaftliche Macht und ihr müsst sie Personen über die Personen geben. Persönliche

Abhängigkeitsverhältnisse (zuerst ganz naturwüchsig) sind die *ersten* Gesellschaftsformen, in denen sich die menschliche Produktivität nur in geringem Umfang und auf isolierten Punkten entwickelt. Persönliche Unabhängigkeiten auf sachlicher Abhängigkeit gegründet ist die *zweite* grosse Form, worin sich erst ein System des allgemeinen gesellschaftlichen Stoffwechsels, der universalen Beziehungen, allseitiger Bedürfnisse, und universeller Vermögen bildet. *Freie Individualität, gegründet auf die universelle Entwicklung der Individuen und die Unterordnung ihrer gemeinschaftlichen, gesellschaftlichen Produktivität, als ihres gesellschaftlichen Vermögens, ist die dritte Stufe.*” *Grundrisse der Kritik der politischen Oekonomie*, 1953, p. 75, my emphasis.

<sup>5</sup>See John Plamenatz, *Karl Marx's Philosophy of Man*, Oxford, 1975, Chap. XII, “Self-Realization and Freedom”, 322–356.

<sup>6</sup>K. Marx and F. Engels, *Die heilige Familie...*, MEW 2, Berlin, 1976, 190.

<sup>7</sup>T. Hobbes, *Leviathan*, Penguin, 1982, 201–202.

<sup>8</sup>T. Hobbes, o.c., 189 ‘Liberty what’.

<sup>9</sup>T. Hobbes, o.c., 130.

<sup>10</sup>Spinoza, *Ethica*, A’dam, s.d. (Van Suchtelen), IV, 37, Remark II; the “natural” and the “social” state of mankind. See also the final chapters of his *Tractatus Theologico-Politicus*.

<sup>11</sup>Quentin Skinner developed this theme. See also Antonio Negri in his *L’anomalia selvaggia*, 1981.

<sup>12</sup>Spinoza, *Ethica*, ed. cit. (Van Suchtelen), IV, 36.

<sup>13</sup>Spinoza, o.c., IV, 37, Remark II.

<sup>14</sup>Spinoza, *Tractatus Theol. Politicus*, XX.

<sup>15</sup>Spinoza, *Ethica*, ed. cit., IV, 73.

<sup>16</sup>See my “Marx nogmaals ter aarde...”, in: Marcel Van der Linden and Ronald Commers, *Marx en het wetenschappelijk socialisme*, A’pen, Lesoil, 1982.

<sup>17</sup>In Ernst Bloch, *Ueber Karl Marx*, Suhrkamp, 1968; “Karl Marx und die Menschlichkeit; Stoff der Hoffnung”, 14–44.

<sup>18</sup>I. Kant, *Schriften zur Anthropologie...*, Suhrkamp, 1978, 33–50.

<sup>19</sup>Kant, o.c., 34.

<sup>20</sup>G.D.H. Cole was right in noting in a chapter on Proudhon in his

*A History of Socialist Thought, The Forerunners 1789—1850.* London, 1962, p. 217, quoting Proudhon: “ ‘Reciprocity, in creation, is the principle of existence. In the social order, reciprocity is the principle of social reality, the formula of justice. It has for its basis the eternal antagonism of ideas, of opinions, of passions, of capacities, of temperaments, and of interests. It is the condition of life itself (*Solution of the Social Problem*).’ ”

This is the expression, not of Hegelianism misunderstood, but of a totally different philosophy, with much less in common with Hegel than with Kant’s conception of ‘men’s unsocial sociality’. It was Marx who misunderstood Proudhon, not Proudhon who failed to comprehend Marx’s lessons in the Hegelian dialectic.”

<sup>21</sup> Kant makes a good example of that. There aren’t many references to the work of Kant. What has Marx read of it? And what can be said about the influences he underwent.

<sup>22</sup> A. Brunschweiler, *Die Beziehung zwischen der Individualität bzw. Individualsphäre und Sozialwissenschaft im allgemeinen und im besondern bei Adam Smith und Karl Marx*, 1949, mentioned in Léon Epzstein, *Economie et Morale...*, Paris, 1961, p. 56.

<sup>23</sup> See Ernst Bloch, “Traum nach vorwärts, Nüchternheit, Enthusiasmus und ihre Einheit”, in: *Ueber Karl Marx*; also in his *Das Prinzip Hoffnung*.

<sup>24</sup> F. Engels, “Un salaire équitable pour une journée de travail équitable”, orig. in: *The Labour Standard*, London, 1880; in: K. Marx, *Travail Salarié et Capital, suivi de salaire, prix et profit*, Paris, Ed. Soc., 1962, 111—113.25

<sup>25</sup> Karl Marx, *Das Kapital*, I, VII (MEW),

“Der Akkumulationsprozess des Kapitals”, 22 Kap., 5. “Der sogenannte Arbeitsfonds”, 637n.

“Mit solchem Schund hat der brave Mann, dessen Devise: ‘nulla dies sine linea’ Berge von Büchern gefüllt. Wenn ich die Courage meines Freundes H. Heine hätte, würde ich Herrn Jeremias ein Genie in der bürgerlichen Dummheit nennen”.

<sup>26</sup> K. Marx and F. Engels, *Die heilige Familie...* MEW 2, 139. F. Engels was even more generous towards Bentham. In his *Lage der arbeitenden Klasse in England*, he mentioned him as one of the two most important philosophers, with a great influence on the labor movement:

“...die Bourgeois besitzen nur kastrierte Ausgaben, ‘family editions’,

die nach der heuchlerischen Moral von heute zurechtgestutzt sind. Die beiden grössten praktischen Philosophen der letzten Zeit, *Bentham* und *Godwin*, sind namentlich letzterer, ebenfalls fast ausschliessliches Eigentum des Proletariats; wenn auch Bentham unter der radikalen Bourgeoisie eine Schule besitzt, so ist es doch nur dem Proletariat und den Sozialisten gelungen aus ihm einen Fortschritt zu entwickeln..." MEW 2, 455.

<sup>27</sup>K. Marx and F. Engels, *Die heilige Familie...*, MEW 2, 189.

<sup>28</sup>K. Marx, *Theorien über den Mehrwert (3)*, MEW 26.3, p. 516,522.

<sup>29</sup>K. Marx, *Das Kapital*, I, ed. cit., 189.

<sup>30</sup>Ibidem.

<sup>31</sup>Georges Gusdorf speaks of Shaftesbury's ideal of man and of knowledge as follows:

"La connaissance du monde, analytique et réductrice, fait place à une 'co-naissance au monde', selon la graphie de Paul Claudel, à l'évidence intime d'une solidarité organique entre l'homme et l'univers selon l'ordre d'une sympathie cosmique..."

Pour Shaftesbury, l'évidence première n'est pas celle d'une solitude ontologique, mais celle d'une communauté de destin entre l'homme, les hommes, la nature créée et la Divinité même, créatrice de la nature et des hommes." *Naissance de la conscience romantique au siècle des lumières*, Paris, 1976, 231.

On an other place he describes him as follows:

"Cet aristocrate proteste par avance contre la vague d'utilité qui va submerger l'Angleterre traditionnelle. Il incarne le personnage de la belle âme, qui subordonne les évidences du monde extérieur aux *invidences* du dedans, aux perceptions de l'oeil intérieur, qui règle la vision des faits sur l'intuition des valeurs." o.c., 227.

<sup>32</sup>K. Marx and F. Engels, *Die heilige Familie*, ed. cit. 138—139.

<sup>33</sup>K. Marx, *Grundrisse...*, Berlin, 1953, p. 74.

<sup>34</sup>K. Marx, *Das Kapital*, I, MEW, 375.

<sup>35</sup>K. Marx, o.c., 643.

<sup>36</sup>K. Marx, *Grundrisse...*, 592—594.

<sup>37</sup>K. Marx, *Das Kapital*, III, MEW, 828.

<sup>38</sup>See also Jerrold Seigel, *Marx's fate. The shape of a life*, Princeton, 1978, 131 (Verkehr-verkehrt).

<sup>39</sup>Anthony Ashley Cooper (Shaftesbury), *The Moralists*, in: *Characteristics...*, Legrand-Tourneisen, 1790, I, 367.

<sup>40</sup>Ernst Bloch, *Ueber Marx*, Suhrkamp, 1973, "Karl Marx und die Menschlichkeit; Stoff der Hoffnung", p. 29.

<sup>41</sup>Ernst Bloch, o.c., 19.