

# Marx and Kant on Capitalist Exploitation

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## Abstract

Marx holds that capitalism is exploitative, but not unjust. Kant crafted a theory of right that explains why human beings are treated unjustly when the social system deprives them of the conditions of a free life. This essay attempts to relate Kant's and Marx's views to one another and to the capitalist social system, which these two thinkers studied at different stages of development. The economic and social theories of Fichte and Hegel are also employed to help make sense of the points of agreement and of disagreement between Kant and Marx concerning the ways modern capitalism deprives workers of freedom and whether this deprivation should be condemned as unjust.

**Keywords:** Kant, Marx, exploitation, freedom, justice, general injustice

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Karl Marx argues that capital exploits labour. Immanuel Kant includes the wage contract (*locatio operae*) among the list of valid contracts in his theory of private right. Marx's account of capitalist exploitation, however, strikes many as a description of a system of injustice by Kantian standards – a denial to members of the working class of the right of being *sui iuris* (one's own master), and therefore fundamentally unjust. But Marx explicitly denies that capitalist exploitation is unjust, claiming that it satisfies the only standards of justice that could possibly apply to the capitalist mode of production.

What is going on here? Where do Marx and Kant agree, and where do they disagree? Of course between half and three-quarters of a century elapsed between Kant's time and Marx's time, so that they were not talking about the same social system. They were considering two stages of a rapidly changing modern economic order. But how are we to relate their views – to each other, and to capitalism? Is Kant a bourgeois ideologue, or is Marx a fanatical social malcontent whose misguided

theories distort both social and moral reality? Is capitalism exploitative or not? Is it unjust or not? In this essay I want to sort out these questions – or at least make a beginning.

### Exploitation

Let's begin with the concept of exploitation, and its possible application to the capitalist wage bargain. The 'rate of exploitation' ( $s/v$ ) is a technical ratio in Marxian economic theory. The quantity 's' represents the portion of a working day the wage-labourer works gratis for the capitalist, while 'v' represents the time he works in order to replace the value of his own wages. Both quantities assume the technical concept of 'value' used in classical political economy, where value = socially necessary labour time. In Marxian theory, the claim that the wage bargain in any profit-making enterprise involves such a ratio, and is therefore exploitative of labour, thus seems a necessary truth: it is true almost by definition. But the claim is made at a level of abstraction that ignores the circulation of commodities and the 'realization' of value and surplus value that enables Marx to distinguish profit from interest, ground-rent and other sources of revenue that apply in a capitalist economy. It is about 'values', not about the 'prices of production' that apply to economic realities. This makes 'exploitation' in this sense a highly technical notion that might (or might not) reflect the empirical distribution of wealth. It also supposes that the relation of exploitation applies to capitalist and worker simply in virtue of their roles as buyer and seller of labour-power. Using that notion, Roemer (1986) argues that it is easily imaginable that one agent might 'exploit' another while the 'exploited' person both begins with greater wealth and progressively accumulates more wealth than the 'exploiter' as a result of their exchanges. In this form, the claim that capital exploits labour also assumes a conceptualization of the economic relation between capitalist and worker that most economists trained in neo-classical theory would reject as outdated and unscientific. This entire approach to the question of capitalist 'exploitation' thus appears to lead sooner to obfuscation than clarity.

Let's therefore begin instead with the concept of exploitation as we understand it in ordinary life and see how it might apply to the economic relation between capital and wage labour (for a fuller account of what I am about to say, see Wood 1995). The approach I favour is as follows. The basic synonym for 'exploit' is 'use'. But not every use is exploitation. You exploit something when your use of it involves your control over it. We exploit natural resources when we use them in such a way that we also control them and our control results in their serving our ends.

Exploitation, so understood, is not necessarily wrongful or unjust, but of course it can be – for instance, if we have no right to the control we exercise. Blackmailers exploit their victims, because the threat to reveal the victim's dirty secret gives the blackmailer control over the victim and the victim's financial resources. We think this is wrongful or unjust if we think it is wrong to extort money from people in this way. As this example shows, when the object of exploitation is a person, or something about a person (their financial resources or their labour), the control the exploiter has over the victim is due to some way in which the victim is vulnerable to the exploiter. In the case of blackmail, the vulnerability consists in the victim's harbouring a dirty secret to which the blackmailer is privy and is in a position to reveal to the victim's detriment.

### Capitalist Exploitation

This simple concept of exploitation applies clearly to the capitalist wage bargain as Marx describes it in his writings about nineteenth-century industrial capitalism. Capitalists own the means of production. They possess, in the form of private property in the means of production, the opportunities most people need if they are to labour productively and earn a living. In order to work, in order to live, most people must sell their labour-power to capitalists on terms advantageous to capitalists. This makes most workers vulnerable to capitalists, and capitalists are in a position to take advantage of this vulnerability; they are able to use the advantage given them by their ownership of the means of production and thereby to use the labour of their employees to extract profit on terms far more beneficial to them than to the workers. Where the conditions just described prevail, this justifies our saying that capital *exploits* the labour of workers. It makes sense to think of Marx as claiming precisely this when he asserts that capital exploits labour.

This account of capitalist exploitation, unlike the technical notion of *s/v*, is not based merely on the formal roles of capitalist and wage-labourer. It does not depend in any way on the so-called 'labour theory of value' or on any particular economic theory. It is not a necessary truth but a contingent fact about the situation of those who own means of production, of those who need to labour using these means, how the latter are vulnerable to the former, and how the former makes use of this vulnerability to their advantage. For the same reason, it is plainly not true that every relation involving the roles of buyer and seller of labour power is exploitative of labour. There are even cases in which the worker exploits the capitalist in just this sense. For example, the owners of sports teams have a special need for highly talented players if they are to win and their

enterprise is to be viable. This makes them vulnerable to sports superstars, who are in a position to exploit that vulnerability. More generally, workers with scarce labouring skills have a way of combating the advantage capital has over them in the form of its ownership of their opportunity to labour. It was crucial to Marx's account of nineteenth-century capitalism that productive techniques in the industrial revolution had made most of the labour needed in factories unskilled labour. Other factors besides special skill, such as legal regulation of the conditions of labour or collective bargaining by workers with employers, may also reduce the vulnerability of labour to capital. But those who own the means of production have an interest in minimizing all these factors, and in employing as few workers, and as unskilled workers as possible, so as to make labour vulnerable to capital and easier to exploit. Where the vulnerability of labour to capital exists, and the wage bargain reflects it, there are good grounds to say that wage labourers are being exploited by capital. And in capitalism at all stages this is the predominant form assumed by the relation of capital to labour.

### **Exploitation and Justice**

Exploitation, conceptualized as use grounded on control, or grounded on vulnerability, is not necessarily unjust or bad. Control is usually a good thing, at least for the one in control. Sometimes one person who is vulnerable to another deserves to be vulnerable, or at least their vulnerability is nothing to be regretted. If I am a lawyer defending a client in a civil case, my defence may be vulnerable in certain ways due simply to the fact that my client really was negligent and did cause harm to the plaintiff. In that case, if you are the plaintiff's lawyer and you exploit these weaknesses in my case for the defence, you are not doing anything wrong or unjust; on the contrary, your exploitation of the vulnerability in my case is the way justice will come about in a court of law. If in capitalism, workers are thought to deserve their vulnerability, or capitalists their advantage over workers, then that might be reason to suppose that the exploitation of labour by capital is just. This happens when apologists for capitalism use the Aesop's fable to represent capitalists as industrious and prudent ants, and workers as shiftless, improvident grasshoppers. On the other hand, it would be rightly judged unjust if workers have a right not to be vulnerable to capital in the way they are, or if capital has no right to the bargaining advantage it has over them. It is worthy of note that although Marx spends some time at the end of *Capital*, volume 1, to show how the 'primitive accumulation' of capital in England came about (and that it did not come about in the way the apologist's fable might suggest), in fact he devotes little or no attention the claims about rights

and justice considered in the last couple of sentences. This is evidently connected to his refusal to claim that capitalist exploitation is unjust. But it does not entirely account for it. We will consider later a fuller explanation.

If we accept the account of exploitation I have given so far, we can see why it is not a necessary truth that the wage bargain involves exploitation of the labourer by the employer. If this is ever true, it is true contingently. Even where wage labour does involve exploitation of employee by employer, it is a separate question whether this is just or unjust. Therefore, nothing in Marx is the least bit incompatible with Kant's claim that a contract of labour for wages (*locatio operae*) is a valid form of private right (*MS*, 6: 285).<sup>1</sup> So far, the views of the two philosophers might be entirely consistent.

In capitalism, however, it is a systematic social fact that workers are, by and large, vulnerable to capitalists and the accumulation of capital itself is due to the systematic effects of capital's exploitation of this vulnerability. Factors that might strengthen the position of workers – legal regulation of the conditions of labour on behalf of workers, the organization of labourers for collective bargaining – were weaker in Marx's time than they later became, but more recently capitalism has become more like it was in Marx's time than it was in the mid-twentieth century. The advantage capital has always had over labour during the modern period has always made most labourers vulnerable to capital. In the vast majority of cases, the relation between employer and employee has always been a relation between exploiter and exploited. If this exploitation is of a kind that involves injustice, then it is easy to understand why those who are persuaded by Marx's depiction of nineteenth-century capitalism would find it plausible to consider capitalist society unjust.

### **Rightful Freedom and the State**

In order to make sense of such claims, however, we need not only an account of exploitation, and also a picture of how capitalism was and is, but also an account of justice. That's where Kant's theory of right might come in. The theory presented in the *Doctrine of Right* belongs to an early modern tradition that includes Locke, Rousseau, Kant and Fichte. According to this tradition, justice involves giving each person that to which he or she has a *right*. Rights are protections of *freedom*. Originally and fundamentally, people have rights not to welfare but only to freedom. Freedom, as understood in this tradition, is a *social* relation: as Kant puts it, freedom is independence of constraint by the will of another

(MS, 6: 237). In recent literature, this concept of freedom has been called ‘republican’ or ‘neo-republican’ freedom, ‘freedom from domination’ or ‘freedom as non-domination’. I am free, in this sense, to the extent that my actions are not in any way constrained by the will of anyone else.

On this conception total or unrestricted freedom for me would be possible only if I could never be limited or constrained by anyone else’s will, and that could happen only if all the people with whom I could interact were completely subject to my will, and therefore had no freedom at all. Therefore, a just *society* – one in which every person has that to which they have a right – one in which everyone’s freedom is protected – must also be one in which everyone’s freedom is limited in certain ways, so that others may also be free. In the modern tradition I am following, the most basic reason for there to be a political state is so that everyone’s freedom could be protected on terms that are reasonable for all. Kant therefore described *rightful* freedom as freedom in accordance with universal law (MS, 6: 230–1). Rousseau called it ‘civil liberty’ – that is, the liberty allowed you in accordance with the general will expressed in laws, and contrasted civil liberty with natural liberty you have to abandon in order to make the transition from the state of nature to the civil state (*On the Social Contract*, 1.8).

The tradition in which Kant stands conceives of justice as the work of the political state. The state’s fundamental purpose, in fact, is that of establishing and maintaining what Kant called a ‘condition of right’ (*Rechtzustand*) – a condition in which the freedom of all is protected according to universal laws. The mechanism by which the state does this is coercion – forcing people to do certain things and to refrain from other things – the very thing, in fact, which is the very opposite of the freedom the state exists to protect. And this makes perfect sense. For if the point is to protect everyone’s just or rightful freedom – their freedom according to universal law – then the power of each to infringe on the rightful freedom of others must be limited, and that means limited by coercion. It is not enough for you to be free of constraint by my will that I do not happen to want to constrain you. For as long as I have it in my power to constrain you, you are still subject to constraint by my will. You become free from constraint by me only if there is a power that coercively prevents me from constraining you, a power that coercively protects your rightful freedom. Freedom for all depends, therefore, on the existence of a coercive power to which all of us are subject. This power remains a protection of our freedom, however, rather than a tyrannical infringement on it, only so long as its exercise of coercive power is itself limited.

Kant stands in the tradition of Locke and Rousseau, where the coercive power of the state is designated as its *executive* function. The state remains a protector of rightful freedom rather than a threat to it only as long as the executive power is subject to the *legislative* power of the state, which requires that the executive protect the freedom of each citizen from constraint by the will of other private citizens, but also requires that the executive itself be limited to its lawful function of protecting the rightful freedom of individuals. It is not the function of the executive to make citizens happy, therefore, but only to keep them free. A paternalistic state, one in which the executive undertakes to coerce citizens with a view to securing their happiness rather than their rightful freedom, is for Kant ‘the greatest despotism imaginable’ (TP, 8: 291). State coercion must always be exercised in the name of protecting rightful freedom, never in the name of any end, however noble that end might be.

Yet although the basic function of the state is to protect people’s freedom according to universal law, there may be many things a state needs to do in order to preserve and perfect a condition of right that do not directly involve protecting people’s freedom. Maintaining the position of the state to command, of the law to be respected, the willingness of citizens to submit to the laws, all may involve political aims and projects that promote welfare and not only freedom. As we will see presently, freedom from domination itself may require certain levels of welfare for its continued existence.

### **Freedom and Coercion**

From the point of view of freedom as non-domination, the question whether some form of exploitation is unjust becomes the question whether it infringes someone’s rightful freedom – presumably, the rightful freedom of the exploited. This is the freedom that can be, and ought to be, protected by the state. But in order to understand what freedom (freedom as non-domination) involves, we have also to become clearer about its opposite: *coercion*. For in its protection of freedom, within this tradition, the state uses coercion – that’s how it prevents one person from infringing the rights of another, by exercising coercion to prevent them from dominating another by coercing the other. So we need to say something here about what coercion is.

Kant does not directly address the question what coercion consists in. And there are a number of different philosophical concepts of coercion available to us through which his theory of right might be interpreted. I think they need not be competitors, because they are often designed for

different tasks. Some are designed to distinguish cases where coercion relieves the coerced of responsibility for coerced actions. But here we are interested in something different: coercion as a threat to freedom as non-domination. This would be either coercion used in unjust domination, or coercion that makes unjust domination possible, or coercion used to prevent unjust domination.

The concept of coercion I propose is rather simple: You are coerced to do something if you either have no choice but to do it, or if all your other choices are *unacceptable* (for more on this, see Wood 2014). I take being *coerced*, being *forced*, being *compelled* all to be the same basic notion. Being *constrained* is related, but different: Your choices may be constrained even if there are a plurality of acceptable ones. The notion of coercion is no clearer than the notion of an acceptable option. I take it to be an objective notion: There are objective facts about what is acceptable or unacceptable for a given agent in a given situation. Agents can be in error about what is acceptable or unacceptable.

I take this account of coercion to be an alternative to the ‘worse-off-relative-to-a-baseline’ approach that has been popular since Robert Nozick proposed it (Nozick 1969). The basic problem with this approach is that ‘worse off’ is a notion relating to *welfare*, while coercion is about *freedom*. You can be made worse off without any of your previous options being made unacceptable to you, and in this case your being made worse off does not coerce you, or even constrain you – even if you are being treated unfairly or unjustly by being made worse off.

Options can be unacceptable for a variety of reasons, both moral and non-moral. It is unacceptable to get yourself killed in order to keep your wallet: that is a non-moral reason to give your wallet to the mugger, and it means that you are coerced to give it up. It is unacceptable to steal the money you need to pay a debt: that is a moral reason why you are forced to get the money some more honest way. It may be unacceptable to quit a job if you thereby lose medical insurance or are made worse off in other ways. Certain levels of welfare, relative to social conditions and expectations, may be required for an acceptable life, and therefore the protection of freedom may require satisfying these conditions. On my view, people can be coerced (forced, compelled) even if there is no assignable person or persons who coerces (forces, compels) them. If I either take the low-paying job you offer me or see my family starve, then I am forced to take that job, because seeing my family starve is an unacceptable option. But neither you nor anyone else may have put me in that position.



This last example is obviously relevant to issues about capitalist exploitation, because it suggests that workers might be in a position where they are forced to take a job on the capitalist's terms. And of course once they do, the capitalist is in a position to coerce them further, since what the capitalist buys in exchange for wages is essentially authority over the actions of the worker – at least while the worker is on the job, sometimes beyond that as well. If the worker does not comply, the capitalist can fire the worker and hire someone else. Being fired may be unacceptable to the worker; where this is so, the worker is coerced to follow the capitalist's orders. In the actually existing capitalist system, the acceptable options of capitalists have always usually been wider than the acceptable options of workers. This is another way of describing the vulnerability of the worker to the capitalist that lies at the foundation of the capitalist's exploitation of the worker.

### **Exploitation as Particular Wrong**

One view that has been defended is that exploitation necessarily treats the exploited person as a mere means, giving no weight at all to their interests. This would seem to put it at odds with the Kantian ethical principle that every person should be treated as an end in itself, never merely as a means. A prominent defender of this idea is Ruth Sample (2003). I think this may apply to some extreme forms of exploitation, but there are many forms of which it is obviously not true. The famous novel *Gone with the Wind* depicts the benevolent slave-owner Ashley Wilkes as not treating his slaves merely as means, but also caring for their welfare (as a father might care for his children – except that most fathers do not live off the labour of their children, as Ashley does off the labour of his slaves). But we now think he is not only clearly exploiting them, but also clearly violating their human rights and not treating them as ends in themselves. It is sometimes claimed that capitalists treat their workers as ends in themselves merely by dealing with them in the free market and through contractual relations, which shows respect for the worker's will as a party to the wage contract and willingness to provide for the worker's welfare in accordance with its terms. There are some wage agreements where this is a mere sham pretence, but I think capitalist wage labour is typically exploitative even where it is not a sham. Moreover, the Kantian principle invoked here is a principle of ethics, not of right. If we are interested in whether capitalism is unjust, or violates the rights of workers, rather than the question whether capitalists are unvirtuous individuals, the relation of capitalism to Kantian ethics is not relevant.

It is sometimes claimed that exploitation requires that the exploiter benefit *at the expense* of the exploited. In one way, this seems right. In the

case of the capitalist wage-bargain, capitalists tend to benefit more, in the sense that, by and large, they enjoy greater incomes, greater wealth and power, social and political influence, than their workers do. But sometimes it is claimed that there can be no exploitation where the transaction is mutually beneficial. This does not seem to me right. Relative to where they would be without it, both the worker and the capitalist benefit from the wage-bargain. The blackmailer's victim also benefits from their bargain – the victim's secret remains hidden. Many exploitative arrangements are mutually beneficial. The exploited may even benefit more from the arrangement, because ending it would be more costly to the exploited than to the exploiter. Your blackmailer may even take pains to remind you how little it would cost him to divulge your secret, in comparison to how much it would cost you. ('Your wife would divorce you, you would lose your job, you would become a social pariah, you would go to jail.') Likewise, the capitalist can usually find another worker much more easily than the worker can find another job. It belongs essentially to being in a weaker bargaining position that you would have more to lose if you were not exploited.

The idea that the exploiter must extract more benefit from the relation than the worker can be defended only by specifying the alternatives to the exploitation in ways that are controversial. Perhaps we apply this to the blackmail case by comparing the actual situation to one where the blackmailer does not know the secret, or else keeps quiet about it without asking to be paid. Or we compare the worker's case with one where the worker could be self-employed instead of having to depend on the opportunity for labour that is owned by the capitalist. But these are not usually the most natural contrast cases – especially from the capitalist's or the blackmailer's standpoint. Even the fact (where it is one) that the exploiter is better off does not seem to settle the question. A blackmailer of modest means can blackmail a wealthy person, and the fact that the victim is still a lot better off does not prevent it from being exploitation. The decisive issue, as I see it, is who we take to be vulnerable and who is in the driver's seat. This too can be controversial, especially in cases where both seem to be benefiting. But in most cases we are strongly tempted to call *exploitation*, I think there is a clear advantage of one agent over the other, and this is decisive as to whether we call their relation exploitative.

This is also crucial for the issues about freedom, coercion and rights that may arise in many cases of exploitation. If I have no acceptable alternative to taking the job you offer me on your terms, then I am forced to take it, and do not have the freedom not to take it. If we determine that it

belongs to a free mode of life, to my rightful freedom, that someone is not put in a position where they are coerced in this way, then the exploitation involves a violation of my rights, and constitutes an injustice.

Marx describes a society in which one class exploits another, in which the working class is in a position of vulnerability such that its members have no acceptable alternative other than working for the capitalist class under exploitative conditions. This description, I believe, applies to present-day capitalism as well as to the nineteenth-century capitalism Marx was describing. Indeed, it applies to present-day capitalism more than it did to capitalism fifty years ago, when organized labour had made the bargaining position of workers better than it was in Marx's time, and better than it is now. Marx's basic charge against capitalism is that exploitation of the working class deprives it of freedom. Marx does not call for the workers to be made more comfortable or more prosperous. He calls for their emancipation. Higher wages would only be, in Marx's words, 'a larger peculium', a 'relaxation of the golden chain the worker has forged for himself' that enslaves him to capital (*Capital*, 1.769).<sup>2</sup> He wants not to make wage labour better, but to abolish it. He wants the workers to be *free*.

For this reason, it is natural and understandable that those who have a conception of freedom as non-domination, of people's rights as grounded on that freedom, and a conception of justice focused on these rights, will think that capitalist exploitation is also *unjust*.

One possible thought here might be that exploitation is unjust because in the transaction between exploiter and exploited, the exploiter *wrongs* the exploited by extracting benefits from a relation into which the exploited cannot reasonably refuse to enter (see Valdman 2009). This may sometimes happen, but it need not happen. As Marx presents capital's exploitation of labour, if it is a case of unjust exploitation, then it is not typically a form in which the individual capitalist wrongs the individual worker. Part of the reason for this is that there could not be any general obligation not to extract benefits from a relation into which the other cannot reasonably refuse to enter. The exploited may not be in a position to refuse to be exploited, but the exploiter may also have no acceptable alternative but to exploit. The economic system may force both exploiter and exploited into their roles. Not being free not to exploit, individual capitalists could not wrong individual workers by exploiting them. This in fact is precisely what Marx thinks about capitalist exploitation (*Capital*, 1.92).

## General Injustice

Kant has some ideas about wrong and injustice that may help us here. He thinks you can do wrong without wronging any assignable person. This is what is going on in the infamous ‘murderer at the door’ example (VRL 8: 425–30, *MS*, 6: 303–4). Kant is assuming in this example (for reasons that need not concern us here) that the statement you make to the would-be murderer is a ‘declaration’ – a technical term in his theory of right, referring to statements on whose truthfulness all are authorized to rely as a matter of right. (Most people do not see that Kant is making this rather counter-intuitive assumption; that blindness is the main reason, I think, why they find his position on the example so horribly wrongheaded. See Wood 2008: ch. 14.) His point is that even if the murderer, through his murderous intent, has forfeited the right to be told the truth, you nevertheless wrong the system of right by falsifying your declaration. Conversely, Kant thinks you can be treated unjustly – deprived of your rightful freedom – even if no assignable individual does you any wrong or injustice. His term for this is ‘general injustice’ (VE Collins 27: 416). Kant thinks that the poor in modern society are victims of general injustice. According to Kant, it is the duty of the state, as protector of the rightful freedom of individuals, to rectify general injustice (VE *Vigilantius* 27: 416; cf. *MS*, 6: 454, Ak, 20: 140–1).

From a Kantian standpoint, it seems to me, capitalist exploitation is most plausibly regarded as unjust exploitation if it is treated as a form of general injustice. According to Kant’s theory of justice, every citizen in a well-ordered civil society has the right to be *sui iuris* (one’s own master) (TP, 8: 295; *MS*, 6: 270). This prohibits slavery, serfdom and indentured servitude, though not the wage contract (*locatio operae*) (*MS*, 6: 283–324, 330, cf. *MS*, 6: 285). But this thought might naturally be extended further than Kant actually extends it, and seen as prohibiting most forms of capitalist wage labour. All would have an absolute right to labour, all who are able would be required to work for their living, and no one’s opportunity to work could be the private property of another. No one, not even the industrious ant, could deserve, or earn, ownership over the opportunity of another to labour. No one, not even the lazy grasshopper, ever deserves to have their conditions of life become the private property of someone else.

The state would be assigned the task of rectifying the general injustice involved in capitalist wage labour. How the state might do this, however, is a more difficult question. No direct answer to the question, but perhaps an indirect one, was provided by Fichte, in his *Foundations of Natural Right* (1796–7) and *The Closed Commercial State* (1800). In these

works, Fichte argues that justice requires a redistribution of wealth and a state-regulated market economy in which each person is both required to labour but also guaranteed an estate (*Stand*) – a social position with the resources and opportunity to labour independently of any form of private or personal dependence. They are protected by being assigned to a determinate estate (*Stand*), and guaranteed the resources needed to support themselves by their own labour (NR 3.210–15, GH 3.409–19).<sup>3</sup> These proposals in fact bear a much closer resemblance to the so-called ‘socialist’ or ‘communist’ economic systems that prevailed in Eastern Europe for much of the twentieth century than anything one might find in the writings of Karl Marx or Friedrich Engels.

In Hegel’s *Philosophy of Right*, there is a penetrating discussion of the way that a condition of poverty for a large mass of the population is systematically created by the workings of modern civil society (PR §§ 242–5).<sup>4</sup> Those who are eligible for what Hegel calls *corporation* membership are protected from this condition; corporation membership is the device through which the modern state fulfils the conditions Fichte would assign to the estates (PR §§ 250–6). But Hegel realizes that not everyone can be provided with corporation membership, and in particular that ordinary wage labourers cannot (PR § 256R). Hegel nevertheless agrees with Fichte that the condition of poverty is itself a form of wrong or injustice: ‘No one can assert a right against nature, but within the condition of society hardship at once assumes the form of a wrong (*unrecht*) inflicted on this or that class (*Klasse*)’ (PR § 244A). Hegel also considers the abolition of poverty to be a task naturally assigned to the state’s ‘police’ power (using that term in the much broader sense that it had in the early nineteenth century, when it referred to all the state’s regulatory powers over the economy, the infrastructure and civil society generally) (PR §§ 230–40). But when Hegel considers the possible remedies open to the state in dealing with poverty, he finds none of them adequate to the task. He sees how poverty in (European) civil society might lead to the establishment of colonies abroad (PR §§ 246–8), but does not treat this as a solution to the injustice. Hegel’s treatment of the problem of poverty in modern society, the sense of wrong to which it gives rise and the inadequacy of measures that might alleviate it, results in a troubled and inconclusive outcome. ‘The important question how poverty can be remedied is one which agitates and torments modern societies especially’ (PR § 244A).

### Marx’s Critique of Justice

On the basis of the concept of exploitation proposed above, capitalism can be seen to be an exploitative system, a system of servitude, not a

system of free labour. But is capitalist exploitation *unjust* exploitation? We have just seen how it might be so regarded from a Kantian standpoint (as a pervasive form of general injustice). We have also seen that both Fichte and Hegel entertained the thought that poverty in modern society is a form of injustice. Fichte, like Kant, assigns the task of remedying it to the state, proposing some radical reforms of whose utopian character he seems acutely aware. Hegel appears to acknowledge that there is no solution to the problem that is at the state's disposal. Marx thought that capitalist exploitation subjects the worker to a form of servitude, but he did not claim that capitalist exploitation does the workers any injustice or violates their rights. He resolutely opposed those in the working-class movement who did make such claims. If we are to understand the relation between Marx and Kant, we need to understand why.

Marx associates notions like right and justice, as Kant and Fichte did, with the political state and the law. To declare capitalist exploitation unjust, therefore, is to be committed to the idea that the state must rectify it. If capitalist exploitation is, as I have suggested, best related to Kant's views by claiming it to be a form of general injustice, then we see that Kant would have agreed with this. But Marx also thinks, as did Locke, Kant and others in the same tradition, that the political state came into being chiefly to protect the right of property, especially private property. For Locke, Rousseau, Kant and Fichte, this right is essential to maintaining personal freedom. The theories of right arising from this tradition, however radical they may seem, all aim at protecting the right of private property before all else. Fichte, in fact, demands a largely state-run economy precisely in the interest of apportioning to each person his rightful property and protecting him in possession of it. As I see it, Marx's deepest and most lasting insight is this: the concept, and the institution, of the right of private property, and the concept and institution of the modern political state founded upon them, were fundamentally justified by the way private property was necessary for human freedom; but the historical process within which these institutions operated has resulted in the contradiction that most private property takes the form of capital. When this happens, private property ceases to be a protection for individual freedom and becomes instead a system condemning the vast majority to servitude. Not only are they exploited by a shrinking minority of their fellow human beings, but the entire species comes to be dominated by an inhuman market no one can control that constantly makes decisions hostile to the freedom of the vast majority.

Marx sees the state and the right of property as having come into being along with certain economic forms. He admits – or rather he insists upon

the point – that private property came into existence because it protected the freedom of those who possessed it. But when private property takes the form of capital, then what is privately owned is not the conditions under which the owner may labour, but instead the conditions under which other people may labour. This puts the owner of capital in a position to exploit those other people, and also to deprive them of the very freedom that private property was supposed to ensure. ‘The capitalist mode of appropriation, the result of the capitalist mode of production, produces capitalist private property. This is the first negation of individual private property, as founded on the labour of the proprietor’ (*Capital*, I.930).

If capitalist exploitation is understood not only as injustice, but also as a wronging of the exploited by the exploiter, then the conclusion is not only that the state is the mechanism for rectifying it, but also that we are to look either to the exploiters or to the state’s punitive action against them, as the remedy. Marx rejected both ideas. He did not see capitalist exploitation as a private wrong, a particular injustice inflicted by individual capitalists upon individual workers. He did not even see it, in more authentically Kantian terms, as a form of general injustice, done to workers in accordance with laws and institutions but capable of (and requiring) rectification by the state. In Marx’s view, capitalist exploitation cannot be abolished by the state or its laws. For in his view, the bourgeois state is merely the coercive mechanism through which the bourgeoisie imposes its class rule. Its function could never be to remedy or prevent the exploitation of labour by capital, because that exploitation is essential to the economic form to which the bourgeois state corresponds.

The revolution that could abolish capitalist exploitation would have to be brought about by the exploited themselves, by the working class. They must organize, strengthen themselves collectively, overthrow the existing order, establish a new economic form, a new form of intercourse (*Verkehrsform*) or a new mode of production (*Produktionsweise*). Changes in the state, in politics and law, may play a role in this transition, but it is an error to assign to them the task of bringing it about. That error, in Marx’s view, would be implicit in the claim that capitalist exploitation is unjust, or a violation of the rights of the workers, because that claim presupposes that the state, and the rights it protects, involve the right of private property as the most fundamental of these rights. A reader of Kant’s Doctrine of Right will find that the fundamental postulate of private right establishes the right of private possession (*MS*, 6: 250–5). Such a reader will also see that the basic rationale for the

establishment of the state is the conversion of private possession from a provisional to a peremptory right of private property (*MS*, 6: 255–7, 312–13). Such a reader will then see that Marx is basing his thinking at this point precisely on claims that are found in Kant's theory of right.

### **Kant and Marx Reconciled?**

There is no disagreement between Marx and Kant at this point, except regarding what might be an assumption of Kant's theory, that the need for a condition of right is a permanent part of the human predicament. But Kant seems to acknowledge that there were pre-agricultural stages of human life – those of the hunter-gatherer and the pastoral nomad – where private property and therefore a condition of right was *not yet* necessary (*MA*, 8: 118–20). So it might not be inconceivable in Kantian terms – even if Kant himself did not venture to conceive it – that there might yet be a future stage of human society in which a condition of right would be *no longer* necessary, and no longer appropriate.

Kant regards the contract of labour for hire as a valid form of right, grounded on the innate right to freedom and the right of private possession. There is no reason for Marx to dispute that. However, Marx regarded wage labour under the actual conditions of capitalism as one in which workers were deprived of a free mode of life and subjected to the arbitrary power of capital. He saw that simply as a condition imposed on them by the capitalist mode of production. Kant's theory of right would also imply that under normal conditions, there is no particular or private wrong done under the conditions Marx describes. But we have seen that the deprivation of freedom involved could be conceptualized in Kantian terms as a form of general injustice, whose rectification would be the responsibility of the state. Since, however, Kant was not acquainted with the phenomena Marx later conceptualized as capitalist exploitation, and therefore had no opportunity consider the pervasive deprivation of freedom it involves, he had no occasion to entertain any remedies to the general injustice that might be imposed by the state. Fichte did consider the condition of poverty a threat to freedom, however, and he offered some radical remedies for it in the form of a state-controlled market economy. Hegel doubted that any such remedies are available to the state. Increasingly, then, thinking among post-Kantian theorists of right tends towards the Marxian conclusion that the state is not capable of preventing or rectifying the condition of unfreedom imposed on the mass of wage labourers in modern society.

Marx diagnosed the illness of modern society as one arising from the very economic form – private ownership – which modern political theories,



including Kant's, saw as lying at the foundation of the political state and of all standards of right and justice generally. He therefore concluded that the only revolution that could liberate the working class is one that would have to abolish private property, and thereby also transcend even those basic standards of right and justice that apply to the political order.

### The Remaining Problem

Marx acknowledges that in the first phase of post-capitalist society, there would have to be some form of distribution of the means of consumption that follows a *right* of appropriation. All who are able must labour, everyone would have an absolute right to labour, and means of consumption would be distributed according to the principle: to each according to his labour-contribution. But Marx argues that this would still be a highly defective principle, because labour contribution is inevitably very unequal, and also bears no relation to the human needs of those to whom the means are to be distributed. Therefore, in a famous passage from *Critique of the Gotha Program*, he declares:

In a higher phase of communist society, after the enslaving subordination of the individual to the division of labor, and therewith also the antithesis between mental and physical labor has vanished; after labor has become not only a means of life but life's prime need; after the productive forces have also increased with the all-round development of the individual, and all the springs of co-operative wealth flow more abundantly – only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: *From each according to his abilities, to each according to his needs!* (C, W 24.86–7)

To identify this last slogan with Marx is a common and a deplorable error. His audience of working-class radicals knew he was quoting it from an 1851 pamphlet by Louis Blanc (Blanc 2012). Perhaps Louis Blanc was himself only alluding to the New Testament: 'And all that believed were together, and had all things in common; And sold their possessions and goods, and parted them to all *men*, as every man had need' (Acts 2: 44–5). In quoting this slogan, Marx is not even endorsing it for the foreseeable future. He is declaring it to be a beautiful thought, but utopian and unrealistic for the working-class movement in the first stage of post-capitalist society. It is certainly *not* being proposed as a principle of 'just distribution' to be used by a coercive political state. Neither Karl Marx nor Louis Blanc nor St Luke is proposing that the state coercively extract from each person every last bit of social contribution their

abilities afford, nor are they demanding that the poor must document their most basic needs to the state before these can be satisfied. Marx states explicitly that this slogan can apply only in a condition of society which no longer thinks in terms of coerced rights and claims – that is, in which ‘the narrow horizon of bourgeois right has been crossed in its entirety’. In short, Karl Marx thinks about this slogan in precisely the same way that any true Christian must think about the communist ideals to which the teachings of Jesus are committed as unquestionably as Karl Marx ever was.

It remains a problem for Marx that he must admit the standard of distributive right cannot be transcended immediately even as he is urging the abolition of that very institution – private property – that is its very foundation. This is a problem for us too. It is self-evident that today too we have yet to reach a point at which standards of right and justice can be left behind, so we cannot help applying even to Marx’s own thoughts our philosophical accounts of such standards – for example, those found in Kant’s Doctrine of Right. Our perplexity here is not a product of our misunderstandings of either Kant or Marx. It will inevitably plague us as long as we live in world subject to the institution of private property and to its concepts and principles of right and justice, while also facing up to the plain fact that from the standpoint of human freedom, and hence from the standpoint of right and justice, capitalism remains a fundamentally inhuman and intolerable social system.

### Notes

- 1 Parenthetical references to Kant’s writings give the volume and page number(s) of the Royal Prussian Academy edition: *Immanuel Kants Schriften* (Berlin: W. de Gruyter, 1902). English translations are from the *Cambridge Edition of the Works of Immanuel Kant*. This edition provides marginal Ak volume: page citations. Specific works will be cited using the following system of abbreviations (works not abbreviated below will be cited simply as Ak volume: page): MA = *Mutmaßlicher Anfang der Menschengeschichte* (1786) (Anthropology History and Education); MS = *Metaphysik der Sitten* (1797–8), *Metaphysics of Morals*; TP = *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793), (‘On the Common Saying: “That May Be Correct in Theory But It is of No Use in Practice”’); VE = *Vorlesungen über Ethik* (Lectures on Ethics), VRL = *Über ein vermeintes Recht aus Menschenliebe zu lügen*, Ak 8, (*On a supposed right to lie from philanthropy*), Ca Practical Philosophy.
- 2 Parenthetical references to Marx’s writings will be cited using the following system of abbreviations: *Capital* = Marx, *Capital*. Trans. B. Fowkes and D. Fernbach. New York: Vintage, 1977–81. *CW* = *Marx Engels Collected Works*. New York: International Publishers.
- 3 Parenthetical references to Fichte’s writings will be cited using the following system of abbreviations: *SW* = *Fichtes Sämtliche Werke*. Ed. I. H. Fichte. Berlin: de Gruyter, 1970.

- GH = *The Closed Commercial State*, SW 3, trans. Anthony Curtis Adler. Albany, NY: SUNY Press, 2012. NR = *Foundations of Natural Right* (1796), SW 3, trans. Michael Baur, ed. F. Neuhauser. Cambridge: Cambridge University Press, 2000.
- 4 In parenthetical references to Hegel's writings PR = *Elements of the Philosophy of Right*. Ed. Allen W. Wood, trans. H. B. Nisbet. Cambridge: Cambridge University Press, 1991.

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