

Thus libertarians lay siege to, and embarrass, Marxists in political philosophy. For it is hard to see how welfare state extraction from a worker could be justified if the infirm capitalist's extraction is not. And it is, I conjecture, the difficulty Marxists have with that sort of analogy which explains why so much energy has been, and is now, devoted to political philosophy by me and some of my colleagues. We have to rethink the theory of exploitation in a fundamental way, in order to condemn neither the redistribution enforced by the welfare state, nor, *a fortiori*, the still more egalitarian redistributive dispensations which, as Marxists, or semi-Marxists, we endorse.

I have rejected (see p. 150) the suggestion that the Marxist complaint about the exploited worker is not that his self-ownership rights are violated but just that he is wrongfully *forced* to yield his labour to the capitalist. Suppose now that I am mistaken, and that what Marxists deplore in the capitalist relationship is *just* that it forces the worker to put in time for the capitalist. (This means supposing that I am wrong to think that Marxian rhetoric about theft and robbery implies commitment to a principle of self-ownership and also wrong in the argument I build on the joyful worker/infirm capitalist case.) Then a libertarian challenge to Marxists would still apply, namely, why is it not similarly wrong to force the taxpayer to put in time for the state?

I am, accordingly, offering a general hypothesis and also a more specific one which entails it but on which it does not depend. The general hypothesis is that the reason why Marxists are vulnerable to libertarians is that it looks as though the latter can say about worker taxpayers in the welfare state what Marxists say about workers exploited by capitalists. The specific hypothesis adds that the relevant statement about exploited workers is that their self-ownership rights are violated. The general hypothesis survives replacement of that specific hypothesis by the alternative that the relevant statement about workers is that they are forced to engage in unrequited labour.

5. I now want to deal with two objections to what I have said. The first objection is based on the political activity of Marxists, and the second is based on their description of the communist future.

The first objection is that the communist movement was, in many

product *if* she labours. I doubt that they would also say, as consistency requires, that the proletarian is, similarly, not forced to *labour* for the capitalist, but only to yield product to him, *if* she labours.

countries, including my native Canada, in the forefront of the struggle for the welfare state. And communists never experienced any intellectual difficulty in sustaining their commitment to that struggle. But how could that have been so, if I am right that there is a serious tension between the justification of the welfare state and the Marxist doctrine of exploitation? How does their struggle for the welfare state square with my attribution to Marxists of a self-ownership principle which the welfare state violates? And the second and somewhat related objection is that the rule which governs distribution in the Marxist ideal society, communism, seems to contradict the principle of self-ownership. The communist rule says 'From each according to his ability, to each according to his needs',¹⁵ and its first part seems to impose a duty to labour for society which is inconsistent with the self-ownership principle.

The fact that the communist movement promoted the welfare state does not, in my view, present any problem for my claims. For communists saw the struggle for the welfare state as a struggle for basic minima for *working* people in particular: public provision was regarded as a modest rectification of the wrongs done to labour with respect to the product of its activity, its products being (in the words of the song an excerpt from which forms the epigraph of this chapter) 'the wonders [it had] made'.¹⁶ In 'Solidarity Forever', the outcast and starving people who need the welfare state are the very people who created the wealth of society. Compare the famous American lamentation of the 1930s, 'Buddy, Can you Spare a Dime'. The man says 'Once I built a railroad, made it run... once I built a tower, up to the sun', and those creations are supposed to show that he should have at least a dime.

In the lines of those songs, people do not demand relief from starvation on the ground that they cannot produce but on the ground that they have produced and should therefore not be left to starve. Two claims to recompense, *need* and *entitlement through labour*, are fused, in a fashion typical of the communist rhetoric of the time in the 'Solidarity' verse which forms the epigraph to this chapter. It was possible to fuse them at the time when the song was written because revolutionaries and progressives saw the set of exploited producers as roughly coterminous

¹⁵ 'The Critique of the Gotha Programme', p. 325.

¹⁶ A Marxist with a strong commitment to *The Communist Manifesto* might find it difficult to justify welfare state provision for the chronically unemployed and unproducing lumpen-proletariat. Here is how the *Manifesto* describes them: 'the "dangerous class", the social scum, that passively rotting mass thrown off by the lowest layers of old society may, here and there, be swept into the movement by a proletarian revolution; its conditions of life, however, prepare it far more for the part of a bribed tool of reactionary intrigue' (p. 494).

he would die without the power over the worker that capital would give him that the infirm man decided to acquire and exercise that power.

Now Marxists are committed by their unqualified claim that appropriation of another's labour time is, as such, unjust, to calling the relationship between the joyful worker and the infirm capitalist unjustly exploitative. And this reinforces my contention that the thesis that appropriation is *always* unjust requires affirmation of a principle of self-ownership. For how could you consider *that* relationship to be one of unjust exploitation without affirming the worker's self-ownership? There is, *ex hypothesi*, no unfairness in the distribution of benefits and burdens which would show that the exchange is unjust.

I see no way of regarding it as unjust without regarding the sadly infirm capitalist as violating the joyful worker's rights in his own powers. So strong is the case for saying that this uncharacteristically unfortunate capitalist should have some rights over this worker's labour power, if necessary through the mechanism of capital imbalance, that you cannot call him an unjust exploiter unless you say that no one should ever have rights in another's labour power.

Someone might say: what Marxists would think wrong here is not that a right of self-ownership is violated but that the worker is *forced* to work for the capitalist. But it is not always wrong to force people to do things. It is, for example, not always wrong to force people to honour other people's rights. If Marxists think (as they undoubtedly do) that it is wrong to force a surplus out of the worker, then that would be explained by a belief that doing so violates the worker's rights over his own powers. I contend that there is no plausible alternative way of explaining why they believe the forcing is wrong.

Someone might now protest that few Marxists would think that the transfer from the joyful worker to the infirm capitalist is unjust. But I am not predicting what Marxists would think. I do not claim that Marxists would *want* to say that there is an injustice here: some might want to and some might not. It is hard to know what Marxists would want to say about the case, since they do not usually discuss such out-of-the-way examples. Being a philosopher, I study out-of-the-way examples to probe the commitments of doctrines, and I claim that, whatever Marxists would *want* to say about the case, they are committed to identifying an injustice in it because of their uncritical belief that extraction of product from a worker through the instrumentality of capital ownership is, as such, unjust. (By calling that belief uncritical I mean, *inter alia*, that it has not

been tested through consideration of possible counter-examples to it.) The example shows that their unreflective doctrine of exploitation commits Marxists to an affirmation of the principle of self-ownership. That principle contradicts the idea that there should be an equality of benefits and burdens among people. Marxists are, of course, very friendly to the latter idea: it occupies a larger place in their hearts than does the principle of self-ownership, which they should reject. The egalitarian idea suggests that the infirm person's possession and use of his capital is blameless, which implies that there is no injustice in it, and that implies that the Marxist doctrine of exploitation is an overgeneralization. The egalitarian thing to say about the case is that no person should be left to die and that it is a piece of luck for the worker that he has sufficient labour capacity to sustain both himself and someone who, if unsupported, would die. It is also a piece of luck for the infirm capitalist that he has the power, through his ownership of capital, to exact support from the worker, and, in the given idiosyncratic circumstances, there is nothing wrong with his having and using that power.¹² Exploiting a person is taking unfair advantage of him. The infirm capitalist takes advantage of the joyful worker, but not an unfair one.

4. Through their uncompromising line on the capital/labour relationship, Marxists come implicitly to accept the notion of self-ownership. But that notion is, as we have seen,¹³ the foundation of libertarianism, which is a reactionary position in contemporary political philosophy. According to libertarianism, the welfare state does to tax-paying workers exactly what, in the Marxist complaint, capitalists do to workers: it forcibly extracts product from them, and, libertarians would add, without benefit of the contract that workers sign with capitalists. Since Marxists regard that contract as a sham, they need not agree that welfare state extraction is *worse* than capitalist extraction. But their theory of exploitation makes it hard for them to regard it as *just*. For they cannot deny that the welfare state makes the productive worker do by force of law what he does for the capitalist by force of circumstance.¹⁴

¹² Needless to say, the above statement implies no retreat from the proposition that a society founded on minority private ownership of the means of production is unjust, and the peculiar example which I used to make a key conceptual point has no policy consequences for socialists, who favour a society in which infirm people would obtain support as a matter of basic right.

¹³ See Chapter 3, section 1, above.

¹⁴ Some socialists think that it suffices in rebuttal of Nozick's claim that taxation is forced labour to point out that, unlike a slave, the taxpayer is not forced to *labour*, but only to yield

required to produce the worker's labour power, to wit, the subsistence goods which he buys with his wage).

Now, the premiss of this objection (that the worker, according to Marx, receives the market value of his labour power) is correct, but the suggested conclusion (that Marx did not think that the worker's rights in his labour power were violated) is hastily drawn.⁷ For Marx frequently spoke of the theft of labour time⁸ and, as I argued at p. 146 above, theft of labour time implies theft of labour power. Accordingly, if the *Capital* connoisseur is right that the claim that the worker's labour power is *stolen* by the capitalist is inconsistent with the proposition that the capitalist pays the worker the full market value of his labour power, then Marx himself was inconsistent: the fault lies not with me but with him.

But we can, I think, acquit Marx of the present charge of inconsistency. To do so, we need to be clear about the status of Marx's claim that the capitalist steals from the worker. Such a claim is, of course, false, when 'stealing' is restricted to its legal sense: no law of bourgeois property is violated in the wage relationship. But that is not to the point here, since it is equally true that no law of feudal property is violated in the relationship between the lord and the serf, to whom Marx assimilates the proletarian in order to show that the latter is defrauded. In each case, there is, according to Marx, a theft in fact but not in legal form: if he is right, the ruling legal forms serve to facilitate the very (non-legally speaking) thefts that Marx describes. In legal form the worker is 'the free proprietor of his own labour-capacity, hence of his person',⁹ but he is no more that in fact than a serf is.

There is, finally, a further and subtler way in which Marx's consistency might be vindicated. For although the capitalist pays the full market value

⁷ Those who draw this conclusion like to quote Marx's *Capital* comment on the circumstance that the capitalist obtains more value from the worker's labour than the value represented by the latter's wages: 'this circumstance is a piece of good luck for the buyer, but by no means an injustice towards the seller' (Vol. I, p. 301). But I think it singularly wooden (pun intended: see Allen Wood, *Karl Marx*, p. 134) to treat 'injustice', in this excerpt, as denoting (straightforward) injustice. 'Injustice', here, means what Engels shows he thought it means, in this parallel passage: '[T]his circumstance . . . is a piece of especially good luck for the buyer, but according to the laws of exchange of commodities by no means an injustice to the seller' (*Anti-Dühring*, p. 284, emphases added).

⁸ See the *Grundrisse* passage quoted at p. 145 above. There are many other relevantly similar passages, including the following one, which is especially interesting and pertinent, since it shows that Marx himself regarded the charge that the capitalist steals (at any rate something) as consistent with his paying the worker what his labour power is worth: 'Although equivalent is exchanged for equivalent, the whole thing still remains the age-old activity of the conqueror, who buys commodities from the conquered with the money he has stolen from them' (*Capital*, Vol. I, p. 728).

⁹ *Ibid.*, p. 271.

of the worker's labour power, and therefore cannot readily be said to steal any of its market value, he might be said to steal part of its use-value, since part of its use-value is its power of producing more than is necessary to keep itself in being, and the capitalist might be said to appropriate that without supplying anything in return: perhaps, then, he achieves the feat of stealing use-value without stealing market value.¹⁰

3. I do not say that anyone who thinks that certain workers are exploited, or even that anyone who thinks that workers are, on the whole, exploited, must affirm a principle of self-ownership. Instead, I say two things. First, and as I argued in section 2, Marxists *in fact* base the exploitation charge on some notion of self-ownership. Second, and as I now want to argue, if, as Marxists do, you take appropriation of labour time as such, that is, in its fully general form, as a paradigm of injustice, then you cannot eschew affirmation of something like the self-ownership principle.

To see that this is so, it is necessary to bear in mind that the traditional Marxist thesis, that forcible appropriation of another's labour time and product by virtue of ownership of means of production is unjust, is expressed as a fully general claim. It does not matter, for that claim, what *sort* of capitalist, or what *sort* of worker, we are talking about. Accordingly, if the traditional Marxist thesis is correct, then the particular case which I am about to describe has to be regarded as one of unjust exploitation.¹¹

Think of a worker who very much enjoys both his work and the wages it brings him and who works for a wholly infirm neighbour who leads a miserable life but who, unlike the worker, has managed to possess himself of a stock of capital. This infirm capitalist lops off just enough of the worker's product so that he, the capitalist, can stay alive. We can suppose that, if something like the stated capital imbalance did not obtain, then the worker would produce for himself alone and callously let his infirm neighbour die. And we can also suppose that it was because he knew that

¹⁰ I am here indebted to Douglas Ehring's ingenious argument that you can steal the use-value of a thing without stealing its market value. I should add that I do not accept Ehring's less important complementary and converse claim that you can steal market value without stealing use-value, and I also do not accept his criticism of some claims that I have made about labour, desire and exploitation. See Ehring's 'Cohen, Exploitation, and Theft', pp. 30ff. For the claims Ehring criticizes, see 'The Labour Theory of Value and the Concept of Exploitation', in my *History, Labour, and Freedom*, pp. 229–30.

¹¹ Everyone will agree that the case to be described is one of exploitation in a morally neutral sense of that term, if there is one, but the question of whether it should be regarded as one of *unjust* exploitation is, it will be seen, rather more delicate.

have other justice-inspired objections to capitalism, they do not clearly distinguish them from this one. (The unequal distribution of means of production, for example, which could be regarded as unjust on independent grounds, is thought unjust by Marxists chiefly because it forces some to do unpaid labour for others.)

To support his condemnation of capitalism, Marx argued that the relationship between buyers and sellers of labour power was in several central respects substantially the same as the relationship between feudal lords and serfs. Feudal law and usage require that the serf give up part of his life to the lord. The theft of the serf's labour time begins when he leaves his own plot and proceeds to fulfil his duties on the lord's demesne. It is manifestly true, a matter not of theory but of observation, that the serf spends part of his time working for himself and another part in uncompensated work for the lord. According to Marx, it is no less true of the wage worker that he is forced to give up part of his life to a powerful superior. But the truth is, in his case, much less manifest. For two surface features of capitalism conceal its underlying reality. First, under capitalism exploitation is mediated by a contract which the worker is formally (albeit only formally) free not to enter: the serf, by contrast, enjoys no formal freedom not to work for the lord. And second, the division of the worker's labour time into time that he works for himself and time that he works for the capitalist requires economic analysis and is not, as it is in the feudal case, a matter of observation.

Marxists say that capitalists steal labour time from working people. But you can steal from someone only that which properly belongs to him. The Marxist critique of capitalist injustice therefore implies that the worker is the proper owner of his own labour time: he, no one else, has the right to decide what will be done with it. But he could hardly have that right without having the right to decide what to do with his own *capacity* to work, his labour power. The claim that capitalists steal labour time from working people therefore implies that the worker is the proper owner of his own power. But Marxists could not think that the worker is the proper owner of his own power unless they thought that the same is true of people in general. Hence the Marxist contention that the capitalist exploits the worker depends on the proposition that people are the rightful owners of their own powers. That proposition is the thesis of self-

⁴ Some people think that the protection he receives from the lord compensates the serf for his surplus labour. Suffice it to say, here, that Marx is not one of them.

ownership, and I claim that (something like)⁵ it undergirds the Marxist case for the proposition that the capitalist relationship is inherently exploitative. The underlying idea is that a person should be sovereign with respect to what he will do with his energies. He should not deploy them under another person's orders in the manner of a slave *and* have part or all of his product taken from him for nothing in return.

I emphasize 'and' to indicate that one may distinguish two (not usually distinguished but nevertheless distinct) elements in the charge that the worker suffers injustice. The serf is, in part, the slave of his lord, because for part of his life he is subject, independently of his own agreement, to the lord's will, and that is wrong because a person should always ultimately be subject only to his own will. He should be in command of what he does, in the way that he is in command of what is done with a piece of private property that he owns. (That command is not, of course, unqualified, and the same applies to the analogous command called for by the idea of self-ownership.) But that rendering of what is wrong with slavery and serfdom (and claimed by Marxists also to be wrong with capitalism) does not refer to a person's being deprived of something he produces. To be sure, the wrong done to a slave is compounded if he indeed produces and does not receive (all of) his product, but his time is stolen whether or not he is also forced to yield up product. So, similarly, the serf is wronged, and, if Marx is right, the proletarian is too, whether or not they produce anything in the time during which they are captive to their superiors, since captivity itself is wrong. A proletarian is wronged even if he is not, in Marx's sense, exploited, because his inefficient employer never gets round to assigning a task to him while he waits, idly, in the factory.

A connoisseur of *Capital*⁶ might object that, even if Marx did affirm some principle of self-ownership, he could hardly have thought that the wage relationship involved a theft of labour power that violated it, since he so strongly insisted that the worker receives the full value of the labour power which he sells to the capitalist (that being the value of what is

⁵ The parenthesis is a gesture in the direction of a weaker claim: it is no doubt unnecessary to affirm an *unrestricted* version of the self-ownership principle in order to claim that the capitalist relationship is inherently exploitative. But Marxists have certainly not reflected on the possible restrictions, and they consequently have not distanced themselves from the unqualified self-ownership thesis. It is therefore a permissible simplification to attribute it to them in that form. (One possible restriction would be a prohibition on *transfer* of self-ownership, which means selling oneself into slavery. That restriction is consistent with describing capitalists as stealing from workers. The same does not hold for all restrictions on the exercise of income rights that go with self-ownership.)

⁶ Readers who find labour theory of value Talmudics boring may wish to skip these final paragraphs of section 2 and proceed to section 3.

6. Marxism and contemporary political philosophy, or: why Nozick exercises some Marxists more than he does any egalitarian liberals

It is we who ploughed the prairies, built the cities where they trade,
Dug the mines and built the workshops, endless miles of railroad laid;
Now, we stand outcast and starving, amid the wonders we have made . . .

(Ralph Chaplin, 'Solidarity Forever')

1. Although I belong to a school of thought which has been called *analytical Marxism*, I am, like other partisans of this position, and as is manifest in the preceding chapters of this book, engaged by questions in moral and political philosophy which have not, in the past, attracted the attention of Marxists. Analytical Marxists are concerned with exactly what a commitment to equality requires, and with exactly what sort of obligations productive and talented people have to people who are relatively unproductive, or handicapped, or in special need. We seek a precise definition of what exploitation is, and we want to know exactly why it is wrong.

What explains this rather novel involvement, novel, that is, for Marxists, or even – for it is no doubt, by now, more accurate to call us this – for semi-Marxists? I do not think that it is explained by the fact that, unlike the Marxists of yore, we are academics with relatively well paid jobs who get money and recognition through pursuing those questions and propounding our answers to them. For we can also get money and recognition through pursuing questions which always *have* concerned Marxists, such as the questions about base and superstructure and forces and relations of production which occupied me for some fifteen years, before my interests shifted decisively in the direction of moral and political philosophy.

I think, instead, that our shift of attention is explained by profound changes in the class structure of Western capitalist societies, changes

which raise normative problems which did not exist before, or, rather, which previously had little political significance. Those normative problems have great political significance now.

One purpose of this chapter is to identify some of those normative problems and to explain why they were less interesting in the past and why they now arise in a poignant way.

2. People like me, who were nurtured on a politically committed Marxism long before they encountered academic political philosophy, come to academic political philosophy with a certain paradigm of injustice governing their reflections. That paradigm is the relationship between the propertied capitalist and the propertyless wage worker, which Marxists take to be a relationship of unjust exploitation. It is a moral datum for politically committed Marxists, or, at any rate, for politically committed Marxists of the not eccentric kind that surrounded me when I was growing up,¹ that there is injustice whenever an owner of capital, by virtue of his ownership of it, extracts product from a worker who lacks capital of his own and who is therefore forced to yield part of his product to a capitalist in exchange for access to means of production.

Why do such Marxists think that the extraction in question is unjust? I believe that they think so largely because they think that the transfer of product from the worker to the capitalist involves what Marx called 'the theft of another person's labour time':² the wage the worker receives matches only part of the time he spends at work, so that hours which should, as a matter of justice, belong to the worker are stolen by his capitalist superior. I do not say that this is the only criticism Marxists make of the capitalist relationship, nor even that it is, for them, the most important one. The criticism that a society based on the capitalist relationship represses the development of human potential is at least as important, but that criticism does not entail that the capitalist relationship is *unjust*.³ My claim is that, for Marxists, the central justice objection to capitalism is the labour theft objection, and that, to the extent that Marxists

¹ I was born in 1941 in a part of Montreal which returned a communist to Parliament in 1945, and my parents, and eventually I too, were active in the communist movement in Montreal, which was vigorous until 1956; see Chapter II, section 1, below.

² *The Grundrisse*, p. 705.

³ To see that non-entailment, notice that a social system might repress the potential of all of its members equally, to no one's benefit, and not at the behest of any particular section of society: there would then be no ingredient of injustice in the repression. By contrast, there could not be a system under which each person suffers, through expropriation, a net loss of labour time.