

In countries where they are not the ruling party, Communists the world over are in singular agreement that distributive justice can be achieved only by total reorganization of society. Strategies and tactics employed to achieve that end are all too familiar. Utopian goals are projected and the failure of the existing regime to achieve them is alleged to be deliberate injustice. Labor organizations, universities, churches, and other institutions of limited purpose are sought to be captured and used as instruments of political power. Law enforcement is to be made ineffective; news channels controlled or intimidated. When necessary, sabotage, assassination, and guerrilla warfare are to be used. Chile may be a partial exception.

Why is there such unanimity among Communists that economic and social justice can be achieved only by victory in social war rather than through legislative reform, political negotiation, or collective bargaining? Of course, the doctrine is well known: Under capitalism the masses of the people can never achieve the material abundance to which they are entitled because those who control the means of production are acting for their own profit, not for the benefit of the people; Law preserves the capitalist organization of society and thus is an instrument of oppression; Representative government is a façade behind which the capitalist elite rules. But why is the doctrine so persistently believed by so many Communists?

It can not be because of historical verification. Economic and social reform legislation has been massive and sustained in the countries of Western Europe and the Americas, and the position of the worker has dramatically improved since Marx wrote. This paper will suggest a theoretical reason for the persistence of the Communist doctrine that economic and social justice can only result from complete victory by one social class over another.

We begin with the dialectic. Since "alienation" is given such importance by the Communists, Hegel's PHENOMENOLOGY OF MIND suggests itself. Absolute Spirit progressively externalizes each aspect of itself in History and in Nature, in order to come at last to self-conscious knowledge of itself. The aspect of self that is externalized as explicit object is, by reason of its "foreignness", self-consciously knowable. But explicit object remains one with universal Ego, or Spirit, and being self-moved returns again into its own unity. Every "moment", short of complete self-conscious knowledge, contains the distinction between universal knowing self, and specific, externalized object and also the process by which the distinction is "cancelled and transcended." (1) If one may summarize, Hegel says that self-conscious knowledge alienates object and knower, and this alienation must be overcome at a higher level of understanding.

¹ Hegel, *The Phenomenology of Mind*. 789-808, trans. J.B. Ballie, George Allen & Unwin, London, 2 nd. ed. 1949.

When Marx shifted from dialectical idealism to dialectical materialism, problems arose with respect to human knowledge and intentional action. The **COMMUNIST MANIFESTO**, published in 1848, is a call to the workers of the world to arise, cast off oppression, and build a better world. Therefore, Marx must have believed that his ideas would inform and would guide intentional actions, and not just explain social changes that had occurred without human knowledge and intentional action. On the other hand, in his developed theory Marx gave primacy to material conditions over ideas as causative factors in social change. In 1859 he said in the Preface to **CRITIQUE OF POLITICAL ECONOMY** that men enter into production relations that are "independent of their will," and, "It is not the consciousness of men that determines their existence, but, on the contrary, their social existence determines their consciousness."² Marx, therefore, was not unambiguous and consistent on the issue. Certainly, the primary historical impact of Marx's ideas has been as guides to action. Since this accords with his own early purpose, perhaps one should discount the later attempt to achieve scientific precision by eliminating human choice and read Marx as assigning a role to human knowledge and intentional action (which, after all, need not include exercise of free will) in forming production relations as well as informing the superstructure of society. However, this much-debated question need not concern us at the moment.

There is a further problem concerning human knowledge and intentional action with respect to dialectical materialism, which is of central concern for our present purposes. That is the distribution of capacity to know and to act to reconstitute society, whatever scope is attributed to the role of knowing and acting in social reconstitution. Do all persons in a society have such capacity, or only some? Perhaps the closest analogy to Hegel would have been to place knowledge of both old and new material conditions in the whole people of a nation. The model might operate somewhat as follows:

Step One: Self-conscious knowledge of new material conditions of production alienates all those persons who would lose advantages by change to the production relations implied by the new conditions and also alienates all those persons who would gain no new advantages and who would be discomfited by change.

Step Two: Persons who would gain new advantages under the new production relations propose specific actions leading toward full implementation of the new production relations; justify each proposed action as necessary to economic and social justice in light of the new material conditions; minimize, and agree in advance to limits on, the disadvantages that would be suffered by others; and propose procedures to minimize any unsettling effects upon persons who would neither gain nor lose by adoption of the new production relations.

Step Three: Persons who would lose advantages under the new production relations agree to or reject each proposed action looking toward adoption of the new production relations, and justify their po-

2. Marx, *A Contribution to the Critique of Political Economy*, 11-12, International Library Publishing Co. ed., 1904, translated from the Second German Edition by N. I. Stone, Kerr & Company, Chicago, 1911.

sitions as necessary to economic and social justice either on the basis of the new material conditions or on the basis that the allegedly new material conditions do not supersede the old conditions.

Step Four: A struggle ensues in which proponents of change and opponents of change exercise the power they can muster for the purpose, including economic power, political power, the power of persuasion, and even physical force, within limits, however, set by a concord of belief and historical experience that makes them one people working through a moment of alienation toward a new and more fruitful level of knowledge and experience.

Needless to say, this is not the course that Marx took. However, he was even less helpful on distribution of knowledge than he was on its role in reconstituting society. It is necessary, therefore, to rely on inference. Marx viewed history as a series of fights between opposing classes, oppressor and oppressed, which resulted in common ruin or in revolutionary reconstitution of society. He expressed this view in the *MANIFESTO* and also in the later *CRITIQUE OF POLITICAL ECONOMY*.⁽³⁾ From this view we must conclude that Marx assigned to the dominant class in any historical period knowledge of only the material conditions, or production relations, upon which its dominance rested. Knowledge of newly emerging material conditions, or new production relations, Marx apparently placed only in the currently oppressed class. "Revolutionary reconstruction of society" results from victory of the oppressed class over the oppressors, the bourgeoisie sprouting from the medieval serfs and building a new structure of society in which bourgeoisie are dominant.

Karl Kautsky and the social-democratic interpreters of Marxism understood the category of the "oppressed" class to refer to concrete, flesh-and-blood persons. Kautsky argued that the "revolutionary reconstitution" of society would take place after the working people had actually come to full knowledge of the possibilities implicit in new conditions or production relations and, raising themselves economically, intellectually, and morally by that knowledge, they reconstituted society in a new and more just order.⁽⁴⁾

Lenin and the Bolsheviks, however, apotheosized the oppressed workers into a class of abstract individuals. Under the Communist interpretation of Marx, the oppression the workers had suffered would not be the searing experience through which they would rise to reconstitute society in accordance with their purified understanding of the possibilities inherent in the new material conditions. Instead, the theoretical knowledge and understanding of the intellectuals of the Communist party would be substituted for the experience of the workers and their own knowledge of their needs. Henceforth, for Communists the "people" are not actual persons, but an abstract category in Communist theory, strategy and tactics.

3. *Ibid.*, pp. 12-13.

4. Karl Kautsky, *THE DICTATORSHIP OF THE PROLETARIAT*. This pamphlet was written in 1918 to warn against the path that Lenin and the Bolsheviks were taking. See the Introduction by John H. Kautsky to the Ann Arbor Paperback ed., University of Michigan Press, Ann Arbor, Michigan, 1964.

This is why social change is a matter of social war for Communists, and why any actual gain of actual workers under a non-communist regime is deplored as a setback to Communist capture of full power, which will lead to a reconstitution of society in accordance with Communist theory rather than the actual needs of the real people. The reconciliation of actual owners and managers and actual workers and reconstitution of society through progressive income tax, social security, land reform, collective bargaining and other laws and institutions CAN NOT accomplish the transcendence of the alienation of the workers and the reconstitution of society in the Communist view because the theoretical "people" will not be permitted transcendence of alienation until the power goals of Communist leaders are reached and the structure of society required by Communist theory is imposed.

Even after Communists have captured power in a state, the needs for the people as understood by themselves may not prevail against the theoretical needs of the abstract "people." Stalin slaughtered millions in his drive to bring all the means of production, including agricultural production, under the control of the Communist party. In the middle of World War II when the German armies had overrun much of the southern plains on which Russia depended for food grains and were threatening Stalingrad and the Caucasian mountain passes guarding Russia's only dependable oil supply, Churchill asked Stalin if the stresses of the war were as great on him as the Collective Farm policy. Stalin replied, "Oh, no, the Collective Farm policy was a terrible struggle." (5) Robert Conquest has recently pointed out some startling figures in the 1959 Soviet Census. In the age group 35-39, who were in their early twenties in World War II the Soviet Census shows a proportion of 391 men to 609 women, indicating the heavy war casualties. But in the age groups most affected by Stalin's purges of the 1930's the proportions are: 55-59 age group, 334 men to 666 women; 60-69 age group, 349 men to 691 women; over 70 age group, 319-681 women. (6)

Of course philosophers can not be held responsible for paranoid uses of power which their ideas are adduced to justify. Still, it is a pity that Marx did not follow Hegel's dialectic more faithfully, providing subsequent generations of social theorists and political activists with not only the idea of alienation but also the idea of transcendence of alienation and reconciliation of all elements in a society. How fruitful such an idea might have been. It might have served as a bridge between philosophers who have studied values in relation to interests and concrete social conditions and those who have searched for enduring and universal limits to positive law. What a contribution that would have been to the social and legal philosophy of the twentieth century!

Instead, Marxism in its Communist interpretation is a metaphysical jurisprudence, a relic of earlier centuries, while the rest of the intellectual world has moved on, as Pound noted, from abstract categories of abstract persons to the "concrete claims of concrete human beings." (7)

5. Winston Churchill, *The Hinge of Fate*, 498, Houghton Mifflin, New York, 1959.

6. Robert Conquest, *The Great Terror: Stalin's Purge of the Thirties*, 534, Macmillan, London, 1968.

7. Roscoe Pound, *I Jurisprudence*, 528-529, West, St. Paul, Minn., 1959.