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## Can the Base be distinguished from the Superstructure?\*

**Abstract:** This article considers Cohen's claim that the economic structure or base can be conceived independently of the superstructure by addressing his attempt to identify "a rechtsfrei (moralitätsfrei, etc.) economic structure to explain law (morals, etc.)". It examines his programme of presenting relations of production as a set of (non-normative) powers and constraints that 'match' the rights and obligations of property relations. It is argued that, first, Cohen does not carry through this programme rigorously but, second, he could not do so, since it cannot be carried out at all. Three arguments are advanced, the first two against the possibility of a determinate 'objective' account of such powers and constraints, the third against the possibility of abstracting norms (constitutive and regulative, formal and informal) from contractual relationships: it is argued that one cannot identify the powers and constraints embodied in norm-governed economic relationships independently of the norms which govern them. Alternative interpretations are considered of Cohen's programme that might escape these objections, but these are rejected as untrue to his purpose, and in any case ineffective. It is concluded that Cohen fails to distinguish base from superstructure in the manner required.

"In the social production of their life, men enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitute the economic structure of society, the real basis, on which rises a legal and political superstructure, and to which correspond definite forms of social consciousness." (Marx, Preface to A Contribution to the Critique of Political Economy (slightly amended translation, S.L.))

I suppose that this must be the most well-known and argued-over pair of sentences in the entire Marxist canon. Ever since Engels tried to sort out some of the problems they raise, they have been returned to again and again, both by Marxists, orthodox, 'critical', and 'neo', and by critics and opponents of Marxism. Some have suggested that they, and the text from which they come (the Preface to A Contribution to the Critique of Political Economy), should be seen as over-simplified and even unimportant, when set against the great mass of Marx's and Engels's writings about political economy and history. But Marx clearly saw the 'general conclusion' he reports here as having

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'continued to serve as the guiding thread' of his studies; and the thoughts distilled in these two sentences are as distinctive of Marxism as is the continuing dispute over what it is that they really mean.

They raise at least five issues: the theory of developmental stages, the relation between structure and agency, that between material productive forces and social production relations, that between the base, or economic structure, and the legal and political superstructure, and that between the superstructure and its corresponding forms of consciousness. I shall here focus exclusively on the fourth of these issues (leaving largely aside the relations between the third and the fourth and between the fourth and the fifth) by asking the narrow but deep question: Can the economic structure, or base, be distinguished from the superstructure? This is a basic question, for unless it can, the explanations promised by historical materialism, at least as set out in the Preface, will fail. I shall consider the question by presenting the negative answer to it advanced by John Plamenatz and the positive answer advanced by G.A. Cohen (Plamenatz's arguments are most fully set out in Plamenatz 1963, 274-92. Cohen challenges them in three places: Cohen 1970, 1974, 1978). Plamenatz's carefully stated doubts constituted a major foil for Cohen's recent attempt to make sense of Marx's historical materialism, in the most coherent and analytically refined defence it has yet received. It should therefore be peculiarly instructive to examine the grounds for Plamenatz's scepticism and see whether Cohen's ingenious arguments succeed in showing it to be misplaced.

Plamenatz's main claim is that the relations of production "cannot be defined without using moral or normative concepts":

"Unfortunately, it is quite impossible to define these relations except in terms of the claims which men make upon one another and recognise - except in terms of admitted rights and obligations." (Plamenatz 1963, 281)

The more general form of this claim is that "all properly social relations are moral and customary; they cannot be adequately defined unless we bring normative concepts into the definitions, unless we refer to rules of conduct which the persons who stand in those relations recognize and are required to conform to" (283-4). For,

"Since claims and duties and mental attitudes are involved in all social relations, in every side of social life, no matter how primitive, since they are part of what we mean when we call a human activity social, we cannot take any side of social life and say that it determines, even in the last resort, whatever that may mean, men's moral and customary relations and their attitudes towards one another." (284-5)

Against Plamenatz's general claim, Cohen argues that, on Plamenatz's view of 'determination', A determines B if variations in A explain variations in B. On this view of 'determination', Cohen writes, "it is conceptually in order to assert that the character of men's ideas and customs is determined by the stock of instruments of production available to them and/or by their level of economic development. Each of the latter can be

described without referring to customs or ideas." Indeed, Cohen argues, Plamenatz is wrong even in his general claim about sides of social life, for

"it is not clear that a side of social life, as he conceives it, is incapable of determining the ideas associated with it, as he understands determination. The ideas associated with a side of social life may vary as and because the side as a whole varies, and this will meet his sense of 'determine'." (Cohen 1974, 88)

But the key issue, so far as historical materialism is concerned, is whether as Cohen claims, the economic structure "may be so conceived that it is free of all such superstructural encumbrances". In facing this issue, Cohen takes up the challenge by submitting "a method of conceiving the economic structure which excludes from it the legal, moral, and political relationships of men". He does this in response to what he calls "the problem of legality": "if the economic structure is constituted of property (or ownership) relations, how can it be distinct from the legal superstructures which it is supposed to explain?" His proffered solution is to propose "rechts-frei descriptions of production relations" and then "show how production relations, so described, may be said to explain property relations". (Cohen 1978, 235, 217-18, 225) I shall not here discuss Cohen's account of that explanation as functional explanation, but focus rather on his attempt to conceive the economic structure independently of the superstructure, that is non-normatively.

That attempt consists in displaying ownership as a matter of enjoying rights, formulating for every ownership right a "matching power" and then describing production relations in terms of such powers, which "match" property relations. Thus the pertinent ownership rights (such as the rights to use or to withhold the means of production [or labour power], to prevent other persons using them, or to alienate them) are said to "match" corresponding powers, where "power" is defined as follows:

"a man has power to  $\phi$  if and only if he is able to  $\phi$ , where 'able' is non-normative. 'Able' is used normatively when 'He is not able to  $\phi$ ' may be true even though he is  $\phi$ -ing, a logical feature of legal and moral uses of 'able'. Where 'able' is non-normative, 'he is  $\phi$ -ing' entails 'He is able to  $\phi$ '." (Cohen 1978, 220)

The relationship of "matching" is explicated as fully determined by replacing the word "right" by the word "power" in the phrase "right to  $\phi$ ". Cohen adds that the possession of powers does not entail possession of the rights they match, or vice versa: "Only possession of a legitimate power entails possession of the right it matches, and only possession of an effective right entails possession of its matching power." (Cohen 1978, 219)

Rights, Cohen further maintains, not only match (non-normative) powers. On the (unargued) ground that "a power is always a power to do something", he argues that some rights (e.g. my right that no one else use my land) are equivalent to the duties of others to forbear, and these will match others' lack

of power, or inability. So, an adequate rechtsfrei account of the economic framework of production relations which allegedly "matches" the legal framework must incorporate "not only powers or abilities, but also inabilities or constraints". But here again, "just as a power is distinct from the effective right ensuring it, so a constraint is distinct from the enforced duty imposing it. It is not trivial to say that the serf is constrained to work because he is legally obliged to." (237)

Cohen gives two illustrations of how this programme might be put to work: ideal-typical and descriptive. The first is a contrast between the ideal-typical proletarian (who owns his labour power) and the ideal-typical slave (who does not). Applying his method, Cohen concludes that the slave does not have the power to withhold his labor power, while the proletarian does have this power, but only with respect to a given capitalist, not the capitalist class as a whole. The second comes "close to reality" by considering the "rights and powers of contemporary workers, in countries where bourgeois legality prevails". Applying his method again, Cohen concludes that, with the development of workers' collective power, through unions, workers do now, though in a qualified sense, have the power to withhold their labour power, and indeed the further power individually to escape their proletarian situation: they are, therefore, "not de facto 'owned' by the capitalist class". On the other hand, their power to overthrow capitalism and their power to build socialism are in various ways, obscured from their consciousness, and limited by all kinds of costs and difficulties. (222-3, 240-5)

If Cohen's programme were to be carried through, it would, he claims, enable one to explain property relations, that is show how "the property relations change in the service of changes in production relations (which in turn reflect development of the productive forces)". So, for example, following Mantoux, one can explain the collapse of the law of settlement in terms of, first, the law's violation, as production relations allowing mobility were formed illegally, and second, the scrapping out the law, thereby re-establishing conformity between "rights and powers, the de jure situation and the de facto, property relations and production relations". Other examples are the eventual legal recognition of escaped serfs as freemen in cities, the repeal of the law restricting entry into the clothing industry (allowing "a proletariat of textile workers to exist de jure as well as de facto"), the repeal of the Combination Acts and the development of early trade union legislation, the abolition of feudal tenure of land at the Restoration, the development of factory legislation and the use of Roman law in capitalist society to facilitate the development of certain production relations. (226-9)

More generally, Cohen argues, property relations are thus

"functionally explained by production relations: legal structures rise and fall according as they promote or frustrate forms of economy favoured by the productive forces. Property relations have the character they do because production relations require that they have it.

In human society might frequently requires right in order to operate or even to be constituted. Might without right may be impossible, inefficient, or unstable." (231)

In general, production relations are given stability by their legal expression. Historical materialism asserts that that legal expression is to be explained by its function, which is to help sustain an economy of a particular kind: "right r is enjoyed because it belongs to a structure of rights, which obtains because it secures a matching structure of powers". (232)

I have characterized Cohen's programme of purging the base of normative elements, or seeking to identify "a rechtsfrei, (moralitätsfrei, etc.) economic structure to explain law (morals, etc.)". It is now time to ask: can it be carried through?

In the first place, Cohen's own account of his programme is insufficiently radical. For he speaks of the "proletarian" and the "slave", "landowners" and "capitalists" as having or lacking (non-normative) powers. But in speaking thus, he is not speaking non-normatively, since the actors in question are not identified in a non-normative fashion. A slave, for example, is a slave just because he lacks certain rights, just as a landowner by definition possesses certain rights. Statements attributing powers to occupants of roles such as these are plainly not rechtsfrei, at least where they have or lack these powers in virtue of their roles. So, to carry out Cohen's programme systematically, one must eliminate all reference to features of the actors and their roles that refer to or presuppose rights and, more generally, ownership relations. Unless this is done, one will not have excluded from the economic structure "the legal, moral and political relationship of men". The principle of a rechtsfrei conception of the economic structure must be applied rigorously.

In reply to this, it might be claimed, as Cohen does, that the economic structure consists in production relations which relate terms that do not belong to the structure itself (though they do belong to the economy). On this account, one could describe the structure as relating variables, just like the structure of a bridge or an argument: the economic structure is a form whose proper description makes no reference to the persons or productive forces related together by it, and indeed necessary for it to exist. But the relations in question hold by virtue of the rights and obligations attaching to the roles occupied by persons so related: as Cohen himself says, "The structure may be seen not only as a set of relations but also as a set of roles". Therefore, a proper description of the structure will not, as Cohen rightly says, make specific reference to the specific role-occupants, but it can scarcely avoid reference to their normatively-defined roles. To this, of course, Cohen will reply that such roles can be identified non-normatively: as he puts it "economic roles in the required technical sense will be determined not by what persons are de jure entitled and obliged to do, but by what they are de facto able and constrained (= not able not) to do". (Cohen 1974, 95) We shall come to this claim shortly. Only if it can be sustained, will Cohen's programme have been carried out rigorously.

But, in the second place, we must ask: can it be carried out at all? Recall that the aim is to identify an economic structure of production relations, as a set of de facto powers, which will in turn explain the superstructure of law, morality, etc., as a set of rights and obligations. Let us, then, look more closely at this purged or, purified "matching" economic framework of "powers or abilities" and "inabilities or constraints".

I propose here to offer three arguments. The first two attack Cohen's project indirectly; only the third meets it head on. The former, if accepted, put in question the idea that the economic structure, conceived as a set of "powers and constraints", could be described in a single, determinate, objective and rationally incontestable manner. If this is doubted, then the "hardness" of the economic structure (and thus of historical materialism itself) is no longer easy to believe in: how it is conceived will be relative to perspectives that are, in turn, not normatively neutral. The latter puts in question Cohen's claim that norms can be seen as bringing about and sustaining relations of production while remaining no part of their content.

First, then, what count as an agent's abilities and inabilities will be closely dependent upon how that agent is conceived (which only strengthens the first point made above). If the agent (whether individual or collective) is conceived in a sufficiently 'substantial' way, then that agent's abilities will appear to be very narrowly circumscribed; if conceived sufficiently abstractly, they may appear to be very wide indeed. Consider the question: did Bukharin have the power, or ability, to resist Stalin? If you incorporate into your conception of Bukharin enough about his history, his personality traits, his loyalties, commitments, beliefs, and attitudes, then your answer may very well be no. If, however, you conceive him as an abstract, choosing self, capable, within limits (which limits?), of changing course, modifying his traits, abandoning commitments and beliefs, then you may well answer yes. Or consider the question: did the British Labour Government in 1929 have the power, or ability, to avert (or at least better manage) the economic crisis? Here again, the answer depends upon how that Government is conceived - as irremediably constituted by given traditions of thought and action, or as capable of alternative strategies in a time of crisis. Or, to take Cohen's own example, different conceptions of contemporary British workers yield different answers to the question of what powers they have (to withhold labour collectively, to escape individually, to overthrow capitalism, to build socialism) and how much of such powers they have. Moreover, if the agents in question are defined in terms of their roles, that is eo ipso to define their abilities and inabilities, assuming of course that they act in accordance with their roles. But in terms of which roles should they be defined, and how role-determined should they be taken to be?

Second, what counts as enabling or constraining is never a simple matter of fact but it is always relative to background assumptions and judgements, some of them normative. To attri-

bute abilities to agents is to accept as possibly true a set of conditionals, most of them counterfactual, of the form "under conditions C, agent A will do or be x", and to attribute an inability is to rule some such conditionals out. But a deep question is: what are to be included in the conditions specified in the antecedent? Until that is answered, attributions of abilities and inabilities remain indeterminate. But it cannot be answered in a definitive and rationally uncontestable manner.

Consider Cohen's own example of the slave's alleged inability to withhold his labour power. Under certain interpretations of C, this is plainly false, even on pain of death, of some, even perhaps of most slaves (as the history of slave rebellions demonstrates). If, however, one includes in C the condition that the slave behaves "reasonably" or "normally" (that is, that he conforms to yet-to-be-specified norms of reasonableness), then Cohen's claim may well be true. Here I merely wish to draw attention to the fact that not merely is the latter interpretation not normatively neutral, but the choice between them is not so either. Accordingly, no Cohenite description of the economic structure of slavery could be normatively neutral. So, to sum up these two arguments, I have suggested that if it is sought to describe the base in terms of abilities and inabilities, powers and constraints, then (1) which description is appropriate will always be contestable and (2) this will be so partly on normative, that is moral and political, grounds.

Third, it is worth focusing directly on one type of enabling and constraining condition, namely norms.

In general, enabling and constraining conditions may be external or internal to agents. Thus some physical factors are plainly external and some psychological factors plainly internal. Within a certain range, however, whether they are external or internal will itself depend on how the agent is conceived, where the boundaries of the self or the collectivity in question are drawn.

Norms are distinctive in being both external and internal, and in a particular way. They confront individuals as externally given but they can only be generally effective in enabling and constraining them in so far as they are (in H.L.A. Hart's phrase) "internally accepted". Of course, I may be induced to comply with a custom or convention or moral principle or legal rule by the fear of the sanction that would be brought to bear in the case of my noncompliance, but no set of norms stably regulating the behaviour of adults could rely on this mechanism alone. For such regulation to be generally effective, there must exist a high degree of intersubjective acceptance of rules, and of the purposes the rules are taken to serve (though an individual need not believe, in any given case, that his compliance will lead to the fulfilment of that purpose). In short, a stable system of enablements and constraints, to be effective, requires that I and relevant others are generally motivated by certain kinds of shared (teleological) reasons for acting and not acting (see von Wright 1971, 145 ff.). These give such enablements and constraints their distinctively normative character.

Now, it is essential to Cohen's programme that such enablements and constraints be identifiable in non-normative terms, that is in abstraction from what gives them their distinctively normative character. The programme, he claims, "says what production relations are, not what maintains them". He cites the case of an illegal squatter who secures his dominion over a tract of land by having retainers who use force illegally on his behalf, or by perpetrating a myth that anyone who disturbs his tenure of the land will be damned to eternal hell-fire. What that squatter has in common with a legal owner of similar land, whose tenure is protected by law, is that both have the power to use their land. This, so the argument runs, is the content of the production relation in question, in the one case sustained by force and myth, in the other by the law. So the relations embodying normative enablements and constraints are, on Cohen's argument, abstractable from the norms that may have brought them about and maintain them in being. Is this so?

Consider the basic economic relationship of contract. If any relation of production is central to the economic structure of capitalism, this must be it. Can it be described in the manner proposed?

Interestingly, Durkheim took Herbert Spencer to be asserting just this - that economic life consisted in "the spontaneous accord of individual interests, an accord of which contracts are the natural expression", society being "merely the stage where individuals exchanged the products of their labour, without any properly social influence coming to regulate this exchange". To this Durkheim replied that "in the play of these relations themselves ... social influence makes itself felt. For not everything in the contract is contractual". By this he meant that "a contract is not sufficient unto itself, but is possible only thanks to a regulation of the contract which is originally social". Recall that Durkheim defined the social in terms of externality, constraint, and generality (throughout society), plus independence (of individual circumstances); and that he saw the law, in particular, and norms, in general, as paradigmatically social phenomena. Contract law "determines legal consequences of our acts that we have not determined ... We co-operate because we wish to, but our voluntary co-operation creates duties for us that we did not desire". Contract law is not "simply a useful complement of individual agreements; it is their fundamental norm". (Durkheim 1933, 203, 211, 215, 214 (amended translation, S.L.)) Durkheim is here making two points (which he did not distinguish from one another): that contract law, together with a whole network of customary and conventional norms, combine to define the social practice of contracting; and that other such laws and norms regulate contractual behaviour, rendering certain actions possible and proscribing others on pain of sanctions. In short, the relation of contract is, in this double sense, essentially norm-governed. Does not his fundamental objection apply to both Marx and Spencer - or at least to Cohen's Marx and Durkheim's Spencer?



But, it may be asked, is there not a rechtsfrei relationship here, abstractable from the norms that govern it, in either sense?

How would we go about describing it? Cohen's answer is: in terms of the abilities and inabilities of the contracting partners. But abilities and inabilities to do ... what? The performance of contractual obligations is normally described in a vocabulary (paying wages, supplying services, buying and selling, honouring debts) which already presupposes the institution of contract and its regulating norms, as well as a whole network of supporting informal norms. In this sense, the norms that define the practice of contracting enter into the description of the activities involved in that practice. To this, it may be replied that a thin 'behavioural' description of such activities (e.g. handing over money of a certain value, performing certain tasks, etc.) could suffice in the description of the abilities and inabilities. But the trouble is here that such thin 'behavioural' descriptions would underdetermine the appropriate thick, normatively-loaded descriptions: only some payments of money by certain persons in certain ways would count as 'payment of wages', only certain kinds of task performance as the supplying of a contracted service. Recall that Cohen's non-normative relations of production are intended to be 'matching', But how could the 'thin' non-normative description of transactions and dependencies between agents succeed in identifying just those transactions and dependencies which the normative relations involve unless the normative description were already, implicitly or explicitly, presupposed?

Suppose, however, that we overlook this difficulty, arising from the first sense in which contracts are norm-governed. What about the second sense: that is, the sense in which laws and conventions supply agents with certain kinds of reasons for acting and not acting, thereby enabling people to do what they otherwise would not, and preventing them from doing what they otherwise would? Can one describe contractual relationships in terms of abilities and inabilities in a way that abstracts from the operation of such reasons?

An ability and an inability, as we have already seen, are explicable as sets of conditionals, most of them counterfactual. In a pure, non-normative relationship of power - say, of simple coercion - my ability to secure an outcome may be stated as a set of conditionals of the following type: "If I order my slave to sweep the floor, making threat  $t$ , he will do so" or "If I threaten workers with redundancy, they will come into line". But what of normative power-relationships? Here a whole new range of counterfactual conditionals enters the story, of the following type: "If I offer employment at the going rate for the job, the workers will accept the offer" or "If I break the agreement thus made, they will come out on strike". In these cases the enablements and constraints consist in internally accepted norms and would not exist if attitudes changed. The normative beliefs in question enter irreducibly into the description of the powers and constraints linking the contracting parties. In other words, the norms, both informal and formal (the pay norm and the legal obligation to pay it once agreed),

are what enables and constrains the parties - enabling the employers to secure the work on the terms agreed, but not if the terms are broken, by giving the parties certain reasons for acting as they do.

Let us return to the illegal squatter and the legal landholder. I can sum up the two points just made concerning norm-governed economic relationships by observing that (1) both squatter and proprietor can, it is true, keep people off their land; (2) the proprietor, unlike the squatter, can in addition secure the respect of people for his title to the land (e.g. should he wish to bequeath it); and (3) he can do so only by virtue of the reason giving prevalent legal norms governing ownership of property and informal norms governing what landholders may legitimately lay claim to. From all of which I conclude that one cannot identify the powers and constraints embodied in norm-governed economic relationships independently of the norms which, in both senses, govern them.

Is there any interpretation of Cohen's purportedly purified economic structure, allegedly purged of all normative, super-structural encumbrances that escapes the foregoing objections?

So far as I can see, there are only two possibilities. On the one hand, Cohen's proposal may be a purely linguistic one - a proposed translation manual converting all statements about rights and obligations into statements couched in a purged vocabulary of 'matching' powers and constraints.

There are, however, two decisive objections to this interpretation. First, it will not serve Cohen's purpose, since the objectionable normative elements would all survive, albeit covertly, in the identified economic structure: the purging would be solely at the linguistic level. But second, this is plainly not Cohen's intention anyway. His aim, after all, is coherently to "represent property relations as distinct from, and explained by, production relations" (Cohen 1978, 219). He believes that his proposed rechtsfrei characterizations refer to a set of relations distinct from and explanatory of those referred to by talk of rights and duties in the normal sense. Thus, he explains away Marx's own continued adherence to legal terminology when speaking of the relations of production by remarking that

"there was no attractive alternative. Ordinary language lacks a developed apparatus for describing production relations in a rechtsfrei manner. It does have a rich conceptual system for describing property relations, strictly so called. Given the poverty of the vocabulary of power, and the structural analogies between powers and rights, it is convenient to use rights-denoting terms with a special sense, for the sake of describing powers." (224)

In short, Cohen clearly believes that his proposed rechtsfrei terms (and Marx's allegedly special use of rechtsvoll terms) identify relations distinct from, if structurally analogous to, those that rights-denoting terms normally identify.

The only alternative possibility I can see is that Cohen's economic structure, composed of powers and constraints, is intended to exclude all those that are norm-governed. But to this interpretation too there are two decisive objections. The first

is that this would result in a hopelessly impoverished, indeed scarcely coherent, conception of the economic structure. The second objection is that, in any case, it is doubtful that this is Cohen's Marx: that is, that Cohen's programme of identifying a non-normative economic structure is to be understood in this way. For, in answering the possible objection that he is merely expounding the so-called 'force theory', condemned by Engels, Cohen remarks, as we have seen, that "our definition of production relations does not stipulate how the powers they unfold are obtained or sustained. The answer to that question does involve force, but also ideology and the law. The programme says what production relations are, not what maintains them." (223)

I have argued that these two are the only remaining interpretations of Cohen's general programme of purging the economic structure of superstructural encumbrances, that neither does the job; and that neither squares with Cohen's intentions. There is, however, a third and final possibility: to reduce the generality of the programme. That is, one could read it as an attempt to purge the economic structure only of specifically legal elements, narrowly defined, as distinct from those pertaining to custom, convention, and morality. (It is, after all, formulated in response to the so-called 'problem of legality'.) Interestingly enough, this interpretation fits rather well the historical cases that Cohen cites to illustrate how his programme enables one to explain changes in property relations - the free circulation of labour in violation of the law of settlement which was eventually scrapped, the admitting of those of low status to the clothing industry in violation of a law eventually repealed, the formation of illegal unions leading to their eventual legal recognition, and the process leading to the early factory legislation: "the struggle led to fairly well recognized practices, and then the law broke its silence and gave the facts legal form". (229) In all these cases, informal norm-governed practices (responding, it is true, to developing productive forces, which they in turn facilitate) eventually acquire legal form.

But this, less general, interpretation of Cohen's programme once more encounters two decisive objections. It does not square with Cohen's general objective of finding "a method of conceiving of the economic structure which excludes from it the legal, moral and political relationships of men". And second, therefore, it does not succeed in distinguishing the base from the superstructure, in the manner required. At the most, it distinguishes an expanded (norm-governed) "base" from a diminished (narrowly legal) "superstructure".

What, then, are we to conclude from this dispute between Plamenatz and Cohen with respect to the question with which I began?

First, that Cohen rightly points to the need to specify more clearly what kind of 'determining' is involved in historical materialism; and in his book he has contributed greatly to this task. But second, that he has failed to solve the (misleadingly) so-called 'problem of legality' or, more generally, to purge the economic structure of normative elements and thus to distinguish the base from the superstructure.

What follows from this last conclusion? Nothing directly about the explanatory power of Marxist ideas, to the extent that what we may now call this non-distinction is neither assumed nor implied by them. And indeed it is not obvious that even the 'technological' reading of historical materialism that Cohen favours, or Marxian-type class analysis, or, in general, a Marxist approach to the explanation of social processes, whether in primitive or early or modern societies, do require it. It is irrelevant to the distinctions between material and social factors, between class position and class consciousness, and between economic as against legal, political, and ideological factors (provided that these terms are taken to identify spheres of social life that are not required to be conceivable independently of one another). It is, moreover, a dead, static, architectural metaphor, whose potential for illumination was never very great and which has for too long cast nothing but shadows over Marxist theory and Marxist practice. Is it not now time to consign it to the scrap-heap?

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