

Hello students, welcome to paper title legal theory

jurisprudence. Module 11 Marxist

economic theory. Outline Marxist theory of law will deal with

introduction legal philosophy approach to the treatment of

jurisprudence, salient features of Marxist theory and criticism

of Marxist theory. Learning Outcomes. The student will be

able to understand jurisprudence in its technical sense, its

underlying legal philosophy with the help of legal theory as

propounded by Marx.

Comprehend the meaning. Salient Features implications an

application of the theory introduction. Karl Marx is

prominently associated with communist theory of law as part

of economic interpretation of

social evolution. Works of Frederick Engels is also

associated with Karl Marx.

This theory originated in Soviet Union and is also popularly

known as Soviet legal theory.

This theory flourished in countries like China, Eastern

Europe countries and Latin

American countries. Boxes, legal theory concerns itself with

content of law, the nature of which is regarded as reflects of

economic structure. The original version of Marxist theory challenged the indispensability of law and predicted its eventual disappearance. Marxist legal theory has experienced many varieties and stages since its original conception, and especially since the revolution of 1917. He is noted for his dialectics of economic evolution. According to him, the contest between organized labor and centralized capital would end by giving way and handing over complete power to the production of the state.

Classes will be abolished and a classless society for common good will come. In. Marx was known for his influential work of Das Kapital and Communistmanifesto of 1848.

Karl Marx was strongly supported by his associates, Lossily Angels and Rod Butters.

The strongly resisted the application of doctrine of less is fair in economic and political matters. Class Struggle the main thesis of Marx is the history of class struggle. Class struggle lies at the base of social conflict and social and economic development.

To illustrate this point of view, he listed out typical

stages of community development for stage, which is the most primitive stage of exploitation of men in the form of slavery. There is complete exploitation of slaves by the dominant class. The second stage is the social development in the feudal system. It is based on land holding a property. There is domination and exploitation of service. The third stage gave rise to the merchant middle class. We betoken the beginnings of the bourgeois.

It is this stage of social and economic development which characterizes all advanced modern and non communist communities. At this stage the domination passes from the feudal to the capitalist.

Final stage Marks and massages. This stage where in the development of socialization of society leads to the stage of perfect communism. Here all the capitalist and the bourgeoisie element have been eliminated. This stage may come either by evolution or by revolution.

Law the interpretation of law as part of an economic interpretation of social evolution is byproduct of the social and political theories of Marx and Engels.

Period from marks to 1920.

Marx believed that this social phenomenon was governed by universal principle, namely economic principle. He was a social scientist and sought descriptive propositions about social evolution. Marx and Engels insisted on being scientific. The visualized history is unfolding according to the recurrent conflict between a thesis and anti thesis. In place of ideas, we substituted material and economic forces as determinant factors for development of scientific socialism.

There was no anti thesis in primitive tribal society. As long as there was equal distribution of commodities.

But distribution turned unequal, society was destroyed, or lines of capital and labor. The place of tribal society was taken over by the state.

He believed that law is an instrument by which minority exploit the workers. The tension between the capitalist and labor would eventually break into a conflict. Here, the majority would take control of the economic resources and would seek to eliminate the minority.

The state thus established is the proletarian dictatorship.

This is referred by Marx as highest form of democracy

possible in a class society.

The proletarian dictatorship is indeed a dictatorship, but

insofar as it has been formed by the masses, it acts in their

interests in democracy.

From this the following doctrines can be deduced.

Doctrine of the economic determination of law according

to Marx ideas are reflections of society. The notion that law is

a reflection of an economic substrate is not an ideology.

For it accords with reality.

Doctrine of the class. Character Of law Law is an instrument used

by the economic rulers to keep the masses in subjection.

Even after the establishment of the proletarian dictatorship,

law will continue to be as the instrument by which working

class majority can crush and eliminate the minority.

Law will always be instrumental

of domination. Third, one, the doctrine of identity of law, an

state the state came into existence as soon as there was

unequal distribution of

commodities. Law was a means by which capitalist minority sought

to protect those who had

property. Law is used as an operators of compulsion to oppress the minority. The state reflects an essentially unequal condition of affairs. The Doctrine of withering away of state when the communist classless society arise, there will no longer be any domination of inequality. Therefore, the instruments of domination, like the state and law will wither away. Where is marks use this method for reasoning too.

Arrive at the extinction of state. Hagel thought it was highest achievement of human endeavour. Criticism the Marxian Analysis of society and his predictions of what a revolution would achieve has not really turned true. And Lastly, non applicability of theory to contemporary society, whetherEast or West.

References students these are some of the references for your perusal. Thank you.