

JURISPRUDENTIAL PERSPECTIVE ON THE RENAISSANCE IN THE INFLUENCE OF MARX GLOBALLY AT THE MOMENT

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Abstract

As Karl Marx noted, Capitalism teaches a man to fish, but the fish he catches aren't his they belong to the person paying him to fish, and if he is lucky, he might get paid enough to buy a few fish for himself. Accordingly, Marx suggested, "Let the ruling classes tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win...workingmen of all countries unite"¹. This article would cause a jurisprudential insight towards the renaissance in the influence of the Marxist theory in the 21st century despite it being welcomed as far as back in the 19th century. By this means, in line with Karl Marx's and his followers' assessment, this article would analyse the historical background of the Marxist theory outlining essential features such as; thesis, antithesis, synthesis, base and superstructure, law and state, ideology and mystification, and the most crucial concept of revolution, and

would look into the application of the same features in the modern era with reference to modern day controversial concepts such as American exceptionalism, the active role of United Nations General Assembly(UNGA), United Nations Security Council(UNSC), Veto power, sovereign equality, conditions of labors of third world countries, Marxist feminism and so on, in order to come to a reasoned conclusion as to whether there is a renaissance in the influence of Marx globally at the moment.

Introduction

Harold James, a historian, colorfully points out that, "Karl Marx has returned, if not quite from the grave then from history's dustbin..."². This notion depicts the fact that Marxism is inevitably coming back. Furthermore, Vista M Kelly colorfully points out that, "Snowflakes are one of the most fragile things, but just look what they can do when they stick together"³. Moreover, Che Guevara, a Cuban

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¹Marx, K., Engels, F., Engels, F. and Wood, E., 1998. *The Communist Manifesto*. New York: Monthly Review Press.

²James, H., 2008. *The Marx Renaissance* / By Harold James - Project Syndicate. [online] Project Syndicate. Available at: <<https://www.project-syndicate.org/commentary/the-marx-renaissance?barrier=accesspaylog>> [Accessed 9 May 2020].

³Zuranski, R., 2020. *Snowflakes Are One Of Nature'S Most Fragile Things, But Just Look What They Can Do When They Stick Together*. Vista M. Kelly - Be A Hero To Your Kids And Grandkids. [online] Be a Hero to Your Kids and Grandkids. Available at: <<https://insearchofheroes.com/snowflakes-are-one-of-natures-most-fragile-things-but-just-look-what-they-can-do-when-they-stick-together-vista-m-kelly/>> [Accessed 9 May 2020].

revolutionist on the Marxist theory points out that, “Marx expresses a revolutionary concept: the world must not only be interpreted it must also be transformed. Man ceases to be the slave and tool of his environment and converts himself into the architect of his own destiny”⁴. This depicts Karl Marx’s view on class struggle and his resolution to wither away from law and state.

Michael Freeman defines Marxism, as a “system of sociology, a philosophy of man and society and a political doctrine”. To some, it comprises of the dangerous ramblings of a power crazy group of outsiders, whereas to others it is a set of writings based on the humanist reflections of one of the world’s greatest scholars⁵. More specifically, Karl Marx believed that the history of all hitherto Societies was a history of class struggle⁶. Thereby, it was the Marxists’ belief that ultimately this dialectic between the two classes would reach a resolution when the oppressed class overthrew the ruling class through a revolution. This would lead to a dictatorship of the proletariat and a classless society. The state and law would wither away, and there would be an administration of things. This is the foundation work of Karl Marx’s theory.

Historical Background of the Marxist theory

It is noteworthy that both Marx and Engels based their philosophies on the insights of

Hegel and the Hegelian dialectic. For instance, Hegel’s theory of the dialectical method of thought is claimed as the immediate background of Marx’s philosophy. Thereby, according to Lenin without Hegel “Marx’s *Das Kapital* is unintelligible”. Hegel was a German philosopher who believed that civilization progressed through intellectual development and saw the history of society as a series of conflicts or “dialectics”. Marx following Hegelian view declared his own philosophy as, “the ideal is nothing else than the material world reflected by the human mind and translated into forms thought”. Both Marx and Engels borrowed from Hegel the notion that everything in the world is in constant flux (change), something new is always developing and something old is dying away, soon or later all this change is for the better. Accordingly, adopting Hegelian Dialectical Materialism, in “*Das Kapital*”⁷, Marx sets out to show how capitalism (thesis) must inevitably by its own inner laws become so increasingly intolerable to the proletariat as to produce revolt against the bourgeoisie (antithesis) and a classless society (synthesis).

In addition to the Hegel’s dialectical materialism, there are number of other contributing factors towards the Marx’s thinking, starting from the industrial revolution, among them three main causes of Marx’s thinking of a classless society can be listed as; laissez-faire theory, the

⁴D’ Angelo, E., 2011. *Che Guevara’S Concept Of Revolutionary Love*. [online] The Center for Global Justice. Available at: <<https://globaljusticecenter.org/papers/che-guevara%E2%80%99s-concept-revolutionary-love>> [Accessed 9 May 2020].

⁵Freeman, M., n.d. *Lloyd's Introduction To Jurisprudence*. 9th ed. Sweet and Maxwell.

⁶Collins, H., 2001. *Marxism And Law*. Oxford: Oxford University Press.

⁷MARX, K., 2014. *DAS KAPITAL*. [Place of publication not identified]: CREATESPACE.

labor theory of value and lastly the non-implementation of the Factory Acts. The driving principle behind laissez-faire, the French terms, translates as, “leave alone”, or in other words means the less interference by the government in the economy of the country. Laissez-faire economics is a key part of free market capitalism. However, during Karl Marx’s time, this non-interference itself maintained the domination of the bourgeoisie over the proletariats which placed the proletariats in a vulnerable position.

In addition to the laissez-faire theory, the labor theory of value also played a vital role. This theory can be traced to the writings of John Locke, an English philosopher. While Locke assumes that all the resources that were found in nature had been provided by God, he argued that indeed, the products that a worker produced become an extension of that worker.

Accordingly, Locke employed the Labor theory of value to justify Private Ownership of property which is the cornerstone principle of capitalism. In a way, this became an influential basis for Marx to become a radical critic of the capitalist economy and to justify his views on society.

Lastly, the non-implementation of the Factory Acts which led to the exploitation of the workers (proletariats) by the factory owners was another crucial reason. The working conditions during the industrial revolution were hideous as the main aim of employers was to maximize profit. Workers were exploited through very low wages,

long working hours, dangerous working environments. Moreover, worker’s conditions associated with poor ventilation, lack of accident prevention, medical facilities, and sanitation. Employment regulations, conditions, working hours, and related laws were nonexistent, particularly for women and children. Accordingly, the phrase ‘**dark satanic mills**’⁸ is often used to describe the early industrial revolution and its destruction of nature and human relationships. As a result, a series of Factory Acts was campaigned for by workers themselves and these Acts were passed by the UK parliament addressing their major problems. However, these acts were largely ineffective and the legislative content took a long time to be fully enacted.

Moreover, although factory inspectors were appointed in less they had little impact until much later. Accordingly, it is clear that Hegel’s dialectical materialism, laissez-faire principle, the labor theory of value, and factories Acts provided the background for Marx to be a radical critic of capitalism. However, in comparing with the 19th century where Karl Marx lived in, isn’t the 21st-century proletariats are better off? Therefore, isn’t Marx’s theory more applicable globally at the moment?

Is there a real need to call back the Marxist theory globally at the moment?

After the fall of the Soviet Union as highlighted in the publication of Animal

⁸The British-English phrase (**dark**) **satanic mills** denotes industrial mills or factories—especially those of Britain in the nineteenth century—associated with harsh working

conditions and regarded as representing exploitative and dehumanizing industrialization.

Farm⁹ by George Orwell, many academics concerned that it seems like Marxism had finally been proved wrong and capitalism was the only show in the town and had finally reached the glorious 'end of history'. Moreover, in the current state of global politics with the development of international organizations subsequent to the world war II, such as; United Nations, Red Cross, International Court of Justice, International Criminal Court etc. one may argue that capitalist's concepts such as 'colonization'¹⁰ has come to an end which was replaced by concepts such as 'sovereign equality'¹¹ and 'independence of states' and thereby the current position of global politics is better off than the 19th century. However, whether these concepts and organizations achieved their real meaning is yet another issue to be concerned about.

In the modern context, Louis Menand and G. Stedman Jones state to put Marx back to the current surrounding mission itself are worthy! and this is what scholars do! For instance, through the hit of the global economic crisis and faith in globalization and capitalism been crumbled Marxism has made a political comeback. Particularly through the concepts of American exceptionalism¹², it is apparent that there is no equality among states and thus the concept of 'sovereign equality' has only a conceptual value rather than a practical value. For example, show casting US's

power in the event of not supporting the Jerusalem decision in the United Nations General Assembly (UNGA), President, Donald Trump went on cutting off the funds given to third world countries such as GSP funds.

Moreover, not only the United States of America (USA) but also other powerful states have used their economic and military power to oppress third world countries. A modern-day example of such would be the granting of thousands and thousands of loans to third world countries in the world, by the Republic of China, implicitly to gain control and support over those third world countries, which many people do not realize, especially the daily wage workers who have many other reasons to be worried about in their fight over hunger. In addition, exploitation inside factories can be seen even today. For example, some researchers of china's Foxon city also known as iPhone city has been successful in finding accusations of poor conditions in factories where people outside want to join but people inside want to quit. Accordingly, isn't there a need for a renaissance in Marxism in the 21st century?

Base and Superstructure

In order to evaluate the renaissance of the Marxist theory globally at the moment, Marx's concept of base and superstructure needs to be identified in determining the way in which the hierarchical system of

⁹Orwell, G. and Tull, P., 2008. *Animal Farm*. Chagrin Falls, Ohio: Findaway World.

¹⁰the action or process of settling among and establishing control over the indigenous people of an area:

¹¹Sovereign equality is the concept in which every sovereign state possesses the same

legal rights as any other sovereign state in international law.

¹²American exceptionalism is the theory that the United States is different from other countries in that it has a specific world mission to spread liberty and democracy.

global politics has been used to oppress third world countries. Marx being a dialectical materialist developed a science of historical materialism that explains the world in scientific and economic terms. Thus he believed that the structure of classes at any given time is determined by the mode of production as the 'nature of individuals depends on the material conditions determining their production'. Using this base and superstructure metaphor Marx pointed out that the base of any given society was its economy, whereas all other factors such as law, religion, the state were merely the superstructure which rose upon the economical foundation.

Accordingly, Marx indicates how the ruling class which has control over the base uses the superstructure to exploit the working class. This approach of Karl Marx can be seen clearly in current world politics, as in countries such as Nepal, India, and Bangladesh the poor in society have nothing to sell but their labor and are helpless at the hands of the economically wealthy. A more prominent example of this is the conditions of workers from countries such as the Philippines and Sri Lanka in Arabic countries. A very high number of women and men go to work as domestic servants in Arabic countries, which is also one of the main incomes for the economy of these third world countries. However, their working conditions are hideous; some come back to the home country with nails being inserted into their body by their

masters and some will never get a chance to come back to their home country. Nevertheless, even today many people go to work as domestic servants due to poverty.

Moreover, in people of the state of California v Orenthal James Simpson¹³ the American footballer OJ Simpson was acquitted after being charged with the murder of his ex-wife and her friends. Moreover, another prominent example is the UK's richest man Jim Ratcliffe has billions of realms to move to Monaco and some argue it is due to tax liabilities, but on the contrary, if it was done by a proletarian in an Asian country or in a western country itself the consequences would be hazardous. In addition, the exercise of Presidential pardon in Sri Lanka giving the freedom for prisoners has been recently debated, with a common view developing among the general public that even a murderer or a rapist may be lucky enough to be awarded a presidential pardon if he or she is a wealthy or an influential person in the society.

However, if it is so what about other inmates who cannot afford such a luxury, being born as poor? These are clear examples of how the economically wealthy may use the superstructure for their advantage even in the modern era. Even in the international system, such an unequal distribution can be seen specifically with the Veto power¹⁴ granted only to 5 powerful countries in the world inside the United Nations Security Council (UNSC),

permanent members of the UN Security Council (China, France, Russia, the United Kingdom and the United States) to veto any "substantive" resolution.

¹³ O. J. Simpson murder case (officially People of the State of California v. Orenthal James Simpson) was a criminal trial held in Los Angeles County Superior Court.

¹⁴ The United Nations Security Council "veto power" refers to the power of the five

which had been used by these countries to prevent any measures being imposed upon them or their friendly nations, thereby oppressing the less powerful countries in a larger scale who do not possess such a power. NATO intervention in Kosovo, Palestine being not regarded as a state by the United States are such clear examples where the powerful countries used their veto power to oppress other Nations.

Law and State

On the other hand, one may argue that although there is no world government in the international system to protect states from such oppressions; United Nations, International Court of Justice etc. act as international organizations to maintain sovereign equality and thereby to protect the citizens of every country in an equal manner. Accordingly, isn't the condition better off? Marx answers this through his idea on Law and state. For Marx law and state are both oppressive tools used by the bourgeoisie to further their interests. As Marx stated, "the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie"¹⁵. It was also his view that "Through the emancipation of private property from the community the state has become a separate entity, besides and outside society, but it is nothing more than a form of organization which the bourgeoisie necessarily adopt both for internal and external purposes, for the mutual guarantee of their property and

interests"¹⁶. Furthermore, as David and Brierley point out "law is only a superstructure; in reality, it only translates the interests of those who had reigns of commands in any given society"¹⁷. As per Karl Marx, "The ruling ideas of each age have ever been the ideas of its ruling class"¹⁸. This Marxian approach towards Law and State is not an outdated concept and is very much linked to the current global politics. For instance, a follower of Marxist would argue that, by ordering others not to steal property via Laws such as criminal laws that prohibit certain activities such as theft, is just another way for the wealthy to keep their property to themselves? In this manner doesn't the law merely serve the bourgeoisie interest. Moreover, even in the modern era although world institutions are established to govern international relation, rules enacted by such institutions do not apply equally as economically strong countries such as China, Russia, Korea etc. have used this economic base to rule third world countries even by implied ways such as loans/funds which would hold the poor countries binding. Even today a larger number of countries are within China's debt trap.

However, the above-mentioned institutions couldn't take any appropriate measures to safeguard the third world countries which spectacles that these institutions were also institutions of superpowers. As was stated by Marx himself, "In acquiring new productive forces men change their mode of production; and in changing their mode of

¹⁵ Ibid 1

¹⁶Marx, K., 2000. *German Ideology*. London: Electric Book Company.

¹⁷Zimmermann, A., 2009. Marxism, law and evolution: Marxist law in both theory and practice. *JOURNAL OF CREATION*,.

¹⁸ Ibid 1

production they change social relations. The hand mill gives you society with a feudal lord; the steam mill, society with the industrial capitalist”¹⁹. Thus, it is clear that whether it is the 19th century or the 21st Century, in effect it is the identical system of class struggle that is happening in the world, though it is known with different terminology.

Oppression and Mystification

However, one may wonder why oppressed countries would not revolt if there is such injustice. This is answered by Marx using the concepts of ideology²⁰ and mystification²¹ by explaining how the proletariats are unaware of their exploitation and thus have no inclination to revolt. For instance, as Christine Synowich points out in Stansfield encyclopedia of philosophy, “ideology conserves by camouflaging flawed social relations, giving an illusionary account of their functions or rationale to justify and win acceptance of them”²². This false consciousness is the biggest obstacle to the proletarian revolution and Marx calls for a “demystification of ideology where the proletariats develop class consciousness and are thus inclined to revolt” (Marx, and Engels).

¹⁹Marx, K., 2003. *The Poverty Of Philosophy*. [Belle Fourche]: NuVision Publications.

²⁰ Ideology according to Marx is a veil pulled over the economic base in order to prevent people from seeing its inherent injustice (that is, until communism comes). Ideology convinces people that the current state of production is justified, warranted, "natural" or anything else which gets them to comply to it.

²¹Mystification is the process of consciously making objects mysterious out of the domain of reason.

Even in the modern global context, this theory can be seen as even today oppressed countries are unaware of their exploitation either because the exploitation was done in an implied such as by way of loans or the exploitation itself being covered by laws and regulations such as by the name of the United Nations. Moreover, the question as to why this exploitation was done implicitly was answered by Marx himself stating that “the consent of the masses of the people to law and governance in liberal democratic states will not be available if the ideology of the law bears no relations to actual reality”²³. Thus, Marx suggested the only way to achieve social justice is a revolution and withering away from law and state. However, although the Marx’s theory is applicable globally at the moment, it is highly doubtful how shall a state exist after withering away from state and law, “wherever law ends tyranny begins”- John Locke²⁴.

Marxist Feminism

Marxist feminism focuses on how women are oppressed through capitalist economic practices and the system of private property. Accordingly, they point out how women are exploited in the home as well as in the workplace. Marx in communist

²²Cudd, A., 2007. Sporting Metaphors: Competition and the Ethos of Capitalism. *Journal of the Philosophy of Sport*, 34(1), pp.52-67.

²³ Ibid 14

²⁴→, V., 2020. *Wherever Law Ends, Tyranny Begins*. [online] A Principled view. Available at: <<https://jameswilding.blog/2016/04/29/wherever-law-ends-tyranny-begins/>> [Accessed 9 May 2020].

manifesto pointed out that the capitalists used their wives like instruments of production. He further argued that marriage could be considered as a legalized form of prostitution and concluded that it is only by the abolition of cases this can be abolished. Moreover, Marxist feminists recognized two types of labor present in a Capitalist Economic System: Productive labor and reproductive labor. Marxist feminists point out that in a capitalist economy, reproductive labor is usually considered to be exclusively women's labor. This creates a system in which women's labor is separated from men's labor, and is considered to be less valuable because it does not earn monetary compensation. Supporters of this theory believe that because women's labor is devalued, women as a group are devalued and oppressed. To overcome this system Marxist feminist, support a radical reconstruction of the capitalist economy. Even in the modern context although the situation of European women would slightly be different, most of the African and Asian Women are still facing the same tragedy with no recognition for the work done inside the house, which calls for a radical reconstruction of the society even in the 21st century.

However, at least outside the domestic context now the work done by women are recognized and valued thanks to Human Rights activists, equal pay Directives and cases such as **Defrenne Vs Sabena**²⁵ which

decided on equal pay and non-discrimination based on sex.

Conclusion

Adrian Wooldridge, a British journalist and columnist for *The Economist* believes "Marxism is absolutely making a political comeback"²⁶. Strongly this could be seen in with the labor party in Britain, particularly Jeremy Corbyn is very much influenced in Marx's thinking, also in his team his chancellor, John Mc Dowell globally at the moment claims himself to be a Marxist and thinks that his biggest influences are Marx, Lenin, and Trotsky. Even this has been the case in the USA where Bernie Sanders talk more about Marx. Moreover, there is also a renaissance in the influence of Marxist analysis of the law on countries such as Vietnam, Laos, and Cuba. Moreover, on May 5, 2018, New York Times ran its heading to mark the 200th birth anniversary of Karl Marx as "Happy birthday Karl Marx. You were right"²⁷ which speaks volumes of his relevance today. Further according to Sitaram yechury secretary general of the communist party of India and even according to Marshal Tito one would agree even the last five communist countries even to a certain extent has a renaissance in their views on Marx's theory globally at the moment.

In conclusion, as per many eminent academics, Marxism is back! Like the final act of a horror movie, the monster has

²⁵Defrenne v Sabena [1976] ECR 455

²⁶Debating Europe. n.d. *Is Marxism Making A Political Comeback? - Debating Europe*. [online] Available at: <<https://www.debatingeurope.eu/2018/02/19/marxism-making-comeback/#.Xrb5t2gzZPY>> [Accessed 9 May 2020].

²⁷Nytimes.com. 2018. *Opinion / Happy Birthday, Karl Marx. You Were Right!*. [online] Available at: <<https://www.nytimes.com/2018/04/30/opinion/karl-marx-at-200-influence.html>> [Accessed 9 May 2020].

returned to life for one last scare. As was proved above it is clear that although Marx's theory is best suited for a 19th century even today considering the current world politics it can be argued that what Marx then described can even be seen today differently and today the exploitation is of large scale. It must also note that, Marx's theory was never a dead theory; it was followed by many academics and adopted by many countries around the world. It is provided that due to the great scale exploitation of proletariats Marx's theory is now more convincing than ever. Thereby it is clear that given the current global politics there is a renaissance in Max's theory globally at the moment and as a result, many more countries should pave their pathway towards Marxism.