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Law and Society

Theories of law and social change

Karl Marx (1818-1893)

1. Basic concepts (tools to think with)

work, organization of work

mode of production composed of forces and relations of production, plus cultural epiphenomena

historical materialism - changes in the forces and relations of production produce changes in culture; through class struggles relations change;

dialectical analysis - contradictions within any mode of production - dysfunctional relations between base and superstructure

2. Law is a product of economic force (mode of production). Law is a tool used by those who control the means or forces of production to exert power over others. Both the rules and enforcements processes of legal systems reflect whatever is needed to maintain the social relations of production (for instance vagrancy laws, Chambliss).

Law used to establish as well as support the social relations of production (tax laws value some kinds of property/income over others; set rules for conditions of labor), justify the relations of production (ideology).

In the communist society of the future (where relations of production were equal, no distinction between owners and workers) law as an instrument of social control will wither and finally disappear. (Contradictions within communist society; inequality a product of bureaucracy, not only capital).

Contradictions of capitalist law ("Law in its majestic equality prohibits the rich as well as the poor from stealing bread, begging in the streets or sleeping under the bridges of the Seine.")

3. Economic concepts (wage labor, capital, surplus value, declining rates of profit) (Kapital)

4. Ideology, alienation, false consciousness (German Ideology), the example of commodity fetishism. Role of law in masking the class struggle within mode of production. In order to satisfy the condition of production, classes devise and attend to the whole human being, not simply his labor. In any society, there is a characteristic culture, set of ideas that attaches to the forms of production. In capitalism, the accumulation of capital and profit require the bourgeoisie to devise techniques that increase capital and further exploit labor. How? through socialization, alienation, development of "false" consciousness, and specifically commodity fetishism.

socialized ideas: the idea of men free to choose to labor, free to sell labor or not, idea of contract"

