

# JURISPRUDENCE

MARXIST APPROACH TO LAW



# KARL HENRICK MARX(1818-1883)

- **Karl Heinrich Marx** was a German philosopher, journalist, economist, historian, sociologist, political theorist and social revolutionary.
- He was born on 5<sup>th</sup> May 1818. He was oldest of his nine siblings.
- **Heinrich Marx** was his father, who was practicing lawyer and **Henriette Press burg** was his mother and both were Jewish.
- In 1816 his father converted from Jewish to Lutheranism due to contemporary laws which bars Jews from higher society and when Karl Marx was of only 6 years was baptized in the same church but afterward he became atheist.
- He studied Law and Philosophy from University of Berlin and completed his Ph.D. in 1841.



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- In 1842, he became a paper editor after accomplishing and receiving his degrees.
- Marx became stateless and lived in exile with his wife and children in London due to his Political Publications.
- In London, he met with **Friedrich Engels**. He was his new neighbour.
- In 1848 one of Marx and his fellow friend Friedrich Engels work Pamphlet “***The Communist Manifesto***” was published.
- Further the three volume of “***Das Kapital***” (1867-1883) was published. In his first volume which was published in 1867, he laid out his vision of **Capitalism**.
- He was died on 14<sup>th</sup> March 1883 at London, United Kingdom.



# MARXISM: MEANING

- **Marxism** is a theory developed by **Karl Marx** and **Friedrich Engels** in the 19<sup>th</sup> century.
- Marxism is a method of socio-economic analysis that frames Capitalism through a paradigm of exploitation. It analyzes class relations and social conflict using materialistic interpretation of historical development and takes the logical discussion of ideas and opinions of social transformation.
- In other words, his theories are critics on social, economic and political conditions which are collectively known as Marxism and holds that human societies develop through class struggle.
- According to Marx, social development was influenced by *material, economic, social and environmental conditions*.



# MARXIST THEORY OF LAW

- The Marxist Theory of Law was developed by **Karl Marx** and his fellow as well as friend **Friedrich Engels**.
- It is also known as *Communist Theory of Law* because Marx developed the political system known as **Communism**.
- The word Communism is derived from Latin word '*Communis*' which means '*common universal*'.
- Communism is a theory or system of social organization in which all property is owned by the community and each person contribute ruins according to their ability and needs.
- The ultimate goal is to establishment of communist society.



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- The Marxist theory of law seeks to unfold a pattern of evaluation of law focusing on economic substratum of contents of law.
- In his work “*The Communist Manifesto*” pointed out that “*the history of all hitherto existing society is nothing but the history of class struggle*”.
- He means to said that the development of society is essentially an outcome of class-struggle between the dominant and the suppressed classes of the society.
- We have to consider **3 Cs** which provides *a baseline* to understand the **Marxist Theory** are:
  1. **Class**
  2. **Conflict**
  3. **Capitalism**



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- Marx was concerned by the inequalities between the classes in the society.
- He divided the society into two classes, namely:
  1. **Bourgeoisie:-** Those wealthy people who were very small in proportion of population but owned huge amounts of land and factors they owned the means of production. These people named as Bourgeoisie.
  2. **Proletariat:-** Proletariat were those poor people who worked for Bourgeoisie as waged laborer and earned only enough money to survive.
- These inequalities between social classes subsequently changed into the conflict between the privileged class and the suppressed class of the society.



- Further this class struggle transformed into a clash of interest between the capitalist and the working class, i.e., 'haves' and 'haves not' due to the evaluation and development of trade, commerce and industries.
- His theory attempted to improve the conditions of poor, suppressed and working class people which became out of order due to the Austin's Positivism theory which defined command of sovereign as law regardless of justice or injustice.
- Thus, those people who were dissatisfied by the then conditions of the society opposed Austin's Positivism theory and regarded it as shield to cover up injustice by the feudal lords.
- ▣ In result, Marxist theory of law considers law as an instrument which provides safeguards to the interests of the ruling class and maintain social inequality for its benefit.