



Democracy and the Rule of Law: Marx's Critique of the Legal Form

Bob Fine

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In this groundbreaking work, Professor Robert Fine explores afresh the relationship between jurisprudence, Marx and Marxism. In the first section, he examines the tradition of the modern natural right theory that precedes Marx and informed his writings, demonstrating the jurisprudence is as important as political economy in understanding Marx's works. Here he focuses on the theories of right in Hobbes, Rousseau, Smith and Hegel. In the second section, he reconstructs the critique of classic jurisprudence in the early Marx, how this developed in his political writings, and the connection between the analysis of economic and legal forms in his mature writings. Fine reconstructs the legal form of right, law and state based on Marx's analysis of the economic forms of value, money and capital. In the third section, Fine addresses strategic ways in which Marx's critique of the legal form has been received in contemporary social theory: as 'law-from-below' according to the Marxist humanist, Edward Thompson; as 'the withering away of law' according to the Bolshevik, Evgeni Pashukanis; and as 'historical anachronism,' according to post-structuralist, Michel Foucault. Originally published in 1984, this book contains a new preface relating the original text to current political and intellectual debates.

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