The complicated interplay between belief-systems and legal systems offers matter of great interest to students in at least three disciplines: comparative law, sociology of law, and legal history. An important contemporary example of this interrelationship is to be found in the complex connections between Marxism, one of the world’s great religions, and those legal systems which, as “socialist”, claim prima facie to be based thereon. Exhibiting a diversity of viewpoints, three recent publications suggest reflection on this theme. Listed in the order of their consideration in this review, these publications include 1) an essay on the general theory of law and Marxism by an early Soviet writer; 2) a popular exposition of the Marxist conception of law, from the USSR Academy of Sciences; and 3) an empirical and historical study by a British scholar, specifically concentrated on Marxist ideology and Soviet criminal law.

I.

Unless they have been compelled to the choice by considerations too imperious to be resisted, students who choose a Marxist perspective as the framework of their scholarship confront problems not encountered in equal degree by those scholars who pursue their research in terms of other intellectual paradigms. In the canonical writings of Marx and Engels, they will find


awaiting them a special vocabulary, a set of philosophical postulates, and a set of conceptual schematizations, all of which together constitute a rigid structure so thoroughly impregnated with contradiction and orthodoxy as to differ qualitatively from their analogues in nearly all other social and humanistic disciplines.

Two closely-related questions stand on the threshold: 1) What is "Marxist"?, and 2) How can students know, with any acceptable degree of certainty, whether their work is truly "Marxist"?

Regarding the problem of "What is 'Marxist'?", the enormous number and the wide variety of interpretations of Marx's writings have led at least one sympathetic observer to remark that "perhaps no corpus since the Holy Scriptures has been so kaleidoscopically construed".2 "The sense of every category and relationship of the structure of Marx's thought has been multitudinously challenged and its very ontic underpinning judged void."3 No one can successfully argue today that in the process of accumulating this broad spectrum of interpretations, any significant measure of agreement has been generated. As is true of many other world religions, Marxism, too, has witnessed a luxuriant proliferation of sects and sub-sects — the deviationists, the revisionists, the fundamentalists, the modernizers, and so on through the whole dreary catalogue. In fact, according to a hadith of the Prophet transmitted to us by the hand of the Companion, the accumulated mass of (mis-)constructions so angered Marx that the Prophet himself once declared, "All I know is that I am not a Niarxist!"4

Moreover, the intending student cannot safely deal with the thorny problem just mentioned by picking and choosing from among the incredibly rich treasures incorporated in the canon. Should this seeming option be pursued, the time- and energy-consuming question of orthodoxy will promptly appear, for of course there are no canonical rules permitting the deemphasizing or discarding of any part of the canon, and no Marxian Gratian has ever formulated any rules for reconciling discordant canons. Questions of orthodoxy obviously have no place in contemporary non-theological scholarship; while such issues contribute nothing to analysis, they do vastly enhance its complexity, all to no discoverable purpose. Moreover, there is the very real danger that, should the student permit himself to jettison any specific element from the Marxist canon, the very act of discard may trigger this potentially devastating line of thought: If this particular element can be abandoned, most probably there are other elements with an identically vulnerable status; and unless the student simply strangles all further thought, he will end up watching the whole framework of his project dissolve before his eyes.

Vilfredo Pareto has identified another hurdle confronting readers and users of Marx’s writings. "Marx’s words", he remarked, "are like bats: one can see in them both birds and mice."5 The employment of this kind of words is neither inevitable among nor restricted to Utopian writers, such as Marx. Coupled with a frequently inconsistent terminology, however, such language undeniably gives rise to awkward, time-consuming, and purposeless difficulties.