

Susan Easton, ed.

Marx and Law.

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While the collapse of communism as a political force was often proclaimed at the time to mean the unavoidable decline into irrelevance for Marx-based scholarship, the resulting elimination of the entanglement of Marx's work with immediate political conflict has if anything served to save it. Rather than rejecting Marx's work as disproved, admirers have instead released a series of books and articles attempting to demonstrate Marx's ongoing relevance to a wide range of topics. As its title clearly indicates, Easton's edited collection *Marx and Law* is another entry in this series: it attempts to suggest ways in which Marx's work can provide insight into a variety of legal topics.

The book is divided into nine thematic sections, each reproducing two to three previously published articles selected by Easton for their ability to suggest Marx-based approaches to contemporary legal topics. While not all the pieces in the book can be described as 'essential reading', enough genuinely insightful work is included to make the book a worthwhile purchase for any library supporting faculty research in either Marx or law. On the other hand, its exorbitant price means that it is unlikely to be a worthwhile purchase for individual scholars, particularly since the articles are already available from other sources.

One of the primary difficulties faced by this book derives from the decision to use only pre-published pieces, mandated as that obviously was by its appearance in a series of such edited collections. Collections of pre-published papers innately face an obstacle to coherence: while the editor of a collection of newly published articles can commission pieces to address certain problems she sees as central to the book's subject, an editor who is merely selecting pre-written pieces must take what she finds, even if the articles neither mesh together well nor address precisely the issues she sees as important. As a result, such collections often feel very fragmented, offering individually insightful articles, but generating no overall insight into the topic being addressed.

Coherence is even more difficult to obtain when the subject matter of the collection is itself less than ideally unified. The work of Marx is highly fragmented and not infrequently inconsistent between pieces. Moreover, its diversity has ensured that it has been taken up by the broad range of writers who have seen it as useful for one theoretical or political purpose or another, thus generating an enormous range of interpretations of Marx. Again, these interpretations are often entirely inconsistent with one another, even though each can cite sections of Marx's corpus that appear to offer it support.

Given, then, that *Marx and Law* takes an approach to edited collections that makes cohesion difficult, and applies it to a collection of work that is itself notoriously not cohesive, it is perhaps not surprising that while *Marx and Law* includes some very high quality articles (e.g. those by Donald R. Kelley, Jeffrey G. Murphy and China Miéville), it ultimately feels very random in its assemblage. Many subjects are addressed, and many versions of Marx interpretation included, but no coherent sense of Marx's ideas or their potential application to law emerges.

As a result, while Easton seems to hope that the book will serve as a means of inspiring ongoing work on the connections between Marx and law, it is difficult to see it as providing anything more than an initial introduction to those new to Marx-inspired work on law. This is, of course, not an undesirable goal, but it falls far short of the benefits that could be provided by a more focused discussion of Marx's relevance to law.

Moreover, since the articles included in *Marx and Law* are reprints, often from two to three decades ago, readers encountering them here for the first time are faced with an additional problem: no information is given regarding any criticisms or related arguments that have appeared since original publication of these contributions. As a result, while a reader may find a given article interesting, she is not put by Easton into a position that would allow her to incorporate that article's insights directly into her own ongoing work. Easton could have addressed this problem by adding a short narrative addendum to each article, highlighting its subsequent critical reception, and identifying further papers to be consulted. However, Easton's contribution has instead been restricted to a largely pedestrian introduction, surveying the articles introduced by the book, but not providing anything of real note itself.

These editorial problems are not the only difficulty suffered by the book, however, as the nature of Marx-based scholarship itself provides a serious obstacle for any editor hoping to suggest the relevance of Marx's work to non-Marxian scholars. Consistent with the insularity common in Marx-based commentary, the articles in this collection center themselves so overwhelmingly on Marx that there is no real attempt to connect his work with mainstream legal thought. This isolation is, of course, a stark contrast to the approach of Marx himself, who was regularly involved in disputes with other intellectual figures of his era. However, while the essays in *Marx and Law* address topics of interest to non-Marxians (e.g. human rights, the treatment of criminals), few readers not already interested in a Marxian approach to the subject in question will see them as at all relevant to their own work.

This is unfortunate, as Marx's work routinely addresses topics of central interest to contemporary legal theory, even though this is rarely recognized. For example, at the most basic level, Marx-based discussions about whether the law of a society merely reflects its social and economic structure, or can in turn be used to influence it, clearly relate closely to mainstream debates about the efficacy of law as a force for social change.

However, while *Marx and Law* does include articles addressing this subject, particularly in the context of criminal law, none seriously attempts to reach beyond Marx to engage with non-Marx-based research into the law's ability to effect social change.

Similarly, one of the major doctrines in Marx-based scholarship on law relates to the claim by Engels that law will simply 'wither away' with the founding of a communist society. While on its face this doctrine might seem inherently tied to a Marxian view of the nature of communist society, and so irrelevant to non-Marxian commentators, it actually relates very closely to the ongoing debate in contemporary jurisprudence on the nature of law. After all, while Engels may have claimed that law will simply wither away under communism, it is clear that neither Marx nor Engels denied that some form of social ordering would still exist. This, then, raises the question of what distinguishes the social ordering that will exist under communism from anything properly called law. This, however, is a question that simply cannot be addressed adequately without taking account of the broad range of work done in non-Marxian jurisprudence on the nature of law, and in particular on how social rules strong enough to structure a society can nonetheless be distinguished from laws. *Marx and Law* includes a well-researched article by Christine Sypnowich explicitly discussing the thesis that law will wither away under communism, but even this piece fails to engage at all with the non-Marxian literature clearly relevant on this point.

This is certainly not to say that the authors whose work is collected in this volume have demonstrated no interest in how their work might produce a positive impact on the world. Indeed, as one might expect from Marxian theorists, real political concerns are constantly present throughout the book. The problem, rather, is that the analyses offered fail to take any advantage of non-Marxian work on their subject. As a result, not only is the result unlikely to be read by non-Marxians, but its usefulness for the political purposes for which it was intended is seriously reduced, due to the exclusion of so many important and clearly relevant ideas.

Ultimately, *Marx and Law* is a book for those already interested in a Marxian approach to legal issues. It would be useful to non-Marxians open to the possibility that Marx's work could be helpful to their own investigations, but it is simply not a book to convert those who don't already see Marx's importance. There is certainly a place for such a book, and as discussed above *Marx and Law* will be a useful addition to any library supporting scholarship on either Marx or law. However, those with an interest in developing a connection between Marx and law capable of informing mainstream legal thought, or even just in making a genuine contribution to the improvement of society, will need to look elsewhere.

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