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distinction between base and superstructure, and the destiny of law in a Communist society.

Marxism and Law - Oxford Scholarship

The Communist Theory of Law (1955), legal philosopher Hans Kelsen contends that the “anti-normative approach to social phenomena is an important element of the Marxian theory in general and of the Marxian theory of law in exacting.” Because Marx believed that law arises from class conflicts, he concluded that the need for law would cease to exist with the advent of classless communism. Such a promise of lawlessness that lead to “perfect justice”

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was correctly interpreted by Kelsen as ...

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while marxism strives to give a concrete historical meaning to law the characteristic feature of bourgeois philosophers of law is on the contrary the conclusion that law in general is

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In Marxian thinking, law has neither autonomy in practice - being an extension of class interest - nor autonomy in theory - being hopelessly intertwined with nonlegal structures. Bourgeois theorists, on the other hand, treat law as possessing the necessary degree of autonomy that their studies require.

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