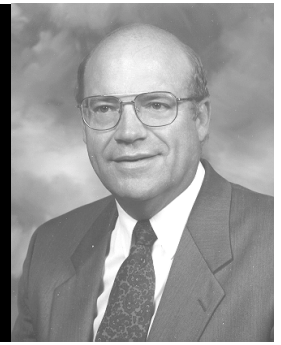




Dr. Fred Schwarz

The Schwarz Report



Dr. David Noebel

Volume 41, Number 8

August 2001

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The Essence of Communist Law

by David A. Noebel

Marxist/Leninist law carries the burden of biological evolution, class warfare, and its own demise. The victory of communism brings with it the end of all class conflicts, the elimination of private property, and paradise on earth. Once paradise is achieved, there is no need for law or the state.

The biological theory of evolution plays a most significant role in Marxist legal theory. There are no legal absolutes because mankind is evolving and law is evolving with it. There is no eternal lawgiver, and there are no eternal legal principles. Legal principles that assist man in his evolution are just; all others are unjust.

Marxists generally trace law back to the concept of private property. Thus law has both a biological and an economic heritage. Property, says the Marxist, divides mankind into owners and non-owners—that is, the bourgeoisie and the proletariat. Law was devised by the propertied class to protect its property. Marxists refer to this as bourgeois law. All bourgeois law is considered unjust, because it stifles the proletariat's evolutionary destiny. "Your jurisprudence," said Marx, "is but the will of your class made into law."

While the basis of bourgeois law is to protect private property, the basis of proletarian law is to protect social or state property. Socialist law grants certain human rights, but only such rights as assist the advancement of socialism and communism. Socialist law is just law. Bourgeois law is unjust law. Therefore, to violate bourgeois law is proper and not unlawful. To violate bourgeois law on behalf of socialist law is especially proper.

Marxist/Leninists like to think that proletarian law reflects proletarian man and the proletariat. The truth is slightly different. The vanguard of the proletariat is the Marxist/Leninist Party, and the head of the Party is the Dictator of the Proletariat. In the final analysis, socialist law equals proletarian law equals Marxist/Leninist Party law. Because the Party and the state are one, socialist law quickly becomes positive law with an economic twist. "A court," said Lenin, "is an organ of the state." Written into the U.S.S.R. constitution [especially Article 6] is the fact that the Communist Party is the only guide of Soviet society and the only interpreter of its laws. Hence, the Marxist/Leninist Party decrees the law and the Marxist/Leninist Party is the state that enforces the law. Human rights are decreed by the Party, but only such human rights as advance the socialist goal.

Once the full socialist system is victorious, however, the proletariat experiences its victory of communist paradise and law ceases (along with the state), because the initial reason for law—private property—ceases. Once private property ceases, crime ceases, also, and law withers due to the lack of class struggle. All inequality vanishes. Mankind has evolved to a level determined by nature itself, a goal all Marxist/Leninists strive to accomplish.

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And do not participate in the unfruitful deeds of darkness, but instead expose them. Ephesians 5:11

Dwell on the past and you'll lose an eye; forget the past and you'll lose both eyes." Old Russian Proverb

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As with Humanist law, Marxist law is based squarely on the assumptions that God does not exist and that man is an evolving animal. Just as these assumptions cause the Humanist to abandon the concept of an absolute moral code or natural law, they force the Marxist to deny the existence of any law grounded in an authority outside of man.

V. I. Lenin asks, "In what sense do we repudiate ethics and morality?" He answers, "In the sense in which it was preached by the bourgeoisie, who derived ethics from God's commandments. We, of course, say that we do not believe in God. . . ." The Marxist understands well that his denial of the existence of God causes him to deny any supernatural commands as well. "We deny all morality taken from superhuman or non-class conceptions," said Lenin. "We say that this is a deception, a swindle, a befogging of the minds of the workers and peasants in the interests of the landlords and capitalists." Engels is equally adamant: "We therefore reject every attempt to impose on us any moral dogma whatsoever as an eternal, ultimate and forever immutable moral law. . . ."

This attitude is echoed by modern-day Marxists. L. S. Jawitsch, a Marxist law theorist, writes, "There are no eternal, immutable principles of law." Elsewhere he clarifies this point: "the character of the legal backing of social relations, the content of legislation, the state of the rule of law, and the legal status of the individual, like the political system, constitutional authority, and prevailing moral values, are not, from the standpoint of the materialist conception of history, eternal and immutable, not given by a supernatural power, and cannot be deduced from any metaphysical principles of an absolute idea or *a priori* requirement of reason. . . ."

Because the supernatural does not exist, the Marxist must find another basis for law and ethics.

Naturally, this basis is the same as the Humanist foundation: mankind. Without the supernatural, only the highest animal in nature can be responsible for determining law. Thus, Lenin states, "We repudiate all morality taken apart from human society and classes." The text *Socialism as a Social System* stands with Lenin: "Under socialism, man's ethicalness, happiness, dignity and freedom are the basis of all moral standards. Viewed from this standpoint, man is the yardstick of all values. All is moral that is conducive to man's all-round development."

With man as the yardstick, morality and law must evolve right along with mankind. Howard Selsam declares, "The Ten Commandments are an important landmark in human social and moral progress. . . . But this in no way relieves us of the task and the responsibility of modifying and reinterpreting these moral principles in the light of new experience, new conditions, and new times." Laws and principles are always sub-

ject to reinterpretation when man's reason is the only means of determining their validity.

Marxism also must deny the existence of natural rights—for the same reason Marxists deny God, an absolute moral code, and a natural, fixed law. If man is the only ethical yardstick, then no unchanging principles can exist, including rights. Maurice Cornforth states, "Rights in general are not . . . inherent in men as men, by virtue of their common human essence. They correspond rather to definite social requirements of definite people situated in definite circumstances."

Clearly the Marxist perceives rights and law as arising from mankind and society, rather than from the commands of a supernatural Being. This implies that law arose at a specific point in history, sometime after the emergence of man on the evolutionary scene. Thus, the Marxist must address the question: When and how did law originate?

The Origin of Law

According to the Marxist, as soon as man formed a society and the most rudimentary economic structure involving class distinctions, two things came into existence simultaneously: law and the state. The reason for this is that societies and economies require order to function properly, and so laws had to arise to prescribe the bounds of order, and the state had to evolve to enforce the order.

Engels describes the origin of law and the state this way: "At a certain, very primitive stage of the development of society, the need arises to co-ordinate under a common regulation the daily recurring acts of production, distribution and exchange. . . . This regulation, which is at first custom, soon becomes *law*. With law, organs necessarily arise which are entrusted with its maintenance—public authority, the state."

This regulation must exist in societies divided into classes because, according to the Marxist, class distinctions will always create conflict and disorder and must be kept in check as much as possible by laws and the state. Engels writes, "In order that these . . . classes with conflicting economic interests, may not annihilate themselves and society in a useless struggle, a power becomes necessary that stands apparently above society and has the function of keeping down the conflicts and maintaining 'order.' And this power, the outgrowth of society, but assuming supremacy over it and becoming more and more divorced from it, is the State."

Unfortunately, this state that arises to subdue class conflict actually winds up perpetuating the conflict, since the dominant class always wields the power of the state. Lenin declares, "The State is an organ of class domination, an organ of oppression of one class by another; its aim is the creation of 'order' which legalises and perpetuates this oppression by moderating the collisions between the classes." According to

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Brainwashing and Indoctrination

by Dr. Fred C. Schwarz

The term “brainwashing” is not always used to indicate the process described. The word has captured public imagination and is used very loosely. The process of indoctrination by repetition rather than reason is frequently termed brainwashing. The Communists are adept at this also. They tell a lie, make it big, repeat it often, and the majority of people believe them.

This, of course, is a principle that has long been practiced by advertisers. There are some particularly remarkable examples in the field of tobacco advertising. There is little attempt at a reasoned, logical argument. They seek a catchy slogan to repeat over and over again. Some years ago when a certain company was promoting an especially long cigarette, the slogan adopted was: “Screens out irritants but never screens out flavor.” The idea apparently was that the length of the cigarette acted as a filter. The question which should arise at once is: What happens when the cigarette burns down to the normal size? Yet this obvious lack of logic and common sense apparently made no difference to the effectiveness of the advertising campaign. The slogan was repeated so many times that large numbers of people unquestionably assumed its truth.

Driving back one night from Milwaukee to Chicago, I listened to a remarkable interview on the radio. The man being interviewed was a prosecuting attorney. He was discussing drinking drivers. He was devastating. He said, “Anyone who drinks and drives an automobile is a potential murderer. Anyone who drinks, drives an automobile and kills is an actual murderer. There is no difference between killing as a result of drunken driving, and killing with a gun. Since everybody drives, nobody should drink. One drink lowers your efficiency and increases your reaction time. There is only one place for drinking drivers and that is prison. By God’s grace, that’s where I intend to put them!”

No sooner had he finished than the announcer’s voice was heard: “The foregoing interview was sponsored by a well-known brand of beer.” There followed a specious statement that because this beer was the best of all beers, you owed it to yourself and your friends to pick up a carton of it on the way home and to keep it in the refrigerator as you never knew when your friends might drive by and call on you. If you did not have a drink there to welcome them, you were certainly a poor host and no gentleman.

The sponsors of this program were not trying to ruin their business. They doubtless knew very well that the program

would do them no harm, for they were well aware that repetition would conquer reason. The listening audience would hear the prosecuting attorney once, and perhaps they would agree with him; but they would hear the beer announcement a hundred times. Reason may reach the conscious mind while repetition influences the unconscious mind which is the source of so much human conduct.

The Communists know that if they want something accepted without question, they must say it, say it, and say it again. Therefore they are repeating day and night by radio, by television, by literature of every type, two simple lies: one is that wherever Communism is in power, the people are prosperous, healthy, happy and free; the other is that America is vile and evil beyond measure, a land of hunger, malnutrition, depression, exploitation, poverty and fear, and a desperate threat to the peace of the world. An evidence of this Communist technique is a book which they have published in Australia called *This is America*. There is not one word in this book which is not quoted directly from the non-Communist American press. Out of the tremendous quantity of material published, the Communists have taken any statement which can help to build a picture of a poverty-ridden, oppressed America. All the articles and statements that suggest otherwise, they have ignored completely. The following are some quotations from the book.

“One third of the city’s babies, born and unborn, suffer from malnutrition as a result of high prices, the Right Rev. Charles K. Gilbert, Bishop of the Episcopal Diocese of New York, told the Congressional Committee.” *New York World Telegram*, September 25, 1947.

“We feed our hogs better than our children.” Heading on an article in the *American Magazine*, October, 1947, by Fred Bailey, Executive Director of National Agricultural Research, Inc.

“Approximately 2,500,000 residents of New York face undernourishment and deficiency diets due to the inflated costs of food. This is the grim, outstanding evidence produced by a four-day hearing on food prices by the eastern sub-committee of a joint Congressional Committee.” Quoted in the *Christian Science Monitor*, September 26, 1947.

“Three fourths of the nation’s children suffer from undernourishment, a study of Pennsylvania State College established.” Quoted by Associated Press on December 20, 1950.

The Communists do not need to tell lies in order to create the picture they desire. All they need to do is to select from the total picture those things that fit into their pre-conceived pattern. As Tennyson said:

“A lie that’s half a truth is the wickedest lie of all,
For a lie that’s all a lie can be met with and fought outright,
But a lie that is half a truth is a harder matter to fight.”

The Communists are creating a picture of America which

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is completely false and are projecting this picture into the minds of the people of the world. What America does or does not do makes little difference to this picture. It is easy to say, "Let the facts speak for themselves." Unfortunately facts have a very soft voice, and their message is not heard by those who are not in the immediate environment. The United States-Canadian border is a fact. The absence of military establishments, the frequency and ease of two-way transportation are indisputable facts. They have not been able to contradict for millions of people the constantly reiterated Communist lie that the United States is viciously imperialistic, threatening the peace and integrity of all the people of the world.

In the formation of public opinion, it is not what you do that counts, but what people believe you do. In the 1950s opinions varied concerning the wisdom of the action of President Eisenhower in sending troops into Little Rock, Arkansas. The fact is indisputable that they were sent to enable black children to attend school. However, competent observers report that the majority of people in Africa believed that they were sent in to prevent black children from attending school. The attitude of these people towards America was formed from their erroneous beliefs, not from the facts. The Communists spare no expenses and make prodigious efforts to print and distribute literature giving a completely false picture of life and character in the United States. The falsity of this picture of America is only surpassed by the picture they present of alleged universal hap-

piness and contentment under Communism.

The difference between life under Communist rule and life in America is well illustrated by the fact that whenever Communism comes to power, in spite of the glory of their promises, the fearful reality proves the magnitude of their deception and people flee by the millions. At every Communist border in the world where there is any possibility of escape, this exodus continues. The United States, on the other hand, is a magnet to her neighbors. A million people a year risk their lives not trying to get out, but trying to get in, not to live at the highest standard, but at the lowest standard. Great numbers cross the Rio Grande River and enter illegally from Mexico. Conditions in Mexico are certainly very poor, but this alone would not account for the influx. Conditions in Turkey are far from ideal. Poverty there is rife also. Yet there is no stream of refugees from Turkey into Russia. These facts must be told till they are known in every nook and cranny of the earth. America should mobilize her remarkable skill with the means of communication to achieve this end. The alternative is to become an island of unease in a surrounding sea of hatred.

The phenomenon of brainwashing is one of the manifestations of the true nature of Communism. It is rebellion against God; it is rebellion against the human mind; it is rebellion against the purpose, significance and value of the individual. The way to defeat it is to defeat the program of Communist expansion. When the door closes behind you in the brainwashing chamber, it will be too late.

Ronald Radosh's "Commies"

By Robert Stacy McCain

A visitor to historian Ronald Radosh's home in suburban Brookeville would hardly guess that the occupant was once a Communist Party activist targeted for possible arrest by the FBI.

The two-story brick home – where a yapping white poodle named Sam scampers across the green lawn to greet visitors – scarcely seems like the place to find a dangerous subversive who once plotted to bring Marxist revolution to America, but Mr. Radosh gladly confesses his former role in the worldwide communist conspiracy.

"I joined when everybody else was quitting," says Mr. Radosh, who now laughs at his youthful exploits as a "full-fledged member" of the Communist Party U.S.A.

He was raised in a militant left-wing environment – one of his first baby pictures shows him being paraded by his parents in the Communist Party's annual May Day parade in New York. But Mr. Radosh has long since renounced his early communism and is now a conservative and avowed anti-communist.

He is now "naming names" in his new book, *Commies: A Journey Through the Old Left, the New Left and the Leftover Left*.

And what names he names: folk musicians Pete Seeger and Mary Travers, convicted Soviet spies Julius and Ethel Rosenberg, black leader W.E.B. DuBois, journalists Robert Scheer, James Weinstein and Sidney Blumenthal, historians Herbert Aptheker and Eric Foner, and Michael Lerner, the radical rabbi who inspired Hillary Rodham Clinton's short-lived "politics of meaning."

Small wonder Mr. Radosh, 63, has been called "the Zelig of the American Left" for his uncanny knack of being involved with so many major figures and in so many key events of the past 50 years.

A long-time member of the Communist Party's youth group, the Labor Youth League, Mr. Radosh joined the party in 1956 after the Soviet invasion of Hungary and the so-called "Khrushchev report" condemning Stalin had caused many longtime communists to lose faith in the cause.

His FBI file, which he obtained through the Freedom of Information Act, makes note of his status as a student communist leader at the University of Wisconsin and his 1955

arrest for distributing the Daily Worker – the Communist Party newspaper – outside a factory gate in Madison, Wis. The FBI identified Mr. Radosh as someone to be detained “in case of a national security emergency.”

His radical past is a source of bewilderment to his youngest son, a junior at the University of Maryland. “He says, ‘I can’t understand how you ever fell for that communist crap,’” Mr. Radosh says.

But having lived so many years in what he describes as a “left-wing milieu” – he spent childhood summers at Camp Woodland, a communist-dominated resort for “red-diaper babies” – Mr. Radosh says it was hard to reject those early influences.

“It’s a whole world you’re in – it’s like a church,” he says. “You don’t want to leave that. You don’t want people who used to be your friends to call you ‘traitor,’”

He was first accused of betraying the communist cause in the mid-1970s, after traveling to Cuba with a group of fellow leftists. Mr. Radosh wrote an account of the trip, including a visit to a Cuban mental institution where the Castro regime had incarcerated homosexuals and where doctors boasted of having performed lobotomies on many inmates.

The accusations were leveled again in 1979, when an investigation of the Rosenberg case led him to conclude that Julius Rosenberg was guilty of espionage and that the FBI had prosecuted Ethel Rosenberg in hopes of getting Julius to confess.

Ironically, Mr. Radosh had been a defender of the Rosenbergs since childhood. As a member of the communist-front Youth Committee for the Rosenbergs, he traveled to Washington and picketed the White House on behalf of the Soviet spies. He even attended the same communist-dominated school as the children of the Rosenbergs – New York’s Elizabeth Irwin High School.

Mr. Radosh’s story of the Rosenberg case was spiked by the New York Times, printed in the New Republic and later expanded to a book, “The Rosenberg Files,” co-authored by Joyce Milton.

The revelations prompted charges of betrayal. “Even if it’s true,” one friend told Mr. Radosh, “you shouldn’t say this, because you’re helping the other side.” Other friends told him, “The facts are irrelevant. We need the Rosenbergs as heroes.”

It was not until the 1980s, however, that Mr. Radosh finally broke with his communist past after a visit to Nicaragua convinced him that the Soviet-backed Sandinistas – contrary to the claims of their liberal defenders – were setting up a repressive dictatorship.

“You could see the Sandinistas were out there trying to do to Nicaragua what Castro had done to Cuba,” Mr. Radosh

says of the regime, which was defeated in a 1990 election he says was forced by the U.S.-backed “Contra” rebels. “If there had been no Contras, clearly the Sandinistas would never have agreed to an internationally monitored election.”

If his revelations about the Rosenbergs, Castro’s Cuba and the Sandinistas were not enough to make him an enemy of his former left-wing friends, Mr. Radosh is preparing to assault one of the left’s most cherished myths, the Spanish Civil War.

In “Spain Betrayed,” Mr. Radosh and co-editor Mary R. Habeck collect dozens of newly discovered documents from Russian archives revealing the role played by the Soviet Union in the war that was a major left-wing cause in the 1930s.

The documents in “Spain Betrayed” – to be published in July on the 65th anniversary of the outbreak of the Spanish Civil War – show that Moscow swindled the Spanish Republic out of millions of dollars and that Soviet dictator Josef Stalin aimed to turn Spain into a Soviet satellite state.

“All hell’s going to break loose” when the new book is published, Mr. Radosh predicts. “These documents are mind-boggling. People are going to be stunned.”

Like so many other stories in his life, Mr. Radosh’s revelations about the Spanish Civil War are touched by irony. His uncle, Irving Keith, was killed fighting in Spain with the communist-backed Abraham Lincoln Brigade, and Mr. Radosh writes that he “grew up addicted to the romance” of the “authentic American heroes” who fought for the communist cause in Spain.

His career as a historian – he retired from New York’s City University system in 1992 – was something of an accident. “My ambition was to be a folk singer,” says Mr. Radosh, who as a child took banjo lessons from Pete Seeger. “He was my hero.”

But Mr. Radosh’s hero was a communist who, after the Soviet Union and Nazi Germany signed a non-aggression treaty, issued an album of pacifist songs condemning President Franklin Delano Roosevelt as a warmonger. Shortly after the album was released, however, Germany invaded Russia and – being loyal to the Communist Party line – Mr. Seeger recalled the album and destroyed all but a handful of copies, issuing a new record with pro-war songs.

Mr. Radosh still occasionally plays his banjo and sings (with irony) the old left wing anthem, “Which Side Are You On?”

Observing the antics of the current left – such as the violent demonstrations against free trade in Seattle in 1999 – Mr. Radosh knows which side he’s on.

“These people are parodies of a once-serious social movement,” he says. “Anarchists...they’re really nihilists. They don’t believe in anything. They just want to smash and destroy.”

The Washington Times, June 26, 2001, p. A14

Fidel Castro and Communist Cuba

by Oliver North

“I don’t think many people perceive Castro as a threat to the United States” (June 8, 2001).

That was the assessment of defense attorney Al Krieger, who once represented mob boss Jon Gotti, after a Miami jury convicted five Cuban agents of spying for Fidel Castro. Thankfully, the jurors disagreed with Krieger and handed down sweeping guilty verdicts.

Unfortunately, official Washington thinks Krieger is right. They see the aging tin-horn who rules Cuba as a harmless old coot. Those who believe that had better think again. Fidel has found a new benefactor.

Last week, four days after the verdict in the Cuban spy case, with President Bush traveling in Europe, the East Asia/Pacific Subcommittee of the House International Relations Committee held a quiet hearing on the wisdom of reviewing Permanent Normal Trade Relations (PNTR) for the People’s Republic of China. James Kelly, assistant secretary of state for Asian affairs, was doing his best to support the administration’s position that reviewing PNTR is a wise thing to do, when my colleague from the Reagan White House, Rep. Dana Rohrabacher (R.-Calif.) came out of his chair.

Brandishing an article by Bill Gertz of the *Washington Times* charging Beijing with shipping arms and explosives to Cuba, Rohrabacher asked what the State Department thought of these transfers. “We are very much concerned with this PLA [People’s Liberation Army] cooperation and movement of military equipment in Cuba,” Kelly politely replied.

But later in the day, the State Department released a statement that China would not be subject to sanctions for shipping arms to a nation listed as a state sponsor of terrorism because there “has not been a determination that China has transferred lethal military equipment to Cuba.”

“What do they [the State Department] need?” asked Rep. Ileana Ros-Lehtinen (R.-Fla.), who also serves on the International Relations Committee, when I called her that afternoon. “This isn’t something new,” she added. “The People’s Republic of China [PRC] and the Castro regime have been getting closer for years. The Communist Chinese already have two electronic eavesdropping stations in Cuba. Their espionage site at Beijing allows them to monitor U.S. personal, commercial and political communications. PRC intelligence sites in Cuba allow them to listen to almost everything on the U.S. East Coast.”

Then Ros-Lehtinen added a haunting thought to the equation. “There are substantiated reports listing Cuba as a country with a biological weapons program,” she told me. “What

if the PRC’s weapons will enable the Castro regime to launch offensive biological weapons at the U.S.?”

Unfortunately, both Rohrabacher and Ros-Lehtinen appear destined to be ignored by a Washington power structure intent on renewing PNTR for the Communist Chinese. Republicans, still smarting from the Senate’s power shift, are loathe to criticize the White House. Democrats, many of whom support Ted Kennedy’s call for “normalization” of relations with Cuba, don’t want to rock the boat. And no one on either side of the political spectrum wants to find fault with Colin Powell’s State Department.

Rep. Porter Goss (R.-Fla.), chairman of the House Permanent Select Committee on Intelligence, told me, “We shouldn’t be surprised that the PRC is making mischief with rogue nations. There is a pattern of behavior here.” Then he added an ominous footnote: “Recall what happened when the government of India discovered that the PRC was helping Pakistan develop nuclear weapons. They went and demonstrated their own.”

Goss wouldn’t speculate on what military hardware the Communist Chinese delivered to Havana, so I called a senior intelligence officer and asked, “Why do you think the PRC would be making shipments of military explosives and ‘det-cord’ to Cuba?” His reply: “The bigger question is, ‘What else has Beijing shipped, and why?’”

I asked Rohrabacher that question. “Beijing is looking for leverage—just like the Soviets did back in the ’60s. First, it’s small arms, then it’s anti-aircraft weapons, and they’ll keep pushing until we have to give up something in return. And of course, what they will want us to give up is our commitment to protect Taiwan,” he said.

Rohrabacher may be right. We now know, decades later, that part of the secret deal President John F. Kennedy struck with Krushchev was to remove short-range tactical nuclear weapons from Turkey in exchange for the Soviets removing their missiles from Cuba. Would Beijing be willing to “leverage” Cuba for a free hand with Taiwan?

The pro-PRC lobby in Washington argues that the stakes today are too high for Beijing to try this kind of brinkmanship. Yet Red China’s actions for the past five years indicate they are willing to risk a rupture with the United States: espionage, illegal political contributions, military assistance to Iraq and Libya, its own military build-up, overt threats that “Los Angeles is within range” of their ICBM’s, the EP-3 incident, and now Cuba.

Most people in Washington believe trade with the United States is more important to the rulers in Beijing than anything else. But some, like Rohrabacher and Ros-Lehtinen know that’s self-deception. And they want the rest of their colleagues to wake up before it’s too late.

—*Human Events*, June 25, 2001, p. 15

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this view, the state must be done away with—and it will be done away with, in the final stage of Marxism, which is communism. This concept has been presented in the article on Marxist politics; what is important to understand here is that the Marxist sees law, like the state, as inextricably tied to economic structures that encourage class conflict.

Whence comes this conflict? According to Marxism, class conflict is basically caused by private property. Thus, law and the state arose at the precise point in time when society and the economic structure gave rise to the concept of property. Jawitsch says, “The basis of law is actual possession of a thing, of property, and social relations in connection with that. . . .” Elsewhere he writes, “Law emerges as a special variety of social consolidation of the prevailing mode of production and is therefore linked from the very start with actual property relations. . . .”

Founding law on a specific theory about economics and property relations has powerful ramifications for the Marxist, as Jawitsch admits: “Legal reality constitutes one of the forms of social consciousness conditioned by social being, a legal superstructure on the economic basis; it therefore has only relative independence and cannot be understood by itself alone.” Rather, law must be studied with its “class nature,” which is caused by unjust property relations, in mind. Law, for the Marxist, cannot be understood fully apart from its origin in an economy marked by class distinctions.

Law as the Will of the Ruling Class

As stated above, the Marxist believes laws are reflections of the desires of the class wielding state power. This belief stems from the Marxist assumption that the dominant class always gains control of the state, which is responsible for framing laws and enforcing them.

Thus, Andrei Y. Vyshinsky writes, “Marxism-Leninism gives a clear definition (the only scientific definition) of the essence of law. It teaches that legal relationships (and, consequently, law itself) are rooted in the material conditions of life, and that law is merely the will of the dominant class, elevated into a statute.” And Jawitsch echoes him today: “Laws and statutes most clearly express the will of the ruling classes.” The reason for this is simple: “In the law the dominant will, which has been made into a law for all, is manifested in generally acceptable, binding norms of a general character, upheld by the state, and relations in the appropriate conditions.”

Today, according to the Marxist, there are only two basic classes that can be in control of the government and creating laws: the bourgeoisie and the proletariat. Selsam declares that “inasmuch as there are no moral principles standing over and above the needs and desires of men, and since these needs and desires are generally torn asunder by the actual

conditions of the class divisions of society, there are only two genuine positions upon which moral judgments can be based. These are the positions or standpoints, the needs and interests, of the bourgeoisie and of the proletariat.” Naturally, the Marxist believes that all societies that allow the bourgeoisie to make moral decisions and formulate laws are unjust.

Bourgeois Law and the Proletariat

Marx clearly denounces bourgeois law as nothing more than a reflection of the desires of that class. In the *Communist Manifesto*, he tells the bourgeoisie: “your jurisprudence is but the will of your class made into a law for all, a will, whose essential character and direction are determined by the economic conditions of existence of your class.” This law, according to the Marxist, invariably discriminates against the propertyless working class. *The Fundamentals of Marxist-Leninist Philosophy* declares, “Law is the will of the ruling class, say Marx and Engels, embodied in legal acts. Therefore, like the state, law has a class character and in class-divided society is an instrument in the hands of the ruling class for holding down the working people.”

The main reason for the oppressive nature of bourgeois law, of course, is that it is based on the concept of private property. Selsam says, “capitalist ethics is based on private property, as is the law in which that ethics is enacted.” This basis causes the law to promote unequal rights. Cornforth writes, “The law protects the right of the owner of means of production to buy labour power and direct its employment, of the worker to sell labour power, and of each to organise to get the best terms he can in the bargain. That is the protection of unequal rights. . . .” In truth, there can never be equal rights in a capitalistic society, according to the Marxist, since the very nature of the system creates haves and have-nots. Cornforth sums up, “There cannot be equality between exploiters and exploited. . . .”

Bourgeois law contains another inherent flaw. According to Marxism, laws promoting unequal rights breed protest in the form of lawlessness. Says Engels, “The contempt for the existing social order is most conspicuous in its extreme form—that of offences against the law.” He is echoed by Jawitsch, who declares, “A social system that is based on social inequality and injustice, on the exploitation of man by man, and on the contradictions between social and personal interests, is thus the main source of anti-social excesses, and breeds crimes that are breaches of society’s conditions of existence.”

Adapted from Dr. Noebel’s work *Understanding the Times: The Religious Worldviews of Our Day and the Search for Truth*. For those interested in studying further in this area, you may order the book from the Bookshelf found on Page 8.

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