After the October Revolution of 1917, the Bolsheviks began to dismantle the tsarist legal system and to simplify the rules and procedures for the regulation of social behavior. This was consistent with their Marxist assumption that law and the state had become superfluous and would soon "wither away" in the wake of the victorious "proletarian revolution." However, in the aftermath of the difficult Civil War, the Bolsheviks found it necessary to alter the course of Soviet, political development from the draconic program of War Communism to the New Economic Policy. The partial restoration of private economic relations beginning in 1921, in turn, required the reconstruction of the legal system in order to provide a stable framework for the operation of the market. Finally, legal reconstruction, which was largely based on pre-revolutionary and foreign models, stimulated the need for Marxist criticism of "bourgeois" jurisprudence. Specifically, the small group of Marxist jurists in Soviet Russia, led by P. I. Stuchka (1865-1932), set for themselves the task of constructing a Marxist general theory of law which would explain theoretically the origin, emergence, and development of law, and account for its postponed but still anticipated "withering away" in the Soviet Union. The purpose of the present article is to illuminate this formative period of the history of Soviet jurisprudence by emphasizing the rise of what became the dominant "school" of legal theory during the period of the New Economic Policy.

The most original and intellectually substantial contribution to the emergence of Marxist jurisprudence in the 1920's was the work of the legal philosopher E. B. Pashukanis (1891-1937). Pashukanis presented his theory, subsequently called the "commodity exchange theory of law," in his monograph, Obshchnaia teoriia prava i marksizm (The...
General Theory of Law and Marxism), which was first published in 1924. His theoretical point of departure was the Marxist assumption that economic phenomena engendered social phenomena, or the idea that the “base” (the material reality of economics) generated the “superstructures” (the non-material world of philosophy, law, morality, and other social phenomena). From this assumption, Pashukanis deduced in hierarchical sequence the four major hypotheses of his theory of law. Briefly, this theory assumed that the market existed only in a capitalist society, and that it required the development of law to facilitate and stabilize economic relations. Law, in turn, required the development of the state in order to sanction the legal relationships of the marketplace. Consequently, if the market was peculiar to capitalism, then law and the state were “bourgeois” institutions. Finally, since there would be no market in “socialist” society, law and its guarantor, the state, would no longer be necessary.

For Pashukanis, all law was “private” law (e.g., civil law) which meant that all legal relations were contractual relationships reflecting the objective economic relationships of “commodity exchange.” Hence, the economic activity of buying and selling goods in the market logically preceded the existence of the formal legal concept which reflected that activity. Since commodity exchange was based on the equal relationship between property owners as legal persons with the right to acquire or alienate property in a market economy, the “form” or structure of the reflective legal relationship was one of “equivalence,” or the idea that the parties to a contract give and receive from each other one or more desired commodities in equivalent amounts.

From the perspective of the commodity exchange theory of law, even crime and punishment appeared to Pashukanis as an ex post facto contractual relationship expressed in equivalent terms with the criminal as one party committing a crime and the state as the other party meting out a punishment proportionate to the damage sustained by the victim. Consequently, he deduced that the idea of “public” law (e.g., criminal law) as a discrete subsystem of law distinct from “private” law was a fiction of “bourgeois” jurisprudence. All so-called public law, according to Pashukanis’ theory, was reducible to private law.

Even the state was reducible to private law. Pashukanis conceptualized the state as a dual phenomenon—the “legal state” which manifested itself indirectly through legal rules based on the principle of equivalency, and the “political state” which expressed its power directly by means of the “technical rules” of administration based on the principle of political “expediency.” In theory, the political state, as an organization of class domination, was a meta-juridical phenomenon transcending the inherent limitations of legal regulative
lation and therefore beyond the scope of legal theory. In contrast, the legal state appeared as the guarantor of the integrity of the market (i.e., the equivalency of commodity exchange). This meant that the basic function of the legal state was to sanction the private law relationships of the market by fulfilling the role of so-called public law.

Pashukanis deduced that if private law was generated by the needs of commodity exchange and the legal state emerged historically to sanction private law relationships, then private law logically preceded the legal state. Hence, he reasoned that the legal state was not merely coextensive with the legal system, but that it was actually an ideological reflection of the equivalent form of private law, or, in other words, derivative from the economic/legal relationships of commodity exchange.

Since Pashukanis hypothesized that equivalent commodity exchange as an economic institution was peculiar to capitalism as a socio-economic formation, he further deduced that private law and the legal state were “capitalist” phenomena. Accordingly, he argued, there was not and could not be any such phenomenon as “proletarian” law or “socialist” law. There was and could be in the Soviet Union only “bourgeois law” which would continue to exist only as long as it was needed to regulate the NEP system with its limited-capitalist features.

Finally, Pashukanis deduced from his hierarchy of hypotheses that law (i.e., private law and the legal state) as a means of regulating social behavior would gradually begin to wither away in the USSR as its economic prerequisites of a private property/market economy were superseded by a public property/planned economy. Thus, the predictive power of Pashukanis’ commodity exchange theory of law was predicated on the termination of the New Economic Policy.

Pashukanis regarded his General Theory of Law and Marxism as only an introduction to the problems of constructing a Marxist general theory of law and by no means as the definitive statement on the subject. In this spirit, he appropriately subtitled his monograph Opyt kritiki osnovnykh iuridicheskikh poniatii (translated in English as An Experiment in the Criticism of Basic Juridical Concepts), emphasizing that he had written the book primarily for “self-clarification” with the hope that it might serve as a “stimulus and material for further discussion.” In fact, within a short time after General Theory was published in 1924, a group of Marxist jurists, subsequently called the “commodity exchange school of law,” began to form around Pashukanis within the Communist Academy. The commodity exchange school of law took its name from the theory whose name was in turn derived from Pashukanis’ fundamental insight that the economic relationship of “equivalent” commodity exchange was the basis for the structure of the legal relationship in a capitalist society. The adherents of the commodity exchange school were identifiable by their shared commitment to Marx’s conclusion that the “narrow horizon of bourgeois law” would ultimately wither away under communism, and their common acceptance of Pashukanis’ dictum that the task for Marxist jurisprudence was to help realize this general conclusion by verifying the commodity exchange theory of law through reference to specific historical data.

The Rise of Pashukanis as a Marxist Legal Philosopher

Although Pashukanis was just one of twelve authors to publish on the "Marxist" theory of law and the state from 1923 to 1925,5 his General Theory of Law and Marxism received an extraordinarily positive critical reception in Soviet Marxist circles. Most important was the appreciative and laudatory evaluation of Stuchka, the leading Marxist jurist of the early and mid-1920's. So great was the response to Pashukanis' theory that his book went through three editions in the short space of four years, with three printings of the last edition and a German translation. General Theory was reviewed ten times, and seven of these reviews were almost completely favorable. The conspicuous success of his "commodity exchange conception"6 of law, as it was called, gave Pashukanis a considerable amount of influence in Marxist jurisprudence. Through his numerous important positions and prestigious editorships, he was able to project his Marxist theory of law into the mainstream of Soviet legal thought. Under his intellectual leadership during the late 1920's, the jurists of the commodity exchange school of law gradually began to dominate Marxist jurisprudence as Pashukanis' theory of law simultaneously came to be regarded as the Marxist theory of law.7

Pashukanis was genuinely surprised that his small book required a second edition in 1926, just two years after publication. He assumed that General Theory had been adopted as a textbook on the Marxist theory of law primarily because of the poverty of scholarship in the field, although he personally regarded the book to be "of little use" as

5. The other eleven authors and their books were, in alphabetical order: V. V. Adoratskii, O gosudarstve (Moscow, 1923); Ia. L. Berman, Osnovy teorii proletarskogo gosudarstva (Moscow, 1924); G. S. Gurvich, Nравственность и право (Moscow, 1924); I. D. Il'in, Pravo i byt' (Moscow, 1925); N. V. Krylenko, Bases du droit et d'État (Moscow, 1924); F. Ksenofontov, Gosudarstvo i pravo (Moscow, 1924); I. Podvolskii, Marksistskia teoriia prava (Moscow, 1923; 2nd ed., 1925); I. P. Razumovskii, Sotsiologija i pravo (Moscow, 1924) and Problemy marksistskoi teorii prava (Moscow, 1925); M. A. Reaner, Pravo v sude pravo, chudesnoe pravo, obshchee pravo (Moscow, 1925); P. I. Stuchka, Revoliutsionnaya rol' i gosudarstva, 3rd ed. (Moscow, 1924) and Klassovoe gosudarstvo i grazhdansko pravo (Moscow, 1924); V. Veger, Gosudarstvo i pravo perekhodnogo vremeni (Moscow, 1924). For selected short excerpts in English translation from a majority of the above works, see Soviet Political Thought: An Anthology, trans. and ed. Michael Jaworskyj (Baltimore, 1967), Part I. A complete English translation of Stuchka's first edition (1921) of his Revoliutsionnaya rol' i gosudarstva can be found in Soviet Legal Philosophy chs. ii and iii respectively.


7. The fact that Pashukanis' commodity exchange theory of law became the cynosure of Marxist jurisprudence in the USSR during the last half of the 1920's has been substantiated by a number of sources, both Western and Soviet. For instance, S. Dobrin wrote in 1936 that Pashukanis' theory "had a tremendous success amongst Soviet lawyers, communist and non-communist alike, and for a number of years wholly dominated Soviet jurisprudence." See S. Dobrin, "Soviet Jurisprudence and Socialism," Law Quarterly Review, vol. 52, no. 207 (1936), p. 419. In addition, I confirmed this observation many times in the course of over a dozen formal interviews with leading Soviet legal theorists and legal historians, half of whom had been contemporaries of Pashukanis. These interviews took place in Moscow and Leningrad in the 1963-64 academic year during my tenure as an exchange scholar attached to the Kafedra of the Theory of State and Law of the Juridical Faculty of Moscow State University. Because a majority of my respondents preferred not to be quoted by name, I have adopted the policy of withholding the respondent's name when citing an interview. However, this information will be made available on a not-for-publication basis to any qualified scholar upon request.
He advised the readers of his second edition that he had written General Theory primarily for the purpose of stimulating Marxist criticism of law which was only slightly developed in the early 1920's.

One of the more important reasons for the second edition of General Theory was Stuchka's high praise of the first edition. Stuchka, an "Old Bolshevik," the author of Decree No. 1 on the Soviet judiciary, and one of the first RSFSR Commissars of Justice, was recognized as the undisputed leader of the Marxist school of jurisprudence. In his *Revolutsionnaia rol' prava i gosudarstva* (translated in English as *The Revolutionary Role of Law and the State*), which was published in Moscow in 1921, and in a series of articles, Stuchka criticized "bourgeois" jurisprudence from the Marxist perspective, postulating that law is a class concept with an empirical basis in the material interrelationships of people. This was a revolutionary idea at the time when Kelsen's Legal Positivism, Renner's Social Functionalism, and Petrazhitskii's Psychological Theory of Law were ascendant in Soviet Russian jurisprudence. With the publication of Pashukanis' critique of "bourgeois" jurisprudence, Stuchka recognized him as a comrade-in-arms in the "revolution of the theory of law."10

In the foreword to the third edition of *Revolutionary Role of Law and the State*, published in 1924, Stuchka took note of the number of new books on the Marxist theory of law and the state and singled out Pashukanis' as the most outstanding. With a few reservations, he found that Pashukanis' work was "to the highest degree a valuable contribution to our Marxist theoretical literature on law and directly supplements my work, which provides only an incomplete and greatly inadequate general doctrine of law."11

Stuchka's comment raised Pashukanis from academic obscurity and thrust him to the forefront of the "revolution of the law," the struggle against what Engels had called "the juridical world-view ... the classical world-view of the bourgeois in general."12

The center of action was the Section of Law and the State of the Communist Academy, which was considered the "stronghold" of Marxist scholarship.13 In 1925, Stuchka (then the director of the Section), Pashukanis, and other members of the young Marxist school of jurisprudence declared "war on this bourgeois world-view ... the last refuge of the vestiges and traditions of the old world."14 The Marxist school of law adopted as its "platform" Stuchka's postulates: (1) the dialectic as methodology; (2) "class" as the principal concept of law and the state; and (3) the material interrelationships of people as the

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empirical basis of law.\textsuperscript{15}

The first systematic attempt to apply these principles in the individual branches of
law was the three-volume *Entsiklopedia gosudarstva i prava* published from 1925 to 1927
by the Section of Law and the State under the chief editorship of Stuchka. Although
Pashukanis was only the international law editor for the *Entsiklopedia*, the impact of his
"commodity exchange conception" on the Marxist school of law was apparent in many
of Stuchka's articles on the general theory of law and on civil law. Subsequently, the
establishment of *Revolutsiia prava* as the journal of the reorganized Section of Law and
the State signalled "the opening of an offensive along a wide front against bourgeois jurid-
ical ideology."\textsuperscript{16} Stuchka became chief editor of the journal, but from the outset, edito-
rial policy was very much under the influence of Pashukanis, one of the co-editors.\textsuperscript{17}

The leadership of the Marxist school of law gradually fell to Pashukanis as Stuchka,
who was also a judge and a politician, began to devote the greater part of his scholarly
work to the Marxist criticism of civil law.\textsuperscript{18} In scores of publications, Pashukanis led the
Marxist jurists in the intellectual struggle "to overcome the juridical world-view which
still holds so many in captivity."\textsuperscript{19} For "unmasking the fetish of bourgeois law," his
*General Theory of Law and Marxism* was unanimously acclaimed the most important
contribution to this effort.\textsuperscript{20} Many times Stuchka declared that the commodity ex-
change theory of law was a "major contribution to the science of law."\textsuperscript{21} But his remark
in an early issue of *Revolutsiia prava* that Pashukanis' theory "is well known to our read-
ers," probably best expressed the reception of *The General Theory of Law and Marxism*
in Marxist legal circles.\textsuperscript{22}

The enthusiastic response to his theory undoubtedly had some effect on Pashu-
kanis. His second edition of *The General Theory of Law and Marxism: An Experiment in
the Criticism of Basic Juridical Concepts* subtly reflected a bolder, more confident

\textsuperscript{15} Quoted in "Predislovie" to *Entsiklopedia gosudarstva i prava*, ed. P. I. Stuchka [hereafter
*EGP*], 3 vols. (Moscow, 1925-27), I, iv.


\textsuperscript{17} A Soviet jurist told the author that the journal *Revolutsiia prava* was "pod znakom" of
Pashukanis from its inception, in spite of the fact that Stuchka was chief editor. Interview with a
Soviet jurist in Moscow, 1964.

\textsuperscript{18} Two other Soviet jurists both agreed that Pashukanis clearly dominated Marxist jurispru-
dence from 1924 to 1928. Interview with Soviet jurists in Moscow, 1964. Another Soviet jurist
described Pashukanis as the "nachal'nik" of Soviet legal theory during the 1920's. Interview with a
Soviet jurist in Leningrad, 1964. Besides his positions in the Communist Academy, Stuchka was also
Chairman of the RSFSR Supreme Court, a deputy to the USSR Central Executive Committee, a
permanent member of the Executive Committee of the Communist International, the Chairman of the
International Control Commission of the Communist International, and the head of the Latvian Sec-
tion of the Communist International. Stuchka, a Latvian, maintained an active interest, either directly
or indirectly, in Latvian politics throughout his career. In contrast, Pashukanis, who was of Lithuanian
extraction but born in Russia, seems to have had no apparent connection with, or interest in, Lithu-
anian politics.

\textsuperscript{19} M. Dotsenko, "Istmatchiki o prave," *Biulleten' zaochnoi konsul'tatsii Instituta Krasnoi
Professury*, no. 5-6 (1930), p. 156.

\textsuperscript{20} Pashukanis paraphrasing Stuchka in "The Situation on the Legal Theory Front," (1930), a
translation in *Soviet Legal Philosophy* p. 254.

\textsuperscript{21} P. I. Stuchka, "Prawo," *EGP*, III, 420. See also P. I. Stuchka, *Kurs sovetskogo grazhdans-

\textsuperscript{22} P. I. Stuchka, "Gosudarstvo i pravo v period socialisticheskogo stroitel'stva," *Revolutsiia
A marked transformation had taken place in the presentation of the book. The badly printed, poorly bound paperback of 1924 had been replaced by a slender, attractive volume printed on a better quality paper in a clear, heavy type. A foreword had been added in which the author authoritatively discussed the condition of Marxist jurisprudence. Certain ideas were slightly elaborated, critics rebutted, qualifications dropped, and footnotes raised to the text. The third edition of 1927, basically unchanged except for a brief new foreword, continued to reflect Pashukanis' increasing stature. The subtitle, An Experiment in the Criticism of Basic Juridical Concepts, was dropped and the idea itself lowered to the foreword. The third edition subsequently went through two more printings, the last in 1929.

Pashukanis' growing prestige as a Marxist legal philosopher was not confined to the Soviet Union. A German translation in 1929 made his commodity exchange theory available to foreign jurists and other scholars. Pashukanis' Allgemeine Rechtslehre und Marxismus was added to the Marxismische Bibliothek Werke des Marxismus-Leninismus, a series of twenty-two volumes, including Marx, Engels, Plekhanov, Lenin, Bukharin, Stalin, Pokrovskii, and Deborin. With the appearance of the German edition, Pashukanis' reputation began to spread abroad.

The critical response to the various editions of Pashukanis' General Theory was almost unanimously affirmative. I. D. Il'inskii, a Marxist legal scholar, described Pashukanis as "a jurist of the first water." The journal of the distinguished Institute of Marx and Engels classified General Theory as "one of the best Marxist works on law." I. V. Luppol, an eminent Marxist philosopher writing in the journal of the Section (later, Institute) of Philosophy of the Communist Academy, placed Pashukanis' book in the "first
rank of Marxist works in the field of law.”

An Izvestiia reviewer credited Pashukanis with a more precise conceptualization of law than Stuchka’s. A German Marxist, reviewing the German edition, characterized General Theory as a revolutionary breakthrough in the Marxist understanding of law. Pravda’s reviewer recommended that anyone wanting “to be a literate Marxist in the field of legal theory will have to carefully acquaint himself” with Pashukanis’ work. S. I. Raevich, a Marxist civilist and legal historian, declared that Pashukanis’ General Theory of Law and Marxism should serve as the guide to the future development of the Marxist theory of law.

Each new edition of General Theory seemed to call forth a more positive response. A review of the second edition in Letopisi marksizma, the most authoritative journal on Marxism, stated that “... the fundamental line of the development of the general theory of law from the point of view of Marxism is considered correct. The author not only avoided the extremes of rationalism and empiricism, but provided their synthesis, which led him to the correct application of the method of dialectical materialism to the problems of law.” Raevich, reviewing the third edition, asserted that General Theory was the most significant advance in Marxist legal scholarship and added that this conclusion was widely shared by Marxist jurists. He recommended General Theory as required reading for all jurists interested in the general theory of law.

Generally, Stuchka expressed the consensus of the Marxist jurists of the 1920’s. Summing up the “revolution of the law” against the “bourgeois” juridical world-view, he wrote: “During these years we have made great progress in the theory of law. We now have... a revolutionary Marxist understanding of the essence of bourgeois law in the work of Comrade Pashukanis, The General Theory of Law and Marxism.”

The predominant importance of Pashukanis’ General Theory for the first generation of Marxist jurists was confirmed by I. P. Razumovskii, a well-known Marxist philosopher of law in his own right. Reappraising the development of the Marxist methodology of law on the tenth anniversary of the Bolshevik Revolution, Razumovskii placed Pashukanis’ work in the context of the decade, describing it as “A little book that quickly went through three editions, [which] is acquiring major significance because of its rich content and the role it was called upon to play in the work of the Marxist criticism of juridical...”
Pashukanis was not oblivious to the positive response to his commodity exchange theory of law. His perception of this response strengthened his intention to further elaborate his general theory. Observing that Stuchka had correctly defined the commodity exchange approach as the attempt to relate the form of law to the form of goods, Pashukanis commented, “As far as I can judge by the response, this idea, in spite of certain reservations, has basically been recognized as successful and fruitful.” Concluding the foreword to his second edition in 1926, Pashukanis added: “I am satisfied that there are already people among the Marxists who have found my approach to questions of law interesting and promising. This, to an even greater degree, strengthens my desire to carry on the work in the chosen direction.”

A year later, he was reassured further of the theoretical utility of the commodity exchange approach to law, noting that “a number of comrades have made use of it critically as well as constructively with success . . . in the various branches of law.”

Inevitably, in the paens of praise for his work, Pashukanis was credited with the discovery of the “equivalent” form of law, an achievement he repeatedly denied. He consistently reiterated that he “didn’t discover any Americas,” insisting that he had created nothing new in the idea that the “philosophy of law . . . is in essence the philosophy of a goods economy.” Disclaiming any originality, Pashukanis attributed to Marx the initial perception of the relationship of law to goods. Evaluating General Theory, he wrote that he had experimentally attempted to apply the commodity exchange approach to various juridical concepts and had been “surprised to find that I had obtained a more or less systematic conception which, incidentally, correlates with Marx’s cursory remarks on the law of the period of the transition to socialism.”

Pashukanis was especially persistent in identifying his General Theory with Marx. On one occasion, when two colleagues cited him in their doklady “for establishing the connection between the abstract legal form and . . . equivalency,” Pashukanis promptly responded: “I consider it necessary to emphasize . . . that I invented nothing original here, but merely set forth . . . more or less systematically the views . . . of Marx, Engels, and Lenin on this point.”

Although his Leninist claims were not as persuasive, Pashukanis’ insistence that he was primarily elaborating Marx on the form of law was explicitly supported by Stuchka and Razumovskii and implicitly by V. V. Adoratskii, the influential Marxist phi-

38. Pashukanis, “Predislovie” to Obshchaia teoriia prava i marksizm, 2nd corrected & supp. ed. (Moscow, 1926), pp. 4-5.
39. Ibid., p. 10.
41. Pashukanis, “Predislovie” to Obshchaia teoriia prava i marksizm, 2nd corrected & supp. ed. (Moscow, 1926), p. 5.
42. Ibid., p. 6.
45. See E. B. Pashukanis, “Lenin i voprosy prava,” in Revoliutsiia prava, Sbornik I, pp. 40-60,
In an article on the "Legal Relationship," Stuchka wrote, "Comrade Pashukanis . . . and Marx demonstrated that 'the abstract legal form is created in the conditions of a goods economy. . . ." In 1930, the German Marxist reviewer Karl Korsch explicitly observed that "for all the revolutionary nature of these ideas of Pashukanis, it is not a matter of anything new but of re-establishing and renovating similar thoughts expressed by Marx himself. . . ."

"Orthodoxy" was the coveted goal of most Marxist social theorists of the 1920's. This meant only the idea of being widely acknowledged as the correct interpreter of Marx without implying conformity to a "general line," a connotation that became prevalent starting in the 'thirties. Reviewing books by Pashukanis, Razumovskii, and G. S. Gurvich on the Marxist theory of law in 1924, Il'inskii had commented: "Each of the authors bases his views on quotations from Marx and Engels, interpreting them, of course, for his own purposes. In such a situation, it is very difficult to determine who is orthodox." Whether by design or accident, Pashukanis' repeated Marxist claims, and the direct and indirect support for these claims by influential Marxists, tended to associate the commodity exchange theory of law with the attribute of Marxist "orthodoxy".

In spite of his conspicuous success as a Marxist theorist of law, Pashukanis retained a sense of intellectual humility. He denied any pretensions that he could solve all or even some of the problems of law. He had merely intended "to point out a possible perspective from which [these problems] could be approached and possibly posed." This entailed only the "modest" task of demonstrating "the internal link between the social division of labor, expressed in the form of goods, and the basic concepts in the field of . . . private law as well as the field of so-called public law."" Pashukanis' Career, 1924-1930

Pashukanis' theoretical achievements earned him more than just the praise of his contemporaries. During the years 1924-1930, he assumed a number of important positions in the Soviet academic hierarchy and was named to the editorial boards of the most influential law and social science journals. Through these strategic positions and key editorial posts, Pashukanis extended and strengthened the influence of the commodity exchange school of law on Marxist jurisprudence.

When *The General Theory of Law and Marxism* appeared in 1924, Pashukanis, a Party member since 1918, was a member of Stuchka's Section of Law and the State, and of the Institute of Soviet Construction, both of the Communist Academy

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which he subsequently described as “the center of Marxist thought.”

Later, he was to become a member of the “bureau” or executive committee of the Institute and of the Section, as well as head of the latter’s Subsection on the General Theory of Law and the State.

During 1925, the Section of Law and the State formally launched the “revolution of the law” with the publication of a collection of essays entitled Revoliutsiia prava. Pashukanis served as co-editor and contributed a major article on Lenin’s understanding of law.

In 1926, the second edition of General Theory was published. During that year Pashukanis joined the law faculties of Moscow State University and the Institute of Red Professors, the graduate school of the Communist Academy. Bol’shaia sovetskai entsiklopediia also began publication in 1926, and Pashukanis was named chief editor for law shortly afterwards.

The third edition of General Theory was issued in 1927, the year Revoliutsiia prava was established as the official journal of the Section of Law and the State with Pashukanis as a co-editor. Beginning that year, the Section’s periodic reports reflected Pashukanis’ increasing predominance. His annual intellectual output in books, articles, essays, doklady, reviews and reports was prodigious. Along with Stuchka, Pashukanis dominated the scholarly activity of the Section. As an indication of his growing impact on Soviet legal development, he was assigned the job of preparing a textbook on the general theory of law and the state and was chosen to represent the Communist Academy on the commission for drafting the fundamental principles of civil legislation, created by the USSR Council of People’s Commissars.

In 1928, a decennial report on the Communist Academy announced: “Marxism has now captured almost every branch of the social sciences.” Echoing this claim for the legal sciences, the journal Revoliutsiia prava reported, “we can now state that the Section [of Law and the State] has actually become the center toward which all the theoretical forces of Marxism in the field of law are gravitating.”

During this period, Pashukanis began to assume additional positions and editorships. He became Deputy Chairman of the Presidium of the Communist Academy, and a

52. The name of Stuchka’s Section, which he organized as part of the Socialist Academy in 1922, took three forms during the 1920’s: Section of Law and the State, Section of the General Theory of Law and the State, and Section of the Theory of Law and the State. Because the first form was used at two different times, it has been used throughout for the sake of clarity. On the Section of Law and the State and the Institute of Soviet Construction and Pashukanis’ roles and activities in these two parts of the Communist Academy, see Desiatletiiu ee sukhchestvoznaniiia, 1918-1928 (Moscow, 1928), pp. 45-52 and 37-44 respectively.
54. See the series of periodic reports that began with A. G., “Rabota sektsii obshchei teorii prava i gosudarstva Kommunisticheskoi Akademii,” RP, no. 4 (1927), pp. 140-141. This report covered the 1926-27 academic year. During that period the Section comprised approximately thirty members divided into five research groups for (1) the general theory and history of law; (2) the history of political thought; (3) the history of state law; (4) the history of civil law; and (5) the history of criminal law.
co-editor of *Vestnik kommunisticheskoi akademii*, the major Marxist social science journal. He had previously been named a charter editor of the journal *Revolutsiia i kul'tura*, a new publication designed to promote the "cultural revolution." His co-editors on these publications were the most eminent Marxist social scientists, including Lunacharskii,Pokrovskii, and Deborin.57

Pashukanis' responsibilities continued to multiply when he was appointed Prorector of the Institute of Red Professors, which was also known as the "theoretical staff of the Central Committee."58 In 1929, the Institute started a journal for correspondence students with Pashukanis as chief editor. By this time, the influence of his commodity exchange theory of law on the syllabi for the Institute's law curriculum and correspondence courses was pronounced.59

The period 1928-1930 marked the tightening of the Section's control over all legal research and scholarship in the Soviet Union. In 1928, Pashukanis joined the editorial board of *Sovetskoe pravo*, the journal of the RANION60 Institute of Soviet Law whose members had frequently differed with the Section on questions of the Marxist theory of law and the state. A year later when the Institute of Soviet Law was brought under the control of the Section of Law and the State of the Communist Academy and reorganized, Pashukanis became a member of the Institute's governing Council and co-editor of its publication, which was renamed *Sovetskoe pravo: Zapiski Instituta sovetskogo prava*.61

Finally, in 1929-30, Pashukanis reached the apex of the Marxist school of jurisprudence and the Soviet legal profession. In a major reorganization, the Institute of Soviet Law was fully absorbed and its publication was abolished. All theoretical and practical work in the field of law was concentrated in the Communist Academy. In turn, the Section of Law and the State and the Institute of Soviet Construction of the Communist Academy were merged, and the journal *Revolutsiia prava* was reoriented and renamed. Pashukanis became director of the new Institute of the State, Law, and Soviet Construc-

57. See editorial board of *Revolutsiia i kul'tura*, no. 1 (1927). This was the first issue, which appeared on Nov. 15, 1927. Pashukanis became a co-editor of *Vestnik kommunisticheskoi akademii* in 1928.
59. See especially A. K. Stal'gevich, *Programma po obshechemu ucheniu o prave, gosudarstve i sovetskoi konstitutsii* (Moscow, 1929) and Stal'gevich, *Programma po obshei teorii prava* (Moscow, 1929). Other programs on the general theory of law and state were published in *Biuleten' zaochnoi konsul'tatsii Instituta Krasnoi Professury* (Bulletin of Correspondence Study of the Institute of Red Professors) from 1929 to 1931.
60. RANION or the "Russian Association of Scientific-Research Institutes of the Social Sciences" was formed in 1923 and dissolved in 1930. RANION, which was subordinate to the RSFSR Commissariat of Education, consisted of approximately fifteen research institutes which also trained graduate students in the various fields of the social sciences, including law. A majority of the research personnel were non-Marxist specialists and, as a result, "The degree of Communist or even Marxist influence varied . . ." within RANION. See David Joravsky, *Soviet Marxism and Natural Science, 1917-1932* (New York, 1961), pp. 68-69 & 331, note 27.
tion (soon renamed the Institute of Soviet Construction and Law); chief editor of its new journal, Sovetskoe gosudarstvo i revoliutsiia prava; and a co-editor of Sovetskoe stroitel'stvo, the journal of the USSR Central Executive Committee.

The Emergence of the Commodity Exchange School of Law

An indication of Pashukanis' influence on the Soviet legal profession was the gradual emergence of the commodity exchange orientation within the Marxist school of law. Just a few years after the appearance of The General Theory of Law and Marxism, the group of Marxist jurists working with Pashukanis in the Communist Academy became known as the commodity exchange school of law. This group, led by Pashukanis, dominated Marxist jurisprudence after heavily criticizing M. A. Reisner's alternate Marxist conception of law as an ideological, normative phenomenon. As the commodity exchange theory of law became identified with the Marxist theory of law, Pashukanis gradually assumed the unofficial leadership of the Marxist school of law. By 1930, the Communist Academy was bringing all Soviet legal scholarship and education under its control, and Pashukanis, as the pre-eminent Marxist theorist of law, was soon being acknowledged as the leader of the Soviet legal profession.

The commodity exchange school of law was strongest in the general theory of law and in the branches of criminal law and civil-economic law. The branches of state-administrative law and legal history were also represented. Most of the adherents of the commodity exchange school were concentrated within the Communist Academy, which became the "leading Marxist center for the study of law" during the late 'twenties.62 Within the Academy, the majority of the jurists worked in either the Section of Law and the State or the Institute of Soviet Construction. Many also taught law courses in the Institute of Red Professors, and a number participated in the Communist Academy's "takeover" of the RANION Institute of Soviet Law in 1928. All of the senior men had contributed to the Entsiklopediia gosudarstva i prava (1925-27), and most were active contributors to the journal Revoliutsiia prava (1927-29). Over half of the members, including the younger men, participated in the work of the Section for the Preparation of Cadres of the reorganized Institute of the State, Law, and Soviet Construction. In 1929-30, this Section began publishing a series of law course programs, or syllabi, for almost every branch of law as part of the Communist Academy's effort to eliminate the vestiges of the "bourgeois" world-view from Soviet legal education.

In the leading field of the general theory and methodology of law, Pashukanis' own work was supported by M. D. Rezunov, the author of Marksizm i psikhologicheskaja shkola prava,63 by Ia. L. Berman, a leading member of the former Institute of Soviet Construction and its successor, and author of several monographs on the transitional

63. Rezunov's monograph (Moscow, 1931), published under Pashukanis' editorship, had first appeared in the form of individual articles in RP in 1929 and in its successor, Sovetskoe gosudarstvo i revoliutsiia prava, in 1930.
state, and later by M. Dotsenko, a former student who taught legal theory in the Institute of Red Professors. Stuchka, Razumovskii, and A. K. Stal'gevich were also associated with Pashukanis in this field. Stuchka, next to Pashukanis, was the most influential adherent of the commodity exchange school of law. He was simultaneously chief editor of the Entsiklopediia gosudarstva i prava and of the journal Revoliutsiia prava, chairman of the RSFSR Supreme Court, and a prolific writer in the broad field of Marxist jurisprudence. Razumovskii was a prominent member of the Communist Academy’s Section of Philosophy and co-editor of its journal Pod znamenem marksizma, as well as being a member of the Section of Law and the State and head of its Subsection on the History of Law and Political Doctrines. He also taught in the Institute of Red Professors and was the author of Sotsiolgiia i pravo in 1924 and Problemy marksistskoi teorii prava in 1925. Stal'gevich was primarily known for synthesizing the work of Pashukanis and Stuchka in his well-known book Puti razvitiia sovetskoi pravoii mysli in 1928. He also wrote the Communist Academy’s course programs on the general theory of law and the state.

In the branch of criminal law, Pashukanis’ commodity exchange theory was applied by N. V. Krylenko, A. Ia. Estrin, and Ia. V. Starosel’skii. Krylenko was Pashukanis’ most influential follower in criminal law. Krylenko was an “Old Bolshevik,” a participant in the October Revolution, and the commander-in-chief of the Red Army in the Civil War. During the early 1920’s he served as Deputy Commissar of Justice of the RSFSR, later becoming RSFSR Procurator, in which capacity he acted as chief prosecutor in several of the major political trials of the decade. Krylenko was elected to the Party’s Central Control Commission by the 15th Congress of the CPSU. He contributed many important essays on criminal law during the discussion on the revision of the fundamental principles of criminal legislation in the late ‘twenties. He also helped draft several union republic criminal codes.

Estrin was primarily a legal scholar and one of Pashukanis’ strongest supporters. He served as criminal law editor for the Bol’shaia sovetskaia entsiklopediia under Pashukanis, and represented the Communist Academy on the commission for revision of the fundamental principles of criminal legislation set up by the USSR Council of People’s Commissars. Later, he became a member of the governing Council of the re-organized Institute of Soviet Law and chairman of its criminal law department. Estrin was assigned the task of preparing a textbook and the course program on criminal law by the Section of Law and
the State. He also wrote numerous books and articles on criminal law during the ‘twenties.\textsuperscript{70} Starosel’skiĭ, Estrin’s colleague in the Communist Academy, was known in the late 1920’s as a consistent exponent of Pashukanis’ commodity exchange approach in criminal law.\textsuperscript{71}

The commodity exchange school also had considerable strength in the branches of civil law and economic law. Pashukanis’ strongest supporter in this joint field was L. Ia. Gintsburg, the leading authority and author of the course programs on economic law.\textsuperscript{72} Stuchka, who was recognized as the leading Marxist authority on civil law, was associated with the commodity exchange school in this branch of law as well. Stuchka’s three-volume \textit{Kurs sovetskogo grazhdanskogo prava} was acknowledged as the definitive Marxist work on the subject.\textsuperscript{73} Other civilists of the commodity exchange school were Raevich and G. N. Amfiteatrov, both of whom were closely associated with Stuchka in the civil-economic law field. Raevich was an active contributor to all of the major Marxist publications during the ‘twenties and served on the governing Council of the reorganized Institute of Soviet Law.\textsuperscript{74} Amfiteatrov was a student of Stuchka and one of the outstanding first graduates of the reorganized Institute of Soviet Law in 1929. He was retained at the Institute as a “scientific associate” and began publishing on civil and economic law in 1929-30.\textsuperscript{75}

A number of adherents of the commodity exchange school specialized in the branches of state and administrative law. Pashukanis himself, N. I. Cheliapov, A. I. Angarov, M. D. Rezunov, V. Iezuitov, and Berman worked in this field. Pashukanis investigated questions of public administration and the regulation of the national economy.\textsuperscript{76} In addition, he edited, translated, or reviewed over a dozen Soviet Russian, French, German, and English monographs on state or administrative law.\textsuperscript{77} Cheliapov, the outstanding

\textsuperscript{70} Estrin was also a member of the “bureau” of the Section of Law and the State, the head of its Subsection on Criminal Law and Procedure, a co-editor of the journal \textit{RP}, and the criminal law editor for \textit{EGP}.

\textsuperscript{71} Starosel’skiĭ was the author of several \textit{doklady} on criminal law in the Section of Law and the State and a minor contributor to the \textit{EGP}. He was quite explicit in his application of Pashukanis’ commodity exchange approach to criminal law. See Ia. V. Starosel’skiĭ, “Printsipy postroeniia ugolovnoi repressii v proletarskom gosudarstve,” \textit{RP}, no. 2 (1927), pp. 83–95.

\textsuperscript{72} Gintsburg was a contributor to \textit{EGP} and author of L. Ia. Gintsburg, \textit{Programma po khoziaisstvenno-administrativnomu pravu} (Moscow, 1929; 2nd ed., 1931). He was also a member of the Section of Law and the State and published in its journal, \textit{RP}. In the early 1930’s, he published profusely on economic law.

\textsuperscript{73} Stuchka also published numerous articles on civil law in \textit{EGP} as well as the monograph \textit{Klassovoe gosudarstvo i grazhdansko pravo} (Moscow, 1924).

\textsuperscript{74} Raevich was a member of the Section of Law and the State, the Institute of Soviet Construction, and a consultant to the USSR Council of People’s Commissars. He contributed articles to \textit{EGP}, the journal \textit{RP}, and its successor, \textit{Sovetskoe gosudarstvo i revolutsiia prava}.

\textsuperscript{75} Amfiteatrov was one of five graduate students of a class of eighteen who were assigned to positions in Moscow. One of his first publications was G. N. Amfiteatrov, \textit{Programma po sovetskomu grazhdanskomu pravu dlia fakul’tetov sovetskogo prava} (Moscow, 1929), written for the Section for the Preparation of Cadres of the Communist Academy.

\textsuperscript{76} See, for example, E. B. Pashukanis, “Ekonomika i pravovoe regulirovanie,” \textit{RP}, no. 4 (1929) (first part) and \textit{ibid.}, no. 5 (1929) (concluding part); and E. B. Pashukanis, \textit{Sovetskii gosudarstvennyi apparat v bor’be s biurokratizmom} (Moscow, 1929).

ing figure among Pashukanis' supporters and associates in state-administrative law, served
as director of the reorganized Institute of Soviet Law and chairman of its state-
administrative law department. He published works on public law questions and edited
the Communist Academy's course programs on state law (gosudarstvennoe pravo). Angarov, a member of the former Institute of Soviet Construction and its successor, also
served on the council of the reorganized Institute of Soviet Law and was the author of
several important articles on the concept of the state. Iezuitov and Rezunov specialized
in problems of local government and co-authored the lengthy course program on state law
under Cheliapov's editorship. Berman's contributions were in the area of public admin-
istration.

Finally, a group of jurists working in the broad field of legal history rounded out
the commodity exchange school of law. Pashukanis himself, Raevich, Starosel'skii, Chelia-
pov, and, peripherally, D. B. Levin, conducted research on various periods of legal his-
tory. Pashukanis investigated the legal history of the English Revolution; Starosel'skii
and Raevich, the legal history the French Revolution; Raevich and Levin, questions of

78. Cheliapov was also a member of the Section of Law and the State, a contributor to its
journal RP, and co-editor for the section on gosudarstvennoe pravo (state law) of the EGP. For bio-
ographical information on Cheliapov, see Bol'shaia sovetskiaa entsiklopediia, LXI (1934), 171.
79. Angarov was a candidate-member of the Section of Law and the State, a minor contributor
to EGP, a prolific writer of popular pamphlets on political and legal subjects, and co-compiler of
Khrestomatiia po gosudarstvennomu ustroistvu SSSR (Moscow, 1928) under Pashukanis' editorship.
80. See V. lezuitov and M. D. Rezunov, Uchenie o sovetskom gosudarstve (Moscow, 1931).
81. For instance, Berman wrote the "Introduction" to the Institute of Soviet Construction's
volume Stroitel' stvo sovetskogo gosudarstva, Sbornik I (Moscow, 1929), pp. iii-xv.
82. In connection with his work on legal history, Pashukanis participated with M. N. Pokrov-
skii, S. F. Platonov, V. V. Adoratskii and others in a Soviet-German historians' conference in Berlin in
Wissenschaft der Soviet-Union (Berlin, 1929), pp. 128-146. See also on English legal history E. B.
Pashukanis, "O revoluiutsiykh momentakh v istorii angliiskogo gosudarstva i angliiskogo prava," RP,
no. 1 (1927).
83. See S. I. Raevich, "Velikaia frantsuzskaia revoliutsiia i nasledstvennoe pravo," Sovetskoe
pravo, no. 1 (1928); S. I. Raevich, "Proekt Jakobinskogo grazhdanskogo kodeksa 1793 g.," RP, no. 1
(1929); and la. V. Starosel'skii, Problema jakobinskoi diktatury (Moscow, 1930) with a "Foreword" by Pashukanis.
feudal law;84 and Cheliapov, the history of political and legal thought.85 In addition, Raevich was assigned the task of drafting the course program on the history of the institutes of private law for the Communist Academy’s campaign against “bourgeois” influence in Soviet legal education launched in 1929.

By the end of the 1920’s, the commodity exchange school had begun to produce a substantial volume of legal scholarship on the general theory of law; on the branches of criminal, civil-economic, and state-administrative law; and on legal history in the on-going process of testing the major hypotheses of Pashukanis’ theory. Much of this research tended to validate the commodity exchange theory of law as a whole or in part, although some of the findings contributed to Pashukanis’ reconsideration and refinement of parts of the theory and subsequently, beginning in late 1930, to its fundamental revision.

Conclusion

The 1920’s were a period of remarkable intellectual development of the social sciences in the Soviet Union. Starting from Marxist premises, Soviet social scientists at-

84. Levin was one the junior members of the commodity exchange school and only a candidate-member of the Section of Law and the State. See D. B. Levin, “Zarozhdenie pravovykh form burnuzhannogo gosudarstva v srednevekovykh gorodakh,” Sovetskoe pravo; Zapiski Instituta sovetskogo prava, no. 1 (1929). On the legal history of feudalism, see S. I. Raevich, “Voprosy feodal’nogo prava,” ibid., no. 2 (1930) and ibid., no. 3 (1930).
85. See N. I. Cheliapov, Uchenie Karla Marksa o gosudarstve i prave (Moscow, 1933). Pashukanis’ influence on the branch of international law was also considerable, but since he did not consistently address these questions from an explicit commodity exchange point of view, I have omitted his international law writings from the scope of the commodity exchange school’s direct influence on Soviet Marxist jurisprudence. Before his emergence as a general theorist of law in 1924, Pashukanis had served as a senior official in the RSFSR Commissariat of Foreign Affairs from 1920 to 1923. During the 1920’s, he became affiliated with the Communist Academy’s Institute of World Economics and World Politics as well as the Section on International Law of Moscow State University’s Soviet law society. During the latter half of the decade, he served on the editorial boards of the Institute’s journal Mirovoe khoziaistvo i mirovaia politika and the Section’s publication Mezhunarodnoe pravo as well as being international law editor for EGP. Beginning in 1914 and continuing up through the end of the 1920’s, Pashukanis published prolifically on international law and politics: monographs, articles, essays, notes, translations from French and German, and prefaces to other books. He also served as editor of individual volumes and of the series Desiat’ let kapitalisticheskogo okruzheniia SSSR (Moscow, 1928-29). His main supporters in the international law field were S. I. Raevich, D. B. Levin, and F. I. Kozhevnikov, the latter two of whom were professors of international law at Moscow State University. Pashukanis’ principal theoretical opponent on international law during the 1920’s was Professor E. A. Korovin, author of the influential study Mezhunarodnoe pravo perekhodnogo vremeni (Moscow, 1924), in which he argued that the USSR had introduced into the international system a new “form” of international law which he called the “international law of the transition period.” In his major article “Mezhunarodnoe pravo,” EGP, II, 858-874 (1925-26), Pashukanis refuted Korovin by asserting and demonstrating that the “form” of international law remained “bourgeois,” which was consistent with his commodity exchange position that law was a “bourgeois” institution. By the end of the decade, Pashukanis had “won” the debate and the preponderance of his influence on international law teaching and scholarship was clearly apparent in a conference organized by the international law section of Moscow State University on December 3, 1929. Korovin was present, but Pashukanis was not. Dotseni D. B. Levin read a doklad on “bourgeois” influence in Soviet legal scholarship which was a critique of Korovin’s position from Pashukanis’ point of view. The doklad was followed by a discussion led by Levin, Dotseni F. I. Kozhevnikov, and their students in international law, all of whom criticized Korovin (who attempted to defend his thesis) by explicit reference to Pashukanis’ ideas on international law. For the text of Levin’s doklad and a shortened transcript of the discussion, see O burzhuaznykh vlianiakh v sovetskoi mezhunarodno-pravovoi literatur (Moscow, 1930).
tempted to elaborate and apply the ideas of Marx and Engels to Soviet conditions with varying degrees of success, often with imagination and originality. The intellectual atmosphere was still relatively free of dogma as numerous gifted scholars devoted themselves with energy and enthusiasm to the study of contemporary questions of Marxism and the social sciences. The Communist Academy of the 1920's was the setting for this movement of ideas in which Pashukanis and the commodity exchange school of law played a significant part. 86

Pashukanis took his role as a Marxist legal theorist very seriously, and considered the “Marxist elaboration of the questions of the general theory of law . . . by no means of only academic interest.” 87 He regarded *General Theory* as just the beginning of Marxist criticism of the general theory of law, arguing that no definitive conclusion could be drawn until basic research was completed in each major branch of law. Finding in the mid-twenties that “much still remains to be done in this connection,” Pashukanis urged his fellow Marxist jurists to utilize the commodity exchange approach for the “study of the legal superstructure as an objective phenomenon.” 88 As he observed at the time, Marxism was “only just beginning to conquer for itself a new field.” 89

By 1927, the “revolution of the law” was underway. Pashukanis declared that the lean years of Marxist legal scholarship were behind and that sufficient materials now existed for the construction of a Marxist general theory of law. He advised the emerging commodity exchange school that the time had arrived when the ideas merely outlined in *The General Theory of Law and Marxism* could and should be “expounded more systematically, more concretely, and more thoroughly.” 90

The main objective of the “revolution of the law” still lay ahead. The “bourgeois” world-view, thought to be the last citadel of pre-revolutionary society on the road to communism, had to be overcome and destroyed. For Pashukanis and the Marxist jurists, the decision of the 15th Congress of the CPSU in December, 1927, to accelerate the construction of a socialist society called for the intensification of their “struggle with the ‘dead souls’ of bourgeois juridical doctrines.” 91 Pashukanis was ready for the final assault, confident that Marxist criticism—an armament with the commodity exchange approach—could overcome the dangerous “recidivism of bourgeois juridical ideology.” 92

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89. Ibid., pp. 3-4.

90. Pashukanis, “Predislovie” to *Obshchaia teoriia prava i marksizm*, 3rd ed. (Moscow, 1927), n.p.


Although the commodity exchange jurists maintained a solid “front” against “bourgeois juridical ideology,” they did have differences of opinion within the Communist Academy over certain problems of Marxist jurisprudence. For instance, for two friendly but critical reviews of Pashukanis' *Obshchaia*
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Pashukanis had constructed and developed his commodity exchange theory of law during the period of the New Economic Policy. By its emphasis on law and the state as "bourgeois" institutions which would soon become superfluous with the onset of socialism and gradually begin to wither away, the commodity exchange theory provided a persuasive account of the past, present, and future of law and the state. Pashukanis' theory came to be widely accepted as the Marxist theory of law, but, in retrospect, as subsequent political events demonstrated, it had been essentially the Marxist legal theory of NEP. This in itself was no small achievement for a Marxist legal philosopher, but after the launching of the First Five-Year Plan, Pashukanis began to find it both theoretically and politically necessary to revise his commodity exchange theory of law which, in revised form, lost much of its explanatory and predictive power.

As a Marxist philosophy of law, Pashukanis' theory basically had been a sociology of law which, after 1928, had become increasingly incompatible with the new political and economic priorities of the First Five-Year Plan, especially the necessity for a strong "dictatorship of the proletariat" (read: a strong Soviet state) and its ancillary, "Soviet" law which, after 1937, became "socialist law." The Soviet state and Soviet law (in that order) were needed to implement the Communist Party's policies of rapid, heavy industrialization and forced collectivization. Consequently, as the Party shifted from the genetic development pattern of NEP to the teleological orientation of centralized five-year planning, Soviet jurisprudence simultaneously underwent reconstruction.

Through samokritika in November, 1930, Pashukanis led the way in the "struggle on the legal theory front," assuming command of the re-orientation of Soviet jurisprudence from a legal sociology to a modified legal positivism. Under his leadership of the Soviet legal profession during the first half of the 1930's, Marxist legal philosophy was gradually subordinated to the requirements of directed social change in the USSR. However, like jetsam from a lightened ship, fragments of his rejected commodity exchange theory of the 1920's (in particular, on the gradual withering away of civil and criminal law), continued to appear in his writings and in the work of his Institute of Soviet Construction and Law, and eventually cost him his life. In January, 1937, Pashukanis was arrested and disappeared, charged with "vreditel' stvo" ("wrecking") and nihilism, and castigated as a "vrag naroda" (an enemy of the people) by his successor A. Ia. Vyshinskii and his followers.

Nearly twenty years later, after the 20th Congress of the CPSU in 1956, Pashukanis, along with other purged members of his school, was posthumously rehabilitated. However, his commodity exchange theory of law of the 1920's with its thrust toward otmiranie (the withering away) of law and the state, is still regarded, in the milder critical language of the contemporary USSR as oshibochnaia (erroneous).

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"Teoria prava i marksizm" by Marxists who were later to become adherents of his school, see I. P. Razumovskii, "K kritike obshchei teorii prava," Vestiik Kommunisticheskoi akademii, Bk. 8 (1924), pp. 357-365; and V. Kolokolkin in Pod znamenem markizma, no. 9-10 (1926), pp. 234-241. For a discussion of this and other Marxist criticism of Pashukanis, see "Pashukanis and His Critics," (ch. v) in Sharlet, "Pashukanis and the Commodity Exchange Theory of Law, 1924-1930."