

Editorial

September, 20th 2017

The newest edition of the *Law and Praxis Journal* (vol. 8, n. 3, 2017, jul-set – edition 19) brings an important novelty! We would like to announce the new section of articles published in "ahead of print". This modality allows articles accepted after the double blind review process to be immediately available online to the academic community, and may be shared and quoted even prior to their assignment to a specific issue of the Journal. Check our website for detailed information and articles published in this format!

In this edition, in the **section of unpublished articles**, we present works by researchers focusing on policial state issues, state of exception, and articles in the field of theory and philosophy of law.

The **dossier** of this edition presents a series of articles that discuss from an interdisciplinary and also juridical point of view the meaning of the Russian Revolution at the time of its 100th anniversary. The dossier is organized by professors Guilherme Leite Gonçalves and Felipe Demier, both from the State University of Rio de Janeiro. The dossier contains articles by national and international researchers. More details can be seen in the editors' presentation and also in the text that follows this editorial, which offers an explanation of the artwork chosen for the cover.

Finally, we present two recent **book reviews** of professors Wolfgang Streeck and Peter Frase.

We would like to remind that the editorial policies for the different sections of the Journal can be accessed in our page and that the submissions

are permanent and always welcome! We thank, as always, the authors, evaluators and collaborators for the trust deposited in our publication.

Enjoy your reading! **Law and Praxis** team.

Presentation: 100 years of the revolution that transformed the world and its relevance

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At the moment of the bicentenary of the French Revolution in 1989, Eric Hobsbawm noticed how the controversies concerning the question divided opinions in two fields: the defenders and opponents of the *Great Revolution*. At that time – as Hobsbawm emphasized –, due to the advance of neoliberalism, the participants of the second camp predominated in the academic, journalistic and political mainstream. Currently the same seems to occur with the Soviet centenary. Following the Conservative Wave, followers of the current reactionary order strive to delegitimize the achievements of *October 1917*.

Analysing from this perspective the contemporary opponents of *October* seem only to reproduce the analytical scheme of the neoliberal opponents of the French revolution replacing the characters of the plot: if the

“ignorant” proletariat of Saint Petersburg assumes the role of the “angry” Parisian sans-culottes, “Criminal” Bolshevik party takes the place of the “terrorist” Jacobin club and, of course, the tyrants Lenin, Trotsky, Sverdlov and other artificers of the Winter Palace takeover replace the “irascible” Robespierre, Danton, Marat and Co.

We would like to briefly highlight here three aspects that structure the narratives produced by this wide liberal field of the interpreters of *October*.

The first of these aspects refers to the cult of liberal democracy as the complete and perfect form of political organization. Added to this idealistic dimension, there is an unmistakable anachronism. At the time of the *October Revolution* not only the representative democracy – with all its impregnable repressive ingredients against the labor movement, we shall remember – only existed in a few nations originating from industrial capitalism, as well as the *delayed unequal and combined development* of industrialization in the Russian social-political historical formation did not allow a democratic-liberal regime to appear as a feasible option.

This democratic-liberal impossibility was evident throughout the behavior of the Russian bourgeoisie over the first two decades of the twentieth century. Without ever having challenged Czarist absolutism by wielding a democratic program, such bourgeoisie was brought to power in February 1917 by a popular revolution in which they did not take part. The Provisional Government was not able to change the country's nobiliary agrarian structure, did not meet the worker's demands for social rights, did not guarantee any rights to the oppressed nationalities of the Tsarist empire, delayed the elections to a constituent assembly, and finally did not dare to withdraw the country from a war which, taking into account only the interests of the imperialist bourgeoisies of the West, cost millions of peasant lives on the front. Moreover, the support of the Russian bourgeoisie to the Kornilov uprising made it clear that the ruling class of the country sought to overthrow its own (too “democratic”) Provisional Government and replace it with a restorationist military dictatorship.

Thus it would not be wrong to say that today's liberal historians are the only ones who truly wish that a liberal democracy had been established in Russia in 1917, whereas more realistic liberals from the past knew very well that only a dictatorship could save their property.

The second aspect to be highlighted concerning these historiographical tendencies hostile to *October* is the intending union between two distinct phases of the initiated process with the seizure of power by the Bolsheviks, which can be verified through the conception that Stalinism would have been a natural evolution of Leninism. To refute this thesis, it would suffice to point out that, under Stalin's orders, the revolutionaries of the period 1917-1924, among them practically all members of the central committee chaired by Lenin, were arrested, sent to forced labor camps and have been shot to death. It would be necessary that the adepts of the thesis of *Lenin-Stalin's continuity theory* explain why the latter, a "mere successor" had to eliminate practically all of the allies of the first, "his master".

The liberal interpreters of *October* take refuge in the assertion that under the command of Lenin and Trotsky the repressive apparatus also victimized thousands of people. These interpreters, however, treat violence in an abstract way and disregard the historical content of the repression practiced by the young revolutionary regime, which was immersed in a civil war resulting from the military offensive triggered by the restoration and by the armies of capitalist nations. Except for condemnable exceptions (as in Kronstad), it was against these forces that the Bolsheviks directed their arms, and not against the revolutionaries themselves, as Stalin would later do. *Trying to equate both repressions because they are both repressive* is as unreasonable as willing to equate – to remind us once more of the French case – Robespierre both to the Girondists of the *Directory*, and to Louis XVI and his absolutist *entourage* for the simple fact that they all cut off the head of their enemies.

There is, however, another question from liberal researchers which is opposed to the one described above, but equally problematic. Still in the post-Second War, within the Marxist field itself, some scholars considered that the

historical conditions determining the events of 1917 would no longer serve as a basis for thinking about the European context in which the proletariat enjoying social services and worshiped by a “technological rationality”, would be incorporated into a bourgeois industrial society and therefore will be incapable of disruptive conflict against it. For the Social-Democracy of Welfare capitalism, social reforms, even if also caused by the very existence of the Soviet Union, would have disregard the necessity of “a revolution”. Open to universal suffrage, the state would no longer be a *repressive apparatus of class domination*, as in Lenin's Russia. Taken by something neutral, it should be occupied by the left with a view towards the implementation of social policies. The horizon, therefore, would be limited to a capitalist society with rights. Many were seduced by the rhetoric of a “post-industrial” society in which work would have lost its centrality and the working class ceased to exist. The “old” *social question* – they claimed – would no longer have any place. Representative liberal democracy – or, simply, bourgeois democracy – appeared finally a historical axiom.

However, after a *hundred years of the ten days that shook the world*, it cannot be said that the general determinations of the 1917 revolution had been overcome. Contrary to the aforementioned “diagnoses,” capitalism, in spite of all its technological and informational revolutions, follows its “expropriation march”, and thereby exponentially increases the number of dispossessed whose only commodity to be sold in a commodity-producing society is their own workforce.

The promise of new “entrepreneurs” is nothing more than the ideology of a process that has generated more workers. The growth of the working class in a world scale and its protagonism in social conflicts have become unavoidable facts. In almost all countries, workers as a social class are today in absolute and proportional terms much numerous than they were in Russia in 1917. Their increasing social force offers a political potentiality. Recent events, such as Donald Trump's election, have shown that if critical forces and thought

insist on their oblivion, the far right will continue to be the main beneficiary of the "class rediscovery" process.

In this scenario, the interest of research on the centennial Russian Revolution is pregnant with meaning. With the present Dossier, we intend not only to confront the issues raised here, but also to offer new questions for dilemmas opened in 1917 which continue in the order of the day.

In general, the invited authors challenged the three aspects that guide the liberal narratives about *October*. Instead, they constructed comprehensive analyzes of the complexity of the Russian Revolution and its legacy. The apprehension of this complexity was fundamental for the texts gathered here to discuss the contribution that the theoretical and practical experiences of 1917 still offer to the contemporary dilemmas of the capitalist system.

In a direct confrontation with liberal narratives, Raquel Varela's article and the text written by Demian Bezerra de Melo and Marcio Lauria Monteiro demonstrate the transforming nature of *October's* events and place them as the decisive political landmark of a historical era.

Varela reconstructs the historical background, especially the characteristics of the imperialist phase of capitalist accumulation, which preceded the revolution and shows how the Bolshevik uprising expressed a expression of rejection from those who had hitherto experienced the advent of modern society only as a new form of inequality and stratification. In this sense, for Varela, *October 1917* was a social revolution (unlike most revolutions of the twentieth century, which have been limited to its political character): it transformed the relations of production: it modified the agrarian structure, expanded political participation and freedom of workers, destroyed traditional family forms of relationship etc. Permeated by a diversity of historical facts and elements, the author shows that this process was interrupted by the Stalinist Thermidor, thus rejecting in an explicit way the liberal vision that equates the period of the revolution with that of Stalin's ruling.

The critique of the different liberal theories about the Russian Revolution is, in turn, the specific subject of the work of Melo and Monteiro. In order to analyze the historiographic cycles of 1917, the authors formulated the concept of "historical revisionism". This concept has a double face: it can be used in a positive key (innovation in a field of studies) or negative (stigmatization of a process). As for the first, the authors reconstruct the conclusions of the so-called school of the social history of the revolution. As for the second, "historical revisionism" is a lens to observe ideological projects in the various liberal images of the revolution. Therefore Melo and Monteiro point to the fragility of theories that propose a parallel between communism and fascism, which fuels anti-communism and question the character of rupture with the Tsarism, that conceive the revolution as a coup d'état and sustain the Provisional Government as a democratic experience aborted by Bolshevism.

In Fabiana Cristina Severi's article and in the text by Ana Claudia Diogo Tavares and Mariana Trotta Dalallana Quintans the critique of the liberal readings of the Russian revolution reappears in the discussion about the emancipatory character of Bolshevik policies that, formulated during and shortly after the revolution, had intended to modify the unequal relations and the existing asymmetries of power.

Severi discusses the revolutionary family law and the way into which *October* incorporated feminist utopias. In this sense, the article shows that the question of women's domination and patriarchal traits in Russian society were from the outset opposed by the program of 1917. According to the author, Bolshevik leaders identified in the figure of domestic work and the private sphere space of female subordination. Their project was thus to liberate women from domestic confinement, to allow them to participate in political life, to transfer the economy of the household into the public sphere and to ensure that the marriage was based on affection. In this sense, Severi analyzes the legislative changes of the first years of the revolution that symplified marriage and divorce, guaranteed political equality between men and women,

and made possible the socialization of domestic activities (kindergartens and full-time schools, collective cafeterias, public laundries, etc.). In the end, the author shows how the role of women workers was fundamental in the whole revolutionary process and how Feminist and Socialist thinking (especially the figure of Aleksandra Kollontai) were amalgamated into a unitary project of social emancipation.

Tavares and Quintans, in turn, discuss the role of Bolshevism in the transformation of agrarian relations. To do so, they analyze Lenin's writings on the development of capitalism, the place of the peasantry, and the land issue in Russia. From an investigation of the different Bolshevik policies, the authors demonstrate that in spite of some inflections (such as the writing of the Russian Social-Democratic Labor Party Program in 1903) Lenin sought to understand the agrarian structure based on the logic of accumulation and the peasantry as an ally of the urban proletariat for social struggles. In this sense Tavares and Quintans show that the revolutionary project contemplated the adoption of an agrarian program (elaborated in April of 1917) based on the nationalization of the private properties. According to the authors, this unconditional support for the peasant movement only changed after the famine crises (spring of 1918) through the reorientation of agricultural production to supply the cities.

The role of the October Revolution as a critique of liberal democracy, a factor that explains its contradictions and the experience of unveiling its repressive character is the object of three articles: by José Ricardo Cunha, Silvio Luiz de Almeida and Camilo Onoda Luiz Caldas, and Felipe Demier and Guilherme Leite Gonçalves. In common, all texts assume the contemporary malaise concerning the increasingly antipopular character of present-day democratic states and assume that such regimes are increasingly close to the Russian constitutional experiment prior to Bolshevism. In this sense, the three texts take the materialist theories of the State and Law created in the heat of the revolutionary actions of 1917 as fundamental categories to point out the exclusionary and repressive character of the *democratic Republic*, as well as to

hold a critical reflection of the *constitutional illusions*. In spite of the common premise, the three texts adopt different positions in regard to the state, democracy and law that emerged in *October*, which in turn confirm the richness and theoretical complexity then produced.

From this perspective, Cunha proposes to analyze the relationship between the rule of law and socioeconomic revolution. To this end, the author recognizes the limits of the rule of law and indicates the different forms of oppression practiced by liberal legal formalism. This, however, does not mean, for Cunha, to renounce the principle of the rule of law. According to the author, its assurance is fundamental to ensure the exercise of public freedoms after the revolutionary disruption. This conclusion is developed from the analysis of Lenin's texts and aims to support the thesis that the revolutionary spirit should mediate the institutions of the rule of law in order to avoid that they become a mere formal mechanism of liberal democracies.

Differently, Almeida and Caldas emphasize in their article the intrinsic relation between commodity form and legal form, as developed in post-revolutionary Russia by Pachukanis's theory of state and law. In this sense, the authors demonstrate that, after the Bolsheviks seizure of power, a "lucid interval" was opened up, which allowed the emergence of a wide universe of criticisms of the liberal and bourgeois legal system. First, they reconstruct Lenin's considerations that provided the formation of an instrumentalist conception of the state and state that the major problem of this perspective was to block the knowledge about the relation between the form of value and the law based on Marx's commodity theory. The theory of the legal form, as Almeida and Caldas indicate, was possible only with Paschukanis. According to the authors, this was fundamental to explain the inadequacy of legal socialism and the specificity of law in capitalism. In the end, they show how Lenin sought to reconcile the national question and the internationalism of the workers.

Demier and Gonçalves, in turn, identify in *The State and Revolution*, Lenin's work written during the events of 1917, the elaboration of a hypothesis on the development of democracy and capitalism, whose plausibility has

become increasingly strong in the current context of compatibility between coercive, neoliberal and democratic-constitutional arrangements. According to the authors, unlike the conception forged in the post-war years, which identified liberal democracy and capitalism as differentiated and harmonizable spheres (by the system of representativeness and welfare), there is no separation or conflict between the two spheres. Through Lenin's text, they demonstrate that violence is constitutive of the state apparatus. To this end, they reject the readings that infer from this text a merely instrumentalist conception of the State. On the contrary, they show that Lenin works with a specific sense of alienation, which allows one to observe the state as the power of the ruling class that externalizes itself and, at the same time, duplicates itself in the form of use of special and organized violence. In the end, from works of Trotsky, Gramsci and Wood, the authors analyze how liberal democracy amalgamates these repressive and coercive powers against the popular classes.

Finally, the Dossier presents two articles whose identity is not limited to the reputation and prestige of authors Virginia Fontes and Ricardo Antunes in the field of critical and Marxist thought, but also because they share a common horizon. Both are clearly concerned to reflect about the totalizing trend of commodification in the world, as well as resistance practices and strategies.

Fontes develops his thesis on the historical role of expropriations in capitalism from a critique of Harvey's model of accumulation by dispossession. In this sense, the author demonstrates that the "outside" to be commodified is not a premodern remnant or a non-capitalist space, but an "internal externality", the result of unequal and different modalities of subordination to capital. In the same way, expropriation as a commodification of space is, for the author, a process of intensification of the worker's availability to the market. Considering the importance that theories of repetition of primitive accumulation have acquired in recent years in the international debate, we believe that the publication of the Fontes text in English (translated by Tayná

Carneiro) is a fundamental contribution to the diffusion of a tradition of analysis widely developed in Brazil and still less known abroad.

Antunes, on the other hand, starts from the observation that neither the Soviet Union nor China could control or surpass the capital system. On the contrary, by preserving market elements during the socialist transition, they provided a sure path for capitalism to be fully reinstated. The greatest expression of this process would be, for example, the fact that current patterns of accumulation depend heavily on the decisions of the world's largest Communist Party, the Chinese Communist Party. The question raised by Antunes is therefore how to contain and supplant the totalitarian process of commodification of all spaces. The author sustains that, since capital has an essentially extra-parliamentary social metabolism, the movements to overcome it must also surpass the institutional sphere. In this sense, he sees the power of emancipation of the social being in the experiences of social struggles in Latin America based on a morphology of work more complex than that produced in the period of Fordism, as well as in his new ways of life. In recovering the idea of a Socialism in the 21st century from the Global South, we believe that its text in English (translated by Clarisse de Almeida) will be fundamental to breaking with a certain western vision, hegemonic in the international critical debate.

Besides the texts presented, the Dossier presents also reviews on two important contemporary works that debate the end of capitalism: *How Will Capitalism End? : Essays on a Failing System*, by Wolfgang Streeck (written by Glenda Vicenzi) and *Four Futures: Life after Capitalism*, of Peter Frase (written by Allan M. Hillani). Finally, in the translation section, we published the article *Valorised but not valued? Affective remuneration, social reproduction and feminist politics beyond the crisis*, by Emma Dowling. Translated by Glenda Vicenzi, we offer to the Brazilian public a fundamental text that is inserted in the current discussion about social reproduction, that is, that seeks to understand the domination of women as constitutive part of reproduction of labor and capitalism. Through this text, Dowling shows that the acutality of the

gender issue also claims a Marxist approach. A question that has always been on the horizon of 1917. An emancipatory horizon in all the senses of life, as, according to the explanatory note of Nina Alencar Zur, we tried to demonstrate when choosing for cover of the Dossier an illustration of El Lissitzki, that composes the anthology of Mayakovsky , "Dliá gólossa" ("To read aloud").

The present Dossier is not a praise of the October Revolution. The reader who is in search of idolatries will be disappointed. It is not, however, a neutral Dossier. The authors who contributed to this volume do not hide their position. It is the position of permanent and immanent criticism. If, on the one hand, this criticism requires a rupture, on the other, it also demands a constant confrontation with liberal illusions.

Good reading!

Note about the cover: El Lissitzki

By Nina Zur, UERJ.

*Come ananás, mastiga perdiz.
Teu dia está prestes, burguês
Maiakovski, 1917¹*

Our cover page proposal for the dossier on the *100 years of the Russian Revolution* is part of the Law & Práxis Journal's attempt to extend the debate beyond the boundaries of law, and to stimulate reflections on art, poetry and politics. A discussion in the field of the law that separates itself

¹ Portuguese translation of Augusto de Campos from the second edition of the anthology of Mayakovsky organized by Boris Schnaiderman, Augusto de Campos and Haroldo de Campos, published in 1983 by Editora Perspectiva. Our translation into english: "Eat pineapples, chew on quail/ Your last day is coming, bourgeois".

from life and from what boosts life can not be a fruitful discussion, especially when what is being debated are revolutions and contestations, essentially driven by desire.

The choice of the Russian *avant-garde* and the constructivism, a movement steamed from it, of which was part both El Lissitzki, author of the picture used as the cover page of the dossier, and Mayakovsky, the poet who opens this note, is also linked to our understanding of the moment of strength and pungency of the 20th centuries' first decades in Russia, where the desire for a new world and new forms of being in the world reached all spheres of art, from the plastic arts, poetry, theater and cinema, to the architecture and design. The revolution pulsed, it was in a free march through the artistic form.

At that moment, it was necessary to affirm art as the construction of a new space of relations and interaction with reality, as if it were necessary to rebuild a city on ashes. The constructivists were engaged at once and the same time with the Revolution and with the ideal of practical and functional art, making a real formal revolution. Haroldo de Campos says that

unlike the mystical-spiritualist conceptions impregnated with Kandiski's abstractionism and the metaphysics implied by Maliievich's suprematism... the constructivists, gathered around Tatilin, sought to engage their formal revolution by giving it a positive sense and placing it at the service of the social revolution (CAMPOS, 1983: 147).

They were unique because they experimented and knew how to combine the “pedagogical” character and communication with the masses with the inventiveness and revolution of the artistic making itself, building this new world through a new look (MORALES Jr, 1996).

El Lissitzki (1890-1941) was one of the great names of Russian Constructivism. Graduated in engineering and architecture, he was professor of architecture and graphic arts and worked during the post-Revolution period with typography, photomontage and graphic design². The cover of the dossier, a graphic and geometric version of the sickle and hammer, is part of El

² A short biography of El Lissitzki is available on the Guggenheim museum's website at: <https://www.guggenheim.org/artwork/artist/el-lissitzky>.

Lissitzki's project for the anthology of the poet Mayakovsky published in 1923, called "Dliá gólossa" ("For the voice").³ In the anthology, Lissitzki's graphic elements interact with Mayakovsky's sound poetry creating an inventive semantic and phonic set (CAMPOS, 1983), where experimentation, form, poetry, typography and communication go hand in hand.

In the 1930s, the constructivists were isolated by Stalin's bureaucratic statism. Maiakovsky committed suicide in 1930, months after joining the Russian Association of Proletarian Writers (RAPP) and after the premiere of two of his plays, "The bedbug" in 1929, and "The Bathhouse" in 1930, in which he criticized "a possible future socialist world, aseptic and insipid" with its "bureaucrats who are enemies of poetry and imaginary, the typical men of the Stalinist *apparatus*" (SCHNAIDERMAN 1983: 20). For Trotsky (1930), the Stalinist position by a so-called "proletarian culture", exhausted and conservative, closed revolutionary art and culture, which should stimulate a totally new culture and literature, to which the lacerated and insubordinate genius of Maiakovsky dedicated his life. El Lissitski in turn continued to perform with photomontage and Soviet propaganda until 1941, when he died of tuberculosis, illness that affected him for twenty years. There is still much controversy over his uncritical adherence to Stalinism and loss of identity and *avant-garde* traits of his art, especially after 1932, with his intense collaboration with the magazine "USSR na stroike" (FABRIS, 2005).

An incendiary and contentious movement faded, but faded just to remain alight leaving legacies for an entire modern artistic chain: like a flash, essentially revolutionary, in some way, unapprehensible. Perhaps this is the point of union between all forms of resistance and otherness: they belong to nowhere, or they belong to all places and times. Would not that be also the form of desire, unapprehensible, that never ceases *to be* and *it is* through its denial, of what is unrealizable, of what is lacking?

Our cover, a remembering of the Russian *avant-garde*, is an attempt, as Michael Löwy suggests when interpreting Walter Benjamin, to apprehend,

³ In portuguese, "For Reading Out Loud". The complete anthology is available on the World Digital Library website at: <https://www.wdl.org/en/item/9609/>.

“like a beast leaping under the sky”, the “time-of-now”, “explosive material” from the past that we need to transform the present (LÖWY, 2005). An attempt that is already frustrated, like the fulfillment of desire, but which can open new fissures, impulses and forms of looking.

We hope you enjoy the dossier and that we can make this leap together. Let's read aloud!

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