Lukács on law

Csaba Varga*

After the fall of Communism in Hungary in 1989, the official imposition of the official version of Marxism, masterminded in and guarded from Moscow as the centre of the Bolshevik orbit, has certainly been shakened and its entire intellectual production devalued. As to George Lukács, one of the main figures of Marxism's worldwide evolution/devolution in the twentieth century also in quality as a go-between intermediating amongst—as an equal representative of—the variety of fractions of Western and Eastern (German and Russian) Marxism, his political role in the overall movement is now critically scrutinised, the interest in his theoretical achivement has transformed from inspirational source to mere noticing in the history of ideas—except to parts of the humanities and social sciences where some of his ontological insights could once take some fermentative ground. The present paper outlines the phases of Lukács' work from the point of view of philosophising on law in order to arrive at his problematising especially on law as a complex of social mediaton, the ontological/epistemological status of so-called juristic world-view, as well as the phenomenality of law and the manipulative character of the technique it is to use, all in a wider frame of reference marked by the Marxian terms of objectivation, reification, and alienation.[1]

* Research Professor Emeritus (Institute for Legal Studies of the Hungarian Academy of Sciences) & Professor Emeritus (Pázmány Péter Catholic University Faculty of Law).

[1] The basics have been firstly and tentatively summarised in Varga, Csaba), *The Place of Law in Lukács' World Concept* [1981/1985] 3rd {reprint} ed. with Postface, Budapest: Szent István Társulat, 2012, 218 pp. Available online at <http://mek.oszk.hu/14200/14249/>.
Once reviewed by Demeter János *A Hét* [Kolozsvár], Vol. XII, (1981), No. 4, p. 8; Perecz László, *Világosság*, Vol. XXII, (1981) No. 12, pp. 788–789; Karácsony András), *Magyar Filozófiai Szemle*, Vol. XXVI, (1982 No. 4, pp. 575–580, available online at <http://adt.arcanum.hu/pdf/FilozofiaiSzemle_1982.pdf/slice?pg=592&to=597&hideui=0>; Karpat, Jozef, *Právny Obzor* [Bratislava], Vol. 66, (1983,)No. 2, pp. 164–166; Dérczy Péter, *Hungarológiai Értesítő*, Vol. V, (1983)Nos. 3–4, pp. 226–227; Bragyova, András, *The New Hungarian Quarterly*, Vol. XXV, (1984) No. 93, pp. 157–160; Várady Tibor, „Jogszemlélet Lukács kapcsán", *Létünk* [Újvidék], Vol. XV, (1985) No. 6, pp. 961–964, available online at <http://adattar.vmmi.org/cikkek/3098/letunk_1985.06_11_varady_tibor.pdf>; <http://konyvtar.hu/konyv/23327>; Atias, Christian, *Revue internationale de Droit comparé*, Vol. XXXVIII, (1986) No. 3, pp. 996–997, available online at <http://www.persee.fr/web/revues/home/prescript/article/ridc_0035-3337_1986_num_38_3_2538>; *Droit et Société* (1986), No. 4, pp. 474–475; Olgiati, V[ittorio], *Rivista della Sociologia del Diritto*, Vol.

1. Introduction

György Lukács (Budapest, 1885 – Budapest, 1971) had no genuine professional encounter with law, the fact notwithstanding that he received doctorate in *scienciarum politicarum* (1906) under the direction of Felix Somló at Kolozsvár in Hungary (now Cluj-Napoca, Romania) and while at Heidelberg during the Great War, he befriended Max Weber, Gustav Radbruch and Hans Kelsen alike.[2] Being an aesthetician, literary theorist and social philosopher, legal topics could only serve mostly as substitute subjects to him, as structural exemplifications of abstract philosophical theses.

2. History and Class Consciousness (1923)

The first major magisterial work of Lukács in Marxism was the philosophy of revolutionary consciousness. Concluding from the study of history in the revolutionary bouleversement coming in the aftermath of the Great War, he saw the rejection of innate respect for anything established as the number one precondition of whatever intent at revolutionarization. For, as he fought for, all concepts of order have to be rejected for that (with a missionary zeal professed as a quasi "Marxist theology", as Béla Kun, the leader of the short-lived Hungarian Soviet Republic in 1919, remarked) the prevalent institutional framework can be overthrown. Surpassing the dualism of *legality and morality* — he wrote in his *The Changing Function of Historical Materialism* in 1919 — he could subordinate means to ends. Thereby the conclusion could be reached that nothing but *societal acceptance* gives violence chance to win, so in general not even respect for law

XIV, (1987) No. 1, pp. 175–176; Tay, A[lice], *Current Legal Theory* [Leuven], Vol. V, (1987) No. 1, p. 144; Dannemann, Rüdiger, *Archiv für Rechts- und Sozialphilosophie*, Vol. LXXIII, (1987) No. 2, pp. 286–288, available online at <http://www.jstor.org/stable/23679730>; Benseler, Frank, *Zeitschrift für Rechtssoziologie*, Vol. 8, (1987) No. 2, pp. 302–304; Wróblewski, J[erzy], *Państwo i Prawo*, Vol. XLII, (1987) No. 4, pp. 117–118; Grahn, Werner & Irène Lewtschkenko, *Deutsche Literaturanzeiger* [Berlin-Ost], Vol. 109, (1988) Nos. 1–2, pp. 89–92; Dragone, Alessandra, *Rivista internazionale di Filosofia del diritto*, Vol. LXIII, (1986) No. 2, pp. 304–306; *Реферативный Журналь за Рубежём* 4: Государство и Право (1986); Kamenka, Eugene, *Bulletin of the Australian Society of Legal Philosophy* [Sydney], Vol. 10, (1986) Nos. 38–39, pp. 255–263, available online at <http://classic.austlii.edu.au/au/journals/AUSocLegPhilB/1986/22.pdf> & *Recthstheorie*, Vol. 18, (1987) No. 4, pp. 516–523 & [as the latter's reprint] in: Varga, Csaba (ed.), *Marxian Legal Theory*, The International Library of Essays in Law & Legal Theory: Schools 9, Aldershot, Hong Kong, Singapore, Sydney: Dartmouth & New York: The New York University Press, 1993, pp. 201–208; Carlsson, Bo, *Tidskrift för Rätssociologi* [Lund], Vol. 4, (1987) No. 1, pp. 72–75, available online at <http://journals.lub.lu.se/ojs/index.php/trs/article/viewFile/8909/8029>; *Current Legal Theory*, Vol. VI, (1988) Nos. 1–2, p. 292; Browne, Paul, *Science and Society*, Vol. 51, (1987) No. 3, pp. 382–383; Browne, Paul: "Lukacs' Later Ontology", *Science and Society*, Vol. 54, (1990)No. 2, pp. 193–218; *Acta Juridica Hungarica* , Vol. 42, (2001) Nos. 1–2, available online at <http://real-j.mtak.hu/756/1/ACTAJURIDICA_42.pdf>, pp. 127–131, it keeps on to be considered a standard source for the topic.

[2] Varga, Csaba: Beiträge zu den Beziehungen zwischen Gustav Radbruch und Georg Lukács, *Archiv für Rechts- und Sozialphilosophie*, Vol. LXVII, (1981) No. 2, pp. 253–259. Available online at <http://real-j.mtak.hu/772/1/ACTAJURIDICA_24.pdf>.

can be more than the ephemeral function of expediency.[3] Before long — opining on the issue of *Legality and Illegality* in 1920 — he arrived at revealing what he had meant by class consciousness: "Where the total, communist, fearlessness with regard to the state and the law is present, the law and its calculable consequences are of no greater (if also of no smaller) importance than any other external fact of life with which it is necessary to reckon when deciding upon any definite course of action. The risk of breaking the law should not be regarded any differently than the risk of missing a train connection when on an important journey."[4] This is to say that only an anti-institutional turn, repudiation and contempt of what has ever been established can help a revolutionary cause.

In a vision he partly learned from Weber, the outside world is distorted, because rationalization has *reified* its working. As he explains by reference to the law in his *Reification and the Consciousness of the Proletariat* in 1923,[5] the breaking of originally unitary complexes into their constituent elements brings about specialization with processes losing their natural-organic unity and becoming calculatively produced syntheses of rationalized subsystems. As a consequence, man, no longer appearing to be the proper vehicle of such processes, gets reduced to become a mere part incorporated into a mechanical system functioning independently of him, his only achievement being that he merely fits into the movement of a system.

Moreover, this whole complex tends to become almost irrational and alienating, as it will necessarily "diverge qualitatively and in principle from the laws regulating the parts".[6] For, as Georg Jellinek, Kelsen, and especially Emil Lask already taught, this is a (both historically and technically) necessary *distorting effect* of material conditions abstracted into legal regulation. From this point on he declares that it is such a reified functioning and socially alienating medium that dominates the social and legal terrain, in which "of the tenets of natural law the only one to survive is the idea of the connection without gaps of the formal system of law".[7]

Especially this period of Lukács' oeuvre frequently inspires, and remains as most thoroughly commented by, representatives of American and partly Western European social and legal thinkers entering debates on reification/alienation, rationality, or legality/illegality particularly, as part of interwar Marxism thematizing on topics what Weber initiated and cultivated originally.

---

[3] Lukács, George: *History and Class Consciousness: Studies on Marxist Dialectics*, trans. Rodney Livingstone, London: Merlin Press & Cambridge, Mass.: MIT Press, 1971. Available online at <https://www.marxists.org/archive/lukacs/works/history/ch06.htm> 223–255. pp.

[4] Ibid., 263. p.

[5] Ibid., 83–222. pp.

[6] Ibid., 102–103.

[7] Ibid., 108, with the original 'unbroken continuity'—having stood for 'lückenloser Zusammenhang'—corrected by Cs.V.

3. Works in the Meantime

In addition to Lukács' greeting Stalin's draft constitution in a Soviet weekly in 1936, only two opuses in diverging directions had turned to exemplification upon the pattern of law until the final, ontological synthesis was formulated.

The first is a Cold War annihilating criticism of philosophies held responsible for all those intellectual driving forces, embodied by irrationality, which lead to the Second World War, *The Destruction of Reason*,[8] in which Lukács discusses, by touching upon legal problematics, one, economic and state management and the role law plays in them, drawn in analogy through their rationalization, and two, *normality* as a condition of legal validity opposed to the state of emergency, in order to try (remaining doubtful whether successfully or not) proving irrationalism in the stand of Carl Schmitt and the latter's justificatory paper in re of the Hitlerite liquidation of the S.A. in 1934.[9]

The second is already on path towards the first great objective Lukács set, notably the one to outline *The Specificity of the Aesthetic*[10] in an interim book-size study on *Particularity as an Aesthetic Category*,[11] in which — touching upon the legality/morality dilemma as well—, based on Hegel's lines in his *Science of Logic*, mainly the dialectics of sublation of generality/particularity in cognition, conceptualization, as well as artistic reflection is described.

From all it an outstanding Hungarian Marxist jurisprudent drew the most. After arguing counter the never held idea that law itself could have an own ontology, in paper and book fora with qualifying titles given as given by Lukács to aesthetics, he contextualized law as well, in quality of a specific reflection of reality, amidst the categories of individual/particular/general, assigning levels of conceptualization, and thereby marked out the place of its theoretical reconstruction within the realm of epistemology by and large, starting searches for the law's parallels and analogies with "mirroring" in cognition and other (including normative) forms of human activity.[12]

---

[8] Lukács, George: *The Destruction of Reason,* [Hungarian ed., 1954; original German ed., Georg Lukács, *Die Zerstörung der Vernunft*. Neuwied am Rhein & Berlin-Spandau: Luchterhand, 1962)], trans. Peter Palmer, Atlantic Highlands, New Jersey: Humanities Press, 1980.

[9] Varga: *The Place of Law…*, ch. 2 and ch. 3 para. 1, 2012. Varga, Csaba: "Change of Paradigms in Legal Reconstruction (Carl Schmitt and the Temptation to Finally Reach a Synthesis)", in: *Perspectives on Jurisprudence: Essays in Honor of Jes Bjarup*, ed. Peter Wahlgren, Stockholm: Stockholm Institute for Scandinavian Law. [= *Scandinavian Studies in Law*, Vol. 48], 2005, pp. 517–529. Available online at <http://www.scandinavianlaw.se/pdf/48-31.pdf>.

[10] Lukács, Georg: *Die Eigenart des Ästhetischen*, Vol. 1–2, Neuwied am Rhein & Berlin–Spandau: Luchterhand, 1963.

[11] Lukács, Georg: *Über die Besonderheit als Kategorie der Ästhetik*, [Hungarian ed., 1957], Neuwied & Berlin: Luchterhand, 1967.

[12] Peschka, Vilmos:,Gedanken über die Eigenart des Rechts, *Archiv für Rechts- und Sozialphilosophie*, Vol. 71, (1985) No. 4, pp. 452–464. Peschka, Vilmos: Lukács György filozófiájának hatása a jogfilozófiára [The impact of Lukács's philosophy on legal philosophy], *Jogtudományi Közlöny*, Vol. 40, (1985) No. 7, pp. 375–378 as well as Peschka, Vilmos: *Die Eigenart des Rechts*, Budapest, Akadémiai Kiadó, 1989.

4. On the Ontology of Social Being (1964–1971)

The last magisterial work by Lukács, published posthumously, intended just to lay foundations to his Ethics which he dreamed about but never accomplished.

According to its basic tenet, "the social being is a complex of complexes even at its most rudimentary level; a continuous interaction exists between the part-complexes as well as between the total complex and its parts. The reproduction process of the prevailing total complex develops from this, and in such a manner that the part-complexes also reproduce themselves with (only relative) autonomy, but the overriding element in this many-sided system of interactions derives from the reproduction of the whole at any time in all of these processes."[13]

In the womb of all it, social practice is realized by way of mediations [*Vermittlung*] even in the elementary acts of labor, and this assumes increasingly complex forms in the course of development in every sphere of social reproduction. In such a sense, mediation is the vast process-like medium in which the interaction of complexes takes place. And, within it, socialization [*Vergesellschaftlichung*] is the increasing domination of purely social determinations in social processes, standing for an irreversibly and unbreakably progressing overall process, capable of erecting, through historical accumulations, networks that are complex in themselves. Socialization stands here for the growing weigh by which human artifacts with rationalizing force are built on natural processes, considered in this context — in contrast to Lukács in 1923 — as the sign of the irreversible march of progress.

In *mediations* taking place between the social total complex and its partial complexes, *language* and *law* are the two basic agents of mediation—the one for the very possibility of social interaction and the other for its frameworking regulation—, that is, the ones having the sole function to mediate amongst whatever complexes. This is to mean that language and law are not to assert but to mediate amongst values and interests which themselves are represented by those complexes to be mediated amongst themselves. Accordingly, what language and law may still feature up as own values and interests is *instrumental* of character at the most, intended either to facilitate mediation as such or to enhance its cultural level and demanding character.[14]

As known, it is the *ontological* perspective that is primordial vis-à-vis the relevance of any purely *epistemological* approach. Accordingly, everything and

---

[13] Lukács, György: *A társadalmi lét ontológiájáról* [Zur Ontologie des gesellschaftlichen Seins / On the ontology of social being], Vol. II: Szisztematikus fejezetek [Die wichtigsten Problemkomplexe / Systematic chapters], Budapest: Magvető. {After the last manuscript [MS] typed with autograph corrections in the Lukács Archives [Library and Documentation Centre of the Hungarian Academy of Sciences], pp. M/120 et seq.}, 1976, p. 140.

[14] It is to be noted that in respect of such relationship between fundamental and instrumental values, the doctrine of the Church teaches the same; as exemplified by the pope JOHN PAUL II's personal philosophy. Cf. Varga, Csaba: „Buts et moyens en droit", in: *Giovanni Paolo II:* Le vie della giustizia; Itinerari per il terzo millennio, (Omaggio dei giuristi a Sua Santità nel XXV anno di pontificato), a cura di Aldo Loiodice & Massimo Vari, Roma: Bardi Editore & Libreria Editrice Vaticana, 2003, pp. 71–75. Available online at <http://www.thomasinternational.org/projects/step/conferences/20050712budapest/varga1.htm>.

anything is an ontic part of the social being that actually exerts an influence in societal processes. In the world of humans, queries into the gist of social being are ontological issues from the very beginning, independently of whether of a mental, institutional or actioning character; epistemology being closed in cognitive reconstructions centered around veracity issues.[15] This means that particularly *ideology* as such is part of the humans' societal existence, not to be regarded as simply an either true or false form of consciousness (in an epistemological perspective) but as one of the organic and necessary components of the ontology of social existence. To be short: the way we think in is part of what we truly are. Therefore our working consciousness is also co-actor in our actions. Accordingly, so-called *juristic worldview* [*juristische Weltanschauung*/*Weltbild*], taken as the deontology of the legal profession, is not some accidental and/or external complementation to law but — be it, for instance, the case of European continental normativism or the Anglo-Saxon pragmatic casualism of the case-law method (not to extend exemplification here to the world's past and present further legal traditions as well) — it is one of the original components of what can be truly termed as the law's societal existence.

In order to guarantee unequivocality by excluding corruptive questionability, the law formulates the instrumental behavior defined by the legislator as the *target itself* that is to be reached and sanctioned. This is by which it stipulates the *Tatsache*—the aggregate of those facts that may constitute a case in law — so that average social attitudes can be foreplanned and also effectively made to be reached through prescribing/proscribing (i.e., sanctioning in a positive/negative manner) well-selected instrumental behaviors.

Therefore in relationship to reality, from the beginning, law has a deeply *practical* and *teleological* approach. Paradoxically speaking, it is an image that does not portray what it reflects. Its inherent *incongruence* is not an epistemological distortion but an ontic *sine qua non*.[16] And the incongruence of legal reflection grows at each and every higher level of the law's own system, only characterizable as an "abstractly-conceptually homogenizing manipulation" of reality.[17] The basic heterogeneity, amongst them, of cognition and teleological projection (like the one of epistemology and ontology) is best exemplified by the role *conceptuality* and *logic* may play in the latter. For "[l]ogic [...] remains here the mere instrument of conceptual forming: the contents of what, for instance, has to be regarded as identical or non-identical, is not determined by social objectivity in itself, but by how the ruling class (or classes, class compromises) are interested in the regulation and resolution of definite conflicts in a certain manner. In the meantime it can easily happen that elements which belong to each other socially are separated and the heterogeneous ones are reduced to a common denominator.

---

[15] Varga, Csaba (2012), *The Paradigms of Legal Thinking* [1997/1999/2005] enlarged 2nd ed., Philosophiae Iuris, Budapest: Szent István Társulat, 418 pp. Available online at <http://mek.oszk.hu/14600/14657/>.

[16] Karl Marx to Ferdinand Lassalle on July 22, 1861; in Marx, Karl & Friedrich Engels (1964), *Werke*, Vol. 30, Berlin: Dietz Verlag, 614.

[17] Lukács (1976): op.cit. 120–121.

Whether and when this happens and whether and when uniting or separating them is correct are not decided by logical criteria (even though everything appears in a logical form), but by the concrete needs of some concrete socio-historical situation"[18] or by the "peculiar socio-historical dialectics" involved.[19] Otherwise expressed, „an epistemological objective identity or convergence can in no way provide the decisive motive for choice or rejection; this motive consists in an actual applicability in concrete present circumstances, from the standpoint of a resultant in the struggle between concrete social interests."[20] This is to say that the factual and normative components named in any legal process are mere means within—or, more exactly, *phenomenal* forms of—actual working. For "subsumption will get a particular shape owing to the fact that some teleological project (the law) is destined to produce another teleological project (its application), and thus the already mentioned dialectic, the conflict of class interests that springs from this becomes the ultimate determining factor, and the logical subsumption is based on this only as a phenomenal form."[21]

There is a specific duality in the operation of law from the perspective of the social total complex, because its autonomy as a part complex' one is asserted, on the one hand, while there is a pressing need too for that this *autonomy* can and will in fact run *by and large tendentially in parallel* with the total complex' total move, on the other. As to the first side, "the more law generally became the normal and prosaic regulator of everyday life, the more the pathos it had acquired in the initial period disappears and the more the manipulatory elements of positivism gain strength in it. It becomes a sphere of social life where the consequences of actions, the changes of success and the risks of losses are calculated in the same way as in the economic world itself. Of course, this happens with the difference that, firstly, the point in questions is mostly a (relatively independent) function of economic activity, where the likely outcome of legally permitted activity and, in case of conflict, lawsuit, are a subject of specific calculation within the main economic target; and, secondly, specialists are needed over and beyond the economic calculation, too, to estimate these additional prospects as exactly as possible."[22]

As to the other side, what is the most sensitive moment of the law's whole life, seen from its objectivation in books to its enforcement in practical action, called 'concretization of rules' by Carl Schmitt in 1912[23] and/or the 'two stages of the process by which law is produced' by Kelsen in 1925,[24] sharply criticized by Lukács

[18] Ibid., 484.
[19] Ibid., 189.
[20] Lukács, George: *The Ontology of Social Being: Marx's Basic Ontological Principles*, trans. David Fernbach, The Ontology of Social Being 2, London, Merlin, 1978,128.
[21] Lukács (1976): op.cit. 220.
[22] Ibid., 215.
[23] Cf. Castrucci, Emanuele: Mechanik der Entscheidung: Rechtsverwirklichung und Entscheidungsrichtigkeit durch die Rechtspraxis in Carl Schmitts Gesetz und Urteil (1912), *Carl-Schmitt-Studien*, Vol. 1, (2017) No. 1, pp. 10–25. Available online at <http://www.carl-schmitt-studien.de/index.php/schmitt/article/view/17/4>.
[24] Varga, Csaba: Kelsen's Theory of Law-application: Evolution, Ambiguities, Open Questions" [1986], *Acta Juridica Hungarica*, Vol. 36, (1994) No. 1–2, pp. 3–27. Available online at <http://real-

earlier,[25] now it is Lukács himself who will qualify it *manipulation* simply, moreover, manipulation in a positive sense, as an unavoidable corollary of any such practice. For, as claimed by him, "the functioning of positive law is based on this method: the mass of contradictions has to be manipulated in such a way that not only a uniform system should develop from it, but one which is able to regulate the contradictory social event practically and optimally and which always moves flexibly along the antinomic poles (for instance, naked force and conviction bordering on the ethical sphere), in order to realize and influence the decisions of social practice (which are currently optimal for society) in the course of shifts of balance that constantly occur within slowly or rapidly changing class rule. Clearly, a wholly specific manipulative technique is necessary for this, and it explains the fact that this complex can reproduce itself only if society always reproduces the »specialists« needed for this purpose (from judges and lawyers to policemen and hangmen)." All this induces new contradictions that Lukács sees as ones characterizing the very nature of law. For "The new fetishization lies in the circumstances that the law [...] is treated as a solid, coherent, »logically« unambiguously defined field, and not only in practice, as a subject of pure manipulation, but also theoretically as an immanently closed, in itself closed complex correctly treatable only with juristic »logic«."[26]

Accordingly, there is a must to have a particular case of *double talk* in law, necessary if an action pertaining to social *heterogeneity* is to be performed within, as complying with all the added requirements of, a given species of social *homogeneity*. In such a scheme, actual decision making can only be modeled by a *logic of problem solving*, with relatively open chances and within a relatively open referential frame, upon which the law's proper *logic of justification* can only be built as added to and projected onto the former, phase to phase and only posteriorly, as a kind of feedback in test of controlling the genuine fulfillment within the law's own system of fulfillment [*Verfüllungssystem*].[27]

Once there is 'individual norm' as discretionarily concretized from a 'general norm' (Kelsen) where 'manipulation' (Lukács) adds 'a filling-in of a frame' (Kelsen), provided by the law in books to the law in action, the law's practical operation will necessarily be a kind of *reconventionalization*, sublating [*aufheben*] its own antecedents in endless processes. This equals to saying that any such operation effects in law (in)novations as well, according—as adapted—to timely changing needs. As Lukács held, "Naturally, at certain primitive stages the deviation might be quite minimal, but it is quite certain that the whole of human development depends on such minimal displacements."[28]

It is the judicial process as particular reality-(re)construction from the analysis

j.mtak.hu/784/1/ACTAJURIDICA_36.pdf>.

[25] Lukács (1954): op.cit. 569.

[26] Lukács (1976):op.cit. 225–226.

[27] Varga, Csaba: *Theory of the Judicial Process: The Establishment of Facts* [1991/1995] 2nd {reprint} ed. with Postfaces I and II, Budapest, Szent István Társulat, 2011. viii + 308 pp. Available online at <http://mek.oszk.hu/15500/15540>.

[28] Holz, Hans Heinz – Leo Kofler – Wolfgang Abendroth: *Conversations with Lukács*, ed.: Theo Pinkus, transl. David Fernbach, London, Merlin, 1974, 18.

of which one has to arrive — as Benseler did in fact[29]— at the ontologizing reformulation of *autopoietic* theory. As concluded therefrom, that what is alleged to qualify as following formalized social patterns is reproduction and production at the same time, that is, an individual combination of preservation and (in)novation — up to the point when its standing practice will be recognized as a pattern-following by the given social and/or professional environment. Or, to claim (following an English–American habit) that a given jurisprudence is "within the canon" is hardly else than the timely outcome of self-reconventionalizing practice itself.

All in all, in such a picture a definite *Janus-facedness*, that is, the practice of double talk, will become a necessary corollary of lawyers' activity. For, what they do is, according to Lukács, firstly, to transfigure real conflicts of interests into conflicts within the law, and then, secondly, to refine even these into apparent or quasi-conflicts, that is, into instances of what application of law truly is—while they show to operate with nothing but facts and norms within the strict control of logic. Otherwise speaking, what they do in actual practice is manipulation with both the selection and interpretation of both so-called "relevant facts" and "pertinent norms", so that the judicial decision they reach can — as much as possible — eventually imply a responsible and also socially justifiable decision under the facade of mere logics. Or, this is to mean that *logic* is hardly more than *form of expression* in this whole operation here, and by far not a medium mastering the process in which the due decision is reached.

5. Conclusion

Modern formal law is reified a construct the operation of which is *reified and reifying* at the same time. It is to be noted, too, that the normativistic deontology of legal practitioners and legal theories alike are all founded upon *disanthropomorphic* schemes, able to exert disanthropomorphizing effects themselves. This is why the chance of alienation is at the very root of modern formal law.[30]

Reified law produces just the *ideology* that best suits the law's operation according to its own postulates, normative and ideological at the same time. One could also add that the reified operation of reified structures needs and simultaneously produces *reified consciousness*. Well, the juristic worldview, taken as the deontology of the legal profession, can indeed be seen as the adequate reflection of a system turned upside-down. Accordingly, an act of unmasking its sheerly ideological character would both precondition, and result in, unmasking the law's aspirations to acquire autonomy.

---

[29] Benseler, Frank (1987), [review of Varga (2012), *The Place of Law…*], *Zeitschrift für Rechtssoziologie*, Vol. 8, No. 2, pp. 302–304.

[30] Varga, Csaba: The Contemporaneity of Lukács' Ideas with Modern Social Theoretical Thought: The Ontology of Social Being in Social Science Reconstruction with Regards to Constructs like Law, *Archiv für Rechts- und Sozialphilosophie*, Vol. 99, (2013) No. 1, pp. 42–54. Available online at <http://elib.sfu-kras.ru/bitstream/2311/19820/4/01_Varga.pdf>.

The impact of George Lukács' philosophising is internationally standing indeed. The share of legal philosophising in it is, in contrast, mostly reduced to worldwide political philosophising in general and to legal thought in Hungary[31] and especially Brasil[32] in particular.

[31] Cf., among athors, Szigeti, Péter: A marxista jogelmélet funkcionalitása Magyarországon (1963–1988 között) [The functionality of Marxist legal theory in Hungary (from 1963 to 1988)], *Jogelméleti Szemle*, No. 4, (2003), <http://jesz.ajk.elte.hu/szigeti16.html>, in particular para. 4.1; Szigeti, Péter: „Lételmélet és jogi objektiváció" [Ontology and legal objectification], (February 10) in *jtiblog* <https://jog.tk.mta.hu/blog/2017/02/letelmelet-es-jogi-objektivacio>, 2017; Szmodis, Jenő:: *Lappangó államelmélet Peschka Vilmos jogfilozófiájában* [Potential of a theory of state in Peschka's philosophy of law], Államtudományi Műhelytanulmányok [Working papers relating to studies on the state] [Budapest: Nemzeti Közszolgálati Egyetem], No. 5 in <https://folyoiratok.uni-nke.hu/document/nkeszolgaltato-uni-nke-hu/WP_2018_5_Szmodis_Jeno.pdf>, 2018, 14 pp.; Szigeti, Péter: „Típusalkotás a jogban és a művészetben: egy marxista közelítés" [Typification in law and in the arts in a Marxist perspective], *Ezredvég*, (2018) Nos. 11–12, <http://ezredveg.vasaros.com/html/2018_11_12/1811122.html>.

[32] E.g., Almeida, Silvio Luiz de: *O direito no jovem Lukács: A filosofia do direito em História e consciência de classe*, São Paulo: Alfa-Omega, 2006; Sartori, Vitor Bartoletti (), *Lukács e a crítica ontológica ao direito*. São Paulo: Cortez, 2013; Souza, Marcel Soares de: *György Lukács, o direito e o irracionalismo: Elementos para uma crítica a Carl Schmitt a partir de A destruição da razão*, [Diss.], Florianópolis: Universidade Federal de Santa Catarina, Centro de Ciências Jurídicas, 2013. Available online at <https://repositorio.ufsc.br/bitstream/handle/123456789/106953/318340.pdf?sequence=1&isAllowed=y>; as well as Souza, Marcel Soares de: *György Lukács, o direito e o irracionalismo: Elementos para uma crítica a Carl Schmitt a partir de A destruição da razão*, [Diss.], Florianópolis: Universidade Federal de Santa Catarina, Centro de Ciências Jurídicas, 2013. Available online at <https://repositorio.ufsc.br/bitstream/handle/123456789/106953/318340.pdf?sequence=1&isAllowed=y>.
In addition to the above, cf., as well, Varga, Csaba: () A atualidade da obra de Lukács para a moderna teoria social: *Para uma ontologia do ser social* na reconstrução das ciências sociais", [= Introdução], in: *György Lukács e a emancipação humana*, organizador Marcos Del Roio, São Paulo: Boitempo & Marília: Oficina Universitária da Unesp, 2013, pp. 11–24. and Varga, Csaba : Autonomia e instrumentalidade do direito em uma perspectiva superestrutural [1986/1999], *InSURgência*: Revista de direitos e movimentos sociais [Universidade de Brasília], Vol. II, No. 1, [No. 2, »Direito e marxismo«], 2016, pp. 36–65. Available online at <http://periodicos.unb.br/index.php/insurgencia/article/view/23346>.