

Law and ownership are two organically related phenomena in the history of class division and of governments which are considered as "unity of opposites" according to the language of dialectical method.

This concept is strange to all non-marxist philosophies. These philosophies defined government and law as God's incarnation, product of Destiny, revelation of universal reason, absolute idea, parents of the people, sum of territory and people, social contract, welfare state, technocratic state, etc. All of those anti-scientific concepts, accidentally or intentionally, avoided an obvious fact: every government, along with its laws, have no reason for their coming into existence and being if they don't protect, and depend on, a certain dominant ownership.

production, supply of products exceeded demand, major divisions of labor took place, matriarchy was replaced by patriarchy, private ownership took the place of communal ownership. The people were divided into the rich and the poor, and then, into classes.

In such a situation, government and law made their appearance as a product of irreconcilable contradictions. Relation between law and ownership also came into existence.

The nature of this relation is unity of social being and social consciousness, basis and superstructure, economy and politics (according to Marxism).

Methodologically, however, it's impossible to unify ownership relation and ownership regime, because the former is one of components of relations of production, and the latter is

ment of productive forces and the society.

History of humankind after appearance of ownership and government is the history of successive ownership regimes and laws. The ownership regime reflected most perfectly class nature of government and law.

Ownership regime is always protected by law, and by religion, philosophy, art, etc. as well. History of both Eastern and Western civilizations justified this argument. Development of productive forces and sciences, along with the class struggle, have put an end to old ownership regimes and established the new ones.

Under the capitalist regime, government has recognized, for the first time in history, rights of citizens, and above all, the right of ownership was declared inviolable. In *Manifesto of*

LAW AND OWNERSHIP

by Dr. LƯU HÀ VĨ

At the beginning of history, as archaeological researches have showed, human being knew nothing about government, law or ownership. Even in this century, there are certain communities in the world (and in Vietnam as well) who haven't been divided into classes. Marxist philosophy has given the right answer to the question about government's appearance and nature along with the relation between law and ownership.

Thanks to the primitive mode of production, egalitarianism became dominant. Ownership didn't matter to anybody in a community, may be it mattered to persons from different communities, and became a cause of wars.

Due to evolution of mode of

"legal realization" of relations of production.

This showed that ownership regime was what reflected the basic and vital will of the ruling class. If government and law of the ruling class failed to reflect and materialize that basic will, they wouldn't be brought into being. If law is the shell of legal superstructure, ownership regime is the kernel inside that shell.

Generally, ownership has a decisive meaning to the entire nature of law and government, and to the fate of the social regime as a whole.

If ownership relation recognizes and protects progressive relations of production, it will help productive forces and society make progress, if not, it will be an obstacle to the develop-

the Communist Party, Marx and Engels have noted objectively that within 100 years of its rule, the capitalism had created an amount of property equivalent to what had been created by all previous regimes. But those two authors had also stated clearly the class nature in the relation between economic interests of capitalists and law.

Capitalist law and ownership have existed and developed for nearly 400 years. All of adjustments made to law and ownership over times under the pressure of class struggle couldn't change nature of capitalist law and ownership, because, as Marx put it, labor of the proletariat could only create more capital, that is, the ownership of the exploitation of labor for wage.

The techno-scientific revolution, especially the third wave of civilization from the 1970s till now, has accelerated the process of socializing productive forces. Numerous workers could become shareholders and the middle class became bigger and bigger. These phenomena could lessen social conflict at some extent but couldn't change fates of the proletariat and the capitalist. The number of shares held by the proletariat was very small in comparison with what belonged to the capitalist and the legal-political structure was still under control of monopolistic groups.

The model of "democratic socialism" which was usually declared in Northern European countries, under the rule of democratic socialist parties, was planned to prolong the life of the capitalism by increasing the welfare of citizens and regulating produc-

international laws.

On the opposite side, the crisis and collapse of a socialist model diverging from scientific socialism is also the crisis and collapse of the voluntarist law and ownership regime.

Experience of implementing War-time Communism after October Revolution showed that communist orders couldn't replace economic laws. Under Lenin's direction, New Economic Policy (NEP) has replaced War-time Communism. The nature of NEP is the diversification of ownership and of economic sectors, the basis for liberating and developing productive forces. So NEP has been considered as "a textbook of realistic socialism".

Unfortunately, at the end of the 1920s, Stalin returned to model of War-time Communism at a higher level. Under the rule of non-economic forces, and in a situation of international con-

Thus, the dialectical relation between law and ownership have been violated from the period of old-styled socialism to the reformation period. These violations have led to the crisis and collapse of the old-styled socialism in the USSR and Eastern Europe as well.

The great achievements of Chinese reformation and Vietnamese renovation have justified a reasonable approach to the dialectical relation between law and ownership. This approach is the recognition, theoretically and practically, of an economic strategy for diversification of ownership with a view to developing the economy under socialist-oriented management of the Government. The leading role of the public sector in key industries wasn't pushed through by the superstructure, but depended on level and nature of socialization of



tion output. This model has recently come to a crisis because it hurtled interest of the capitalist and reduced the growth rate of the economy.

According to some progressive philosophers, the capitalist regime is facing ten following problems:

- Unemployment.
- A majority of people were driven out of democratic life.
- Social trouble caused by immigrants, exiles, deportees, etc.
- Trade wars between nations.
- Increase in public debt kept too many people below the poverty line.
- War industry.
- Nuclear weapons.
- Ethnic wars.
- Organized crime.
- Violations of human rights and

conflict, however, the USSR economy has made a lot of progress with many five-years plans.

From the mid-1970s on, while modern capitalism adjusted itself step by step, old-styled socialism, on the contrary, couldn't reform itself and come to crisis. For over 70 years of its existence, the old-styled model of socialism has been opposite to concepts of a legal state and relations of personal ownership. The biggest tragedy of the old-styled socialism is that the social ownership was assimilated with ownership of nobody. The working class and the political system were alienated gradually by this social ownership. In the next period, political and legal reforms were carried out carelessly under influence of pluralism.

productive forces.

In my opinion, among mistakes of old-styled socialism (centralization, voluntarism, mono-sector economy, etc.), the most important one is inconsistency in renovating systems of ownership and law, and in establishing a legal state.

In conclusion, it's necessary to repeat that the dialectical relation between ownership and law had in it the class nature, the objectivity in its contents and the subjectivity in its forms. This relation, like an axis, goes through all the way from productive forces and relations of production to superstructure. Realizing and manipulating this axis have a decisive meaning to the establishment of the socialist orientation in our country ♣