1. INTRODUCTION

1.1. Object and Scope

The framework of the contemporary Indian state policy is easily summarised in the concept of "socialist pattern". As a framework, it is, on the one hand, a definition of the principle and purport of the state's activity in relation to the society, as consciously recognised by the state personnel and the members of the society. In other words, it is the political ideology of the state policy. On the other hand, the "socialist pattern" provides the parameters of the role and function of the state in the process of social development. Thus the "socialist pattern" in India is an expression of a seemingly paradoxical combination of two sets of phenomena. On the one hand, as an ideology, it is the illusory appearance that India is a socialist society — if not in practice, then at least in theory; if not in today's reality, then at least in the commitments of the state for tomorrow. On the other hand, under this very framework, a whole range of state activities have created the conditions for rapid concentration of corporate private capital.

The seemingly paradoxical combination of the two aspects of reality, however, is not an accidental unity, but reflects a deeper interconnection — a relation of objective necessity, evolved and crystallized through a
historical process. It is a synthesis, a concentrated expression of the relationship between state and capital in India, as shaped by the historical conditions of the national struggle and capitalist development. The object of our present investigation is to analyse the evolution of the framework of state policy of contemporary India, summarized in the concept of "socialist pattern", in relation to the process of crystallization of the class hegemony of the Indian bourgeoisie, the class personifying the historic tendency of corporate capital in India. We have tried to show that this "socialist" framework is a product of the specific historical conditions in which the Indian capitalist class originated as corporate capital, organized itself into a self-conscious class, and, over a period of continuous struggle, succeeded in establishing its hegemony over the national movement, and in transforming its class interests into the form of state laws and policies. Industrial policy, being a key element of this framework, serves as the illustration of our arguments in the present study.

The limited scope of this work does not permit us to take up the other social classes, other spheres of the economy and of the state policy, and the international factors — which are of course the unavoidable limitations of this study. But, generally speaking, they are not likely to affect our conclusions in any serious way
because of the fact that our preliminary judgments, 
based on our previous inquiries and research relating to the 
other aspects of the problem, already constitute — as will 
be seen — some of the explicit or implicit premises of 
our arguments and generalizations here.

The period chosen for the analysis begins with the 
First World War, for the latter marks a crucial turning 
point especially for Indian history, leading to substantial 
changes in the state policy, and to the introduction of a 
transitional character in the form of the state. The other 
terminal of the period under study coincides with the first 
year of the Third Five-Year Plan; for only by then did the 
present framework of the state industrial policy acquire a 
fixity, and become a structural feature of the Indian state.

1.2. Sociological approach: A proper sociological 
perspective must identify itself with the tasks which 
once used to be posed by critical political economy for itself. 
If it is to avoid the risk of falling into a superficial 
observerION of the surface level of social reality, or 
getting imprisoned in a compartmentalized, fragmented 
conception of society — like the so-called independent 
disciplines of the present day social sciences — then 
sociology must direct itself towards a dialectical com-
prehension of society. In other words, it must comprehend social 
relations in their historic form determination. In the context
of the modern capitalist epoch, social relations must be understood as specific class relations, originating under specific historical conditions, and crystallized into specific legal and ideological forms of appearance, with their corresponding expressions in the state form and state functions. Thus the sociological specificity of the present work lies in the attempt to understand the "socialist pattern" of the state industrial policy in India as a crystallized legal-ideological form, expressing the political hegemony of the corporate bourgeoisie, the specificity of this form being a product of a historical process in which the hegemonic relation originated and got crystallized in the body of the state.

The sociological approach in the above sense is all the more justified in this context since none of the important studies existing/focus on the ideological aspect of law and policy as a historically crystallized form of hegemonic class relations. The recent scholarly works by economists, for example, deal with laws, state policy and politics only to the extent that they are instrumental in facilitating, blocking or otherwise influencing the process of national economic development.

1. See e.g. Bagchi, A, Private Investment in India 1900-39; Ray, Rajat K, Industrialization in India: and for a contemporary period, Kidron, M, Foreign Investments in India.
are confined for the most part to the history of the national movement and its social and ideological bases and only marginally dealing with colonial state policy. A structural-functionalist work on the relationship between the institutions of political power and the capitalist class deals exclusively with the institutionalized behavioural aspects of the surface layer of social reality - the pattern of political mobilization, lobbying process etc. of the business class in influencing the government. There are, of course, other works which provide valuable data on the impact of the state industrial policy in facilitating the concentration of corporate capital in India, without going into the genesis of the policy itself.

In the Western context, there is a widespread agreement among scholars that the increasing rapprochement between the business class (the corporate monopoly bourgeoisie) and policy making, in a more direct sense, has seriously jeopardised the relative autonomy and democratic character of the state. But other than being factual observations of the contemporary society, these studies do not say much about the historical necessity and future tendencies of these

5. See e.g. Vernon, R. Big Business and the State: Changing Relations in Western Europe.
observed phenomena. Again, as far as the welfare policies of
the state and their origin is concerned, there are different
arguments as to why the business class concurred or supported
them: (a) on humanitarian and philanthropist grounds; (b)
under consideration of broader class interests like social
central and increase in productivity; and so on. All those,
of course, go against the traditional concept of business
class as hard-headed fellows interested in making a quick
buck. But there is a tendency to attribute a too active and
voluntary role to the Business class in the process of

crystallization of the state policy.

The methodological importance of regarding certain
aspects of law, especially positive law, as ideology has been
worked out recently by E.P. Thompson and others in the context
of 18th century British criminal law, with special focus on the
ideological function of law in maintaining class hegemony. But
they cannot be of much use in the context of twentieth
century corporate capitalism and "welfare" state policy.

6. For a critical review, see Hay, Roy, "Employers and Social
Policy in Britain: The Evolution of Welfare Legislation
In contrast to all these studies, we seek to focus on law and state policy in specific relation to their genesis, form, content and function in the social process of development i.e., as a form-determination, as both determined by and determining the process of social development and the actions of classes.

4.3. Method of Analysis:

1.3.1. Dialectical determination:

A genetic conception of the state law and state policy must relate them to the economic relations of the society in a dialectical relation, i.e., as both being determined and determining. In other words, it must avoid falling into the one-sidedness of (a) treating the law and policy as autonomous phenomena; (b) reducing them one-sidedly to the economic "base".

In the orthodox economic conception of society, the economy is supposed to form the "base", and everything else i.e., law, policies, state, ideology art and culture etc. the "superstructure," the derivative and the determined. This viewpoint is supposed to be derived from Marx's conception of history, summarized in his famous Preface of 1859:

"In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given state in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation on which arises a legal and political
superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life.¹

A simplistic understanding of the above formulation runs into problems on the face of the problems posed by the social reality. For example, (a) how is one to explain the difference in the forms of the same superstructure over the same base (both logically and historically)? (b) how does one account for the unevenness and disproportionality in the growth of specific forms of the superstructure in relation to the base? (c) this one-sided determination neglects the fact that the determinant is also determined — not in the sense of an external mutual relation, but as their organic development as moments of a larger totality.

However, a closer look at the preface, read together with the Introduction to Grundrisse of 1857², and an examination of Marx's works bring out a much more complex conception. To begin with, in the preface itself there is a distinction between the normal period of an epoch or mode of production on the one hand, and the period of transition (the era of social revolution) from one mode to another, on the other.

---

1. Marx, Karl, Contribution to the Critique of Political Economy, Preface.
"At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production or -- this merely expresses the same thing in legal terms -- with the property relations within the framework of which they have operated hitherto. From forms of development of the productive forces these relations turn into their fetters. Then begins an era of social revolution. The changes in the economic foundation lead sooner or later to the transformation of the whole immense superstructure."

In the normal conditions of a particular historical form of society there is a relation of determination between the economic structure ("appropriate" to a certain stage of development of material productive forces) on the one hand, and the political, legal superstructure, on the other; i.e., the latter "arises" on the former which is the "real foundation". But the periods of transition from one epoch to another, so to say, are based on the "conflict" between the material conditions of production and the relations of production (legally expressed as "property relations"); the latter becoming a "fetter" on the former, followed by the "era of social revolution". Here the changes in the economic foundations and changes in the superstructure are related not through a relation of "determination" or "conditioning" as it were, but as the former "leading" to the latter "sooner or latter". Whereas the corresponding change of the superstructure is regarded as following necessarily from the change of the economic structure, these two processes of change are not mechanically connected in time, but through a relationship of necessity mediated by -- to use a term from 3. See note 1 above
Lacan’s structural psychology -- a temporal displacement.

Hence Marx writes that in studying such periods of transformation it is "always necessary" to distinguish between changes in the material transformation of economic conditions of production (which could be measured with precision) and changes in the "ideological forms" in which men become conscious of such conflict between the material productive forces and the social relations of production and fight it out. This is mainly because of the fact that men’s reflections on this conflict transcends the relation of correspondence or of determination, i.e., they go beyond the existing relations in thought. It is true that the conflict in the material life process remains the ground on the basis of which the period of transformation is to be explained. The consciousness of an epoch of transition can be understood only in the context of the contradictions of material life on which they are based as reflections -- however, as reflections which are categorical imperatives, as different from laws of external necessity, for that epoch, determining their will and activity of changing the society. But this does not mean that these forms of consciousness are either mere replicas of the contradictions, or that in different historical conditions they necessarily appear in the same form. This brings us to two

4. See note 1 above
5. See note 1 above
important points. Firstly, the nature of relationship between the changes in the economic structure and the ideological forms during the periods of transition are different in different epochs of history, and, therefore, must be grasped in their specificity. Secondly, the relationship also varies from form to form, e.g., it is different in the case of art forms from, say, political forms. Now we must turn our attention to the Introduction to Grundrisse of 1857 for elaborating these points.

Towards the end of the incomplete Introduction of 1857 Marx wanted some points to be "mentioned" and "not to be forgotten". These points were left in an undeveloped stage to be developed further. Marx sees a real "difficulty" in elaborating some of them and, though he has the resources (concepts and method) to solve the difficulties, he postpones the task of detailed elaboration later because of the fact that the nature of the difficulties themselves demanded a kind of treatment which needed more detailed factual analyses and more systematic division of the subject matter. But nonetheless a closer examination of the points clearly brings out the complex manner in which Marx related the base with the superstructure.

6. Marx, Grundrisse, p.109 f
The first most important point he wants to make is the following: 

(5) Dialectic of the concepts of productive force 

(means of production) and relations of production a dialectic 

whose boundaries are to be determined, and which does not 

suspend the real difference. It is quite clear that when 

the relation of determination between productive forces and 

relations of production is regarded as a "dialectical" relation, 

it is accepted that this determination has specific boundaries 

within which it operates. Secondly, the dialectic of the 

concepts should not suspend the real relations of difference 

between specific particular forms or specific historical 

epochs. Or, as Marx wrote in 1858 to Engels, referring to 

Lassalle's abstract and readymade dialectic,

"I can see from this one note that the fellow is 

proposing to present political economy in the 

Hegelian manner in his second great opus. He will 

learn to his cost that to develop a science by 

criticism to the point where it can be dialectically 

presented is an altogether different thing from 

applying an abstract readymade system of logic to 

vague notions of a system of this kind."

The importance that Marx attached to the concrete analysis of 

specific relations and boundaries within which the dialectic 

of production relations and productive forces operate, is 

further supported by the next point that he makes in the 

Introduction of 1857:

8. Marx to Engels, 1 February 1858, Marx/Engels, 
   Selected Correspondence p.95
The uneven development of material production relative to e.g., artistic development. In general, the concept of progress not to be conceived in the usual abstractness. Modern art etc. This disproportion not as important or so difficult to grasp as within practical-social relations themselves... But the really difficult point to discuss here is how relations of production develop unevenly as legal relations. Thus e.g. the relation of Roman private law (this less the case with criminal and public law) to modern production. 10

First of all, the dialectical relation of determination means that there can be unevenness in the development of material production relative to various superstructural forms e.g. art forms, legal forms etc. Secondly the nature of the unevenness varies from the case of the art to legal forms. Even within the legal forms, Marx maintains, the nature of unevenness varies from private law to criminal and public law. Moreover, the unevenness may be with regard to either the origin and development of these forms on the one hand, or their disproportional existence (i.e. uneven functionality), on the other. Thirdly, the concept of progress, historically speaking, must be seen in its particular determinations as uneven development of specific forms of the economy and the so-called superstructural forms, and not in a schematic fashion as the parade of abstract categories.

10. Ibid.
The dialectical treatment of the relation between the base and superstructure is best illustrated in Marx's analysis of the Greek art as a super-structural form, towards the end of the Introduction of 1857.\(^\text{11}\) The first point Marx makes is that the relation between the level of social development and the art form must be considered from two points of view: its genesis and development on the one hand, and its functionality and existence on the other. The specific nature of artistic production provides the clue to examine and explain the genesis of Greek art. Again, the artistic form of appropriation of the world is determined by the specific nature of the object of art itself in the specific historical period under consideration. Greek art is impossible without Greek mythology; the "mythologizing relations" of people to nature, where nature is appropriated by popular imagination in the form of myths, are the basis of this form of art. Again:

"not any mythology whatever, i.e., not an arbitrarily chosen unconsciously artistic reworking of nature (here meaning everything objective, hence including society). Egyptian mythology could never have been the foundation or the womb of Greek art.\(^\text{12}\)

"Given the specificity of the conditions under which Greek form of art could develop, it is clear that as soon as such conditions disappear it could no longer be possible to develop that form of art. For example, since in the modern

\(^{11}\) Marx, Grundrisse, pp.110-11

\(^{12}\) Ibid.
society man is no longer related to nature in a mythological relation — as mythologies overcome and dominate nature only in imagination, and once the real domination of nature is achieved in modern society through the development of science and technology, the mythological domination of nature is no longer necessary or possible — forms of art based on mythology cannot originate in the modern society.  

"But the difficulty lies not in understanding that the Greek arts and epic are bound up with certain forms of social development. The difficulty is that they still afford us artistic pleasure and that in some respect they count as a norm and an unattainable model."  

Thus the really difficult point to explain is not so much the origin of the uneven forms of art (flowering of art in certain periods, disproportional to the material development) as the functionality of such forms in uneven or rather disproportional forms of society, e.g., Greek art in modern society. But here again, Marx specifies the nature of the functionality of the specifically art form. Here it is a question of human enjoyment of the artistic charm, i.e., a kind of relationship between the art form and the society which is specifically different from that between, say, law, politics etc. and society. The explanation for the function of Greek art today:

13. Ibid.  
14. Ibid p.111
"A man cannot become child again, or he becomes childish. But does he not find joy in the child's naivety, and must he himself not strive to reproduce its truth at a higher stage? Does not the true character of each epoch come alive in the nature of its children? Why should not the historic childhood of humanity, its most beautiful unfolding, as a stage never to return, exercise an eternal charm?" 15

Thus the functionality of the Greek art in modern society is determined by both the nature of the Greek art and the human nature in the modern society:

"The charm of their art for us is not in contradiction to the undeveloped stage of society on which it grew. (It) is its result, rather and inextricably bound up, rather with the fact that the unripe social conditions under which it arose, and could alone arise, can never return." 16

Thus the human relationship to the art form varies in different forms of society and in relation to the origin and functionality of the art form. Art as such, the conscious organisation of artistic production, means that its object is not only the reality of material conditions of production and the corresponding social relations, but also the forms of popular imaginations. It not only creates the objects of reality but also recreates, re-works out the forms which are already the products of human reflections and imaginations of these objects. Here the aim of artistic production is not to reproduce reality in its totality as a totality of thoughts (which is the nature of scientific production) 17, but to

15. Ibid
reproduce the reality in its imaginary totality, or rather reproduce the imaginary reality. Artistic production is a fancy, a creative exercise of human leisure time — does not carry the same relation of necessity and determination as, say, material production or scientific production. It is for the enjoyment of the mind — created by the free mind. And in the Greek society, the childhood of humanity, it is the innocent imaginative spontaneous overflow of human potentiality, the jump into the unknown in the creative world — that is developed and re-worked out in the art form. As soon as the conditions appropriate to such forms of art disappear, it no longer becomes possible to produce such art, because both the real object and the imagined object are missing.

The question is different in relation to the functionality. It is the enjoyment of mind, appreciation of the art. The relation of necessity is not one of material existence, but of human enjoyment, the criteria of which are partly created by the human mind itself. But one thing is certain, the nature of the functionality of Greek art in modern society is different from its functionality in the Greek society, and also different from the functionality of modern art in modern society. A specific form of appreciation of the eternal charm of the childhood can arise only when
the childhood itself has disappeared, only when man can feel
the loss of something which is not going to come back.
Of course, the nature of the appreciation of the Greek art in
the modern society varies. Like different kinds of men relate
to their childhoods differently. There are men who are nostalgic,
and there are those who are narcissistic and cynical towards
the childhood stage. Again there are people who appreciate
different kinds of childhood differently. If the Greeks were
"normal children", i.e., if the Greek art was the production
of normal childhood innocence, then the form of appreciation
it would call for is also quite specific.

The unevenness of the origin and development of
Roman law, and its functionality in the modern society
provide another case for illustration. In Grundrisse Marx
refers to the section of the Roman law which recognized the
relation of exchange as a relation of equality. This uneven
development of a legal form in a condition not, based on the
relations of production which it expresses (generalized
commodity production) is explained by Marx in the following
way. First, the law of equality among commodity owners
originates at a period of decline of the Roman Empire. In
that sense, it does not correspond with the relations of
production of the Roman Empire as such, but with those of

16. Ibid, p.111
19. Ibid, p.109
20. Ibid, pp.245-46
a transitional form of society. Secondly, this law is an anticipation of a developed relation of production whose embryo only existed in the declining form of Roman property relations. In other words, the existence of commodities only in a sporadic and embryonic form could also be the basis of the creation in thought of forms of law and justice which in ideal terms expressed the logical relations of commodity exchange of a matured form. This legal form of appropriation of material life is an anticipation, an imagined anticipation of fully developed commodity circulation. On the other hand, this part of the Roman law existed as a mere legal fiction until the development of generalized commodity circulation and production which would create the conditions for giving practical recognition and legal validity to the law of equality of the commodity owners.

Thus it must be emphasized that a dialectical relation of determination cannot be understood in terms of an abstract simplistic base-superstructure model. Rather it must be based on a concrete analysis of the specific forms of the elements of the social totality and their uneven development.

1.3.2. Presupposition and posited: In Grundrisse Marx makes the distinction between a historical causality or a tendency (relation of presupposition) on the one hand, and a posited or dialectical causality (relation of law-like determination) on the other. In the former, the elements of the relation are related to each other in an accidental or contingent fashion --
one being the historic precondition or presupposition for the other — as a chance. In the latter, on the other hand, whereas one of the elements is the presupposition of the other, this presupposition itself is posited by the other. That is, the presupposition itself is reproduced as the result by the other as its own presupposition. Whereas in the historical causality the presupposition is external to the other, in the case of posited causality, the presupposition is posited, determined and created by the other in its own fashion for its own reproduction. Under the historical causality, the example could be the role played by the pre-bourgeois form of absolutist state in the primitive accumulation of capital and in creating the conditions for the development of capitalist mode of production. However, as soon as the capitalist mode of production as such comes into being, i.e., acquires stability and maturity, it reproduces the conditions of its own existence including the state which existed as a presupposition beforehand. The transition in the nature of the state from being a mere external presupposition to one that is posited, also changes the nature of its form and functions. Whereas in its capacity as the mere presupposition it was the active element, in its capacity as posited by the capitalist mode of production, the state appears as the subordinate moment, and its activities as responses to the process of development of the civil society. The functions of the state.

22. Marx, Capital, Vol. I, Part VIII; see also section 2.1 of this thesis.
in a developed capitalist society in guaranteeing the conditions
of existence of bourgeois property relations, in solving the
general problems of the social capital as such, in external
deal etc. are posited functions, and therefore carry a
lawlike necessity (Gesetzlichkeit), and are not mere chance
occurrences. In this sense, the bourgeois revolutions can be
such as "legitimation of chance" and thus the French
Revolution, for example, can be correctly characterized as
rationalization of the reality rather than ordering the
reality according to reason.

The dialectical development of the "presupposition"
to the "posited" holds good as much in the case of the
economic categories of the bourgeois system as in the case
of the relation between the state and the society. Money is
a presupposition for capital — both historically and logically.
Historically, as a presupposition, it can have only a
parochial existence within the realm of circulation (simple
commodity circulation) without the principle of

23. "This conception appears as necessary development . . . 1,
but legitimation of chance..." (Marx, Grundrisse, p.109).
24. See Marx's note on the method of political economy in the
Introduction of 1857, Grundrisse.
self-renewal or autonomy. On the other hand, logically, as a presupposition, money itself presupposes capital and developed capitalist production, which conceptually develops out of money. With the full development of capital, capital-as-money is money, but money which is posited, i.e., contains the principle of self-renewal. It is the posited presupposition of capital.

"Money as capital is an aspect of money which goes beyond its simple character as money. It can be regarded as a higher realization; as it can be said that man is a developed ape. However, in this way the lower form is posited as the primary subject, over the higher. In any case, money as capital is distinct from money as money... On the other hand, capital as money seems to be a regression of capital to a lower form. But it is only the positing of capital, and which makes up one of its presuppositions. Money recurs in all later relations; but then it does not function as mere money."

Again,

"As in the theory the concept of value precedes that of capital, but requires for its pure development a mode of production founded on capital, so the same thing takes place in practice. ... This determination of value, then, presupposes a given historic stage of the mode of social production and is itself something given with that mode, hence a historic relation."

25. Marx, Grundrisse, pp.250-51
26. Ibid, pp.251-52; also p.459f
The same relation holds between the realms of circulation and production:

"Circulation, therefore, which appears as that which is immediately present on the surface of bourgeois society, exists only in so far as it is constantly mediated. Looked at in itself, it is the mediation of presupposed extremes. But it does not posit these extremes. Thus, it has to be mediated not only in each of its moments, but as a whole of mediation, as a total process itself. Its mediating being is therefore pure semblance. It is the phenomenon of a process taking place behind it... While originally, the act of social production appeared as the positing of exchange values and this, in its later development as circulation — as completely developed reciprocal movement of exchange values — now circulation itself returns back into the activity which posits or produces exchange values. It returns into it as its ground... This is their point of departure, and through its own motion it goes back into exchange-value creating production as its result. We have therefore reached the point of departure again, production which posits, creates exchange values; but this time, production which presupposes circulation as a development moment and which appears as a constant process, which posits circulation and constantly returns from it into itself in order to posit it anew. This movement which creates exchange value thus appears here in a much more complex form, since it is no longer only the movement of presupposed exchange values, or the movement which posits them formally as prices, but which creates, brings them forth at the same time as presuppositions. Production itself is here no longer present in advance of its products, i.e., presupposed; it rather appears as simultaneously bringing forth these results; but it does not bring them forth, as in the first stage, as merely leading into circulation, but as simultaneously presupposing circulation, the developed process of circulation."27

27. Ibid pp.255-56; also p.262
In the completed bourgeois society, "every economic relation presupposes every other in its bourgeois economic form, and everything posited is also a presupposition". This totality itself, however, is not created out of nothing. It is created out of elements which form its historic presuppositions, but which belong to the earlier form of society, to the period of transition. The process of development of the totality, in fact, is a process by which the earlier moments (the historic presuppositions) are subordinated to the totality of the capitalist mode of production. The nature of this historic process is, of course, determined by the struggles of classes, the response of the transitional state and a host of other factors, which must be studied in concrete terms.

In this sense, bourgeois revolutions must be understood as forms of class activity in a transitional epoch through which the conditions of capitalist development (primarily the state) are transformed from being mere historical presuppositions to posited presuppositions. The nature of the bourgeois revolution in a specific society, therefore, would be determined to a great extent by the nature of the historical presupposition including the state, which had provided the preconditions of capitalist development and the environment for the formation of civil society and crystallization of the modern classes. Thus the dynamics

28. Ibid. p.278
29. Ibid pp.275-80
30. See also Section 2.1.
of the colonial state and the specific form of early capitalist development in India, had already defined to a great extent the nature of the national movement, its tasks and the role of the Indian capitalist class in it.

1.3.3. Form determination: Essence and appearance:

The transformation of the presupposition to the "posited" implies its acquisition of a fixity, a specific form. The categories of political economy constitute so many form determinations, mutually presupposing and positing each other. Every category, however, embodies a two-fold character. On the one hand, it is an objective form, performing certain functions by virtue of this form itself, and defining the limits within which persons belonging to the category i.e., personifying it, have to act. On the other hand, the form itself is an expression of specific social relations, and, as human social relations, is an embodiment of objective interpersonal recognition and consciousness.

Corresponding to the process of "being" and "becoming" of the capitalist mode of production, i.e., corresponding to the logical and historical levels of form-determination, the concepts can be regarded as fixed or in the process of formation. The aim of science is to understand the coming into being, existence and passing away specific forms of social relations.

32. Ibid, See also Marx's analysis of the value-form in Capital, Vol. I, part I.
As far as the "being" of the capitalist mode of production is concerned, the aim of critical science is to analyse the necessity of the specific forms of appearance and objectification of human consciousness; this necessity meaning the origin, development and decay of specific forms, as historically necessary forms. In this respect the dialectical approach overcomes the one-sidedness of both (a) the classical political economy (which sought to explain the reality by reducing the surface level to its deeper essence, to the realm of laws, and regarding the surface level as contingent, as inessential) and (b) the vulgar political economy (which defined the truth as the observation of the surface level of reality without questioning about its deeper essence). As Marx wrote:

"By classical political economy I understand that economy which... has investigated the real relations of production in bourgeois society, in contradiction to vulgar economy, which deals with appearance only..."

Thus while the classical political economy reduced value to its inner content labour, the vulgar economy took the concept of value as it expresses itself on the surface level of social reality in the process of exchange, and remained confined to that level alone. In Marx, on the other hand, the aim is not only to analyse value in terms of its material-social

content labour, but to constitute value as a dialectical-genetic concept out of a certain historically specific form of labour, i.e., to explain why labour, under certain specific historical conditions, must take the form of value. In general terms, therefore, the dialectical method not only traces the realm of appearance back to its inner essence, but, following Hegel, regards this appearance as the necessary form of appearance of the essence.

1.3.4. Law as ideology and hegemony

On the other hand, for transitional periods of history, when the forms of appearance themselves have not yet acquired fixity and stability, it is a transitional form for both the essence and appearance. The degree of necessity in the relationship between them (i.e., the degree to which the essence has to necessarily take the specific form of appearance) is an index of the development of the essence itself. Whereas the totality of the forms of appearance and their interrelationship constitute the law of motion of the specific social mode of production,

35. Ibid, part I, Rubin, I.I, loc. cit. As Hegel said, "The essential point to keep in mind... is that the content is not formless, but has the form in its own self, quite as much as the form is external to it". (Hegel's Logic, p.189).

its recognition in the form of state-consciousness constitutes the legal form of the society. Thus the bourgeois legal relations are an expression of the social laws of motion of capitalist mode of production, recognized and systematized in the form of consciously codified statutes. The process of becoming of the totality of the appearance-forms, in the same way, have their corresponding forms of conscious recognition and articulation. And in so far as classes are conceived as historical agents of social transformation, these forms of recognition and articulations constitute what can be termed as forms of ideology. Ideologies are thus the expressions and guiding forces of conscious class struggles which characterise the coming into being, the process of becoming, the process of transition, and, therefore, are as objective as the latter.

The concept of hegemony in the level of ideology corresponds to the relation of objective appearance at the level of the law of motion of a specific social formation. Here, at the level of the conscious reflections of men as members of society on their own social relations, ideological hegemony of one class

37. On a systematic analysis of the relationship between the capitalist mode of production and its law-form, see Tuschling, Burkhard, Rechtsform und Produktionsverhältnisse.

38. Marx and Engels, Manifesto of the Communist Party; Marx, Contribution to the critique of Political Economy Preface.

39. Though the ideological consciousness of an epoch of transition must be critically examined while studying the latter. Cf. Marx, Loc.cit.
over others reflects the objective appearance of the recognition on the part of the society as a whole, of the forms of consciousness of one class (dominant class) articulated in the struggle for the establishment and positing of specific legal forms. \(^{40}\) While different classes may have different reasons for acceptance of a common ideology, the ideology itself expresses in objective terms their own position and interests in the historical process. In this sense, the attempt of the bourgeois revolution to establish the bourgeois class interests as the hegemonic ideology, actually reflects the fact that objectively, at a certain period of history, these interests do express the universal social interest. Therefore, ideology is not a mere false-consciousness or delusion. As the institutional form of expression of this hegemony, law and frameworks of state policy are an incorporation of the dominant ideology, i.e., the ideology of the class which has established itself as the leading class in a period of social transformation, into the body of the state. This of course encompasses a long drawn out historical process which must be studied concretely, if the form of law and its function as ideology are to be made scientifically meaningful. The present work attempts to analyse the "socialist pattern" as the ideological expression of the class hegemony of Indian corporate capitalist class established through a historical process of struggle.

\(^{40}\) For a different conception of "hegemony" (rather a voluntaristic one) see Gramsci, A, Prison Notebooks.