

“LEGALITY AND ILLEGALITY”

Breaking the Law

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*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*

Georg Lukács (1971 [1923]: 263)

Lukács’s essay “Legality and Illegality” was first written in July 1920 for the Vienna journal *Kommunismus* and was included in *History and Class Consciousness* “without significant alterations”, as he expressed it in the 1967 Preface to the new edition of *History and Class Consciousness* (Lukács 1971 [1923]: xvi). During that period, Lukács was living in Vienna as a political exile and was a member of the Central Committee of the illegal Hungarian Communist Party. Under the short-lived Hungarian Republic of Councils in 1919, which lasted only 133 days, Lukács was People’s Commissar for Education and served

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as the political representative of the Fifth Division of the Hungarian Red Army defending the Republic. After its defeat, Lukács went underground in Budapest but, after his comrade Otto Korvin was arrested and executed by the counter-revolutionary forces, he emigrated to Vienna.

This context is important since it would be a serious mistake to underestimate the implications of the fact that Lukács is writing on legality and illegality while being in the leadership of an illegal communist party. In this intervention, I will examine the role of this essay situating it, first, in the universe of the articles that Lukács wrote during 1920 in the journal *Kommunismus* and, secondly, in the political universe of *History and Class Consciousness*. My main argument is that this essay represents an important step on Lukács’s contradictory road to Leninism, or as Michael Löwy described it in the title of his 1979 book, Lukács’s road “from romanticism to Leninism” (Löwy 1979). Before I proceed with this road, a more general comment on the contradictions of Lukács’s work throughout his life may be clarifying.

To build my argument that this essay is an important step towards Leninism, I would draw attention to the fact that Lukács wrote this article one month after Lenin issued his pamphlet “Left-Wing Communism: An Infantile Disorder”. In this pamphlet Lenin aimed to discuss the main lessons that the Bolshevik Party had learned from its involvement in three revolutions and from the experience of the first years of the Soviet state in a manner that communists from other European countries could relate to (Lenin 1966 [1920]: 13). Lenin gave personal attention to the book’s printing schedule so that it would be published in

German, English and French before the opening of the Second Congress of the Communist International, where each delegate would receive a copy (Lenin 1966 [1920]: 539). Lukács was not present on that occasion (he would be a delegate to the Third Congress). However, he read Lenin's pamphlet immediately after it was published. And, as he puts it in his 1967 Preface, he immediately understood Lenin's pamphlet to be correct, marking the beginning of a change in his views (Lukács 1971 [1923]: xiv).

In this respect, I totally agree with Michael Löwy (1979: 159), who emphasized that this change first became apparent in the essay "Legality and Illegality". However, opposite readings of this essay are also available. Back in 1964, when Lukács was still alive, Viktor Zitta (1964: 133) argued that Lukács retaliated with "Legality and Illegality", identifying it partly as an apology of his previous position and partly as a counterattack against Lenin. I would claim, however, that if we follow the sequence of events and the main arguments that Lukács put forward in this essay, there is sufficient evidence to defend that "Legality and Illegality" was neither an apology nor a counterattack.

In March 1920, Lukács wrote an article on parliamentarism for *Kommunismus* in which he took a stand against the participation of the Communists in parliament (Lukács 1972 [1920]). This position was, indeed, similar at the time to Bela Kun's theory of an "active boycott" of parliament. Lenin wrote a response to Bela Kun in *Kommunismus* where he also criticizes Lukács. The following excerpt from Lenin's response is indicative:

G.L.’s article is very left-wing and very poor. Its Marxism is purely verbal; its distinction between ‘defensive’ and ‘offensive’ tactics is artificial; it gives no concrete analysis of precise and definite historical situations; it takes no account of what is most essential (the need to take over and to learn to take over, all fields of work and all institutions in which the bourgeoisie exerts its influence over the masses, etc.) (Lenin 1966 [1920]: 165).

In one of his final interviews to Hungarian television in 1969, Lukács stressed that this opinion of Lenin was very instructive for him (Lukács 2022 [1973]). In my reading of “Legality and Illegality”, Lukács took inspiration both from Lenin’s direct harsh criticism of him, as well as from the pamphlet “Left-Wing Communism: An Infantile Disorder”. The main argument of the latter is that the primary danger for the working-class movement in general is opportunism on the one hand, and anti-Marxist ultra-leftism on the other. Likewise, in the essay “Legality and Illegality”, Lukács is criticizing both “the cretinism of legality and the romanticism of illegality” (Lukács 1971 [1923]: 270).

Lukács explains that the opportunists persist in acting legally at any price and criticizes their fatal illusion about the peaceful transition to socialism (Lukács 1971 [1923]: 265). According to Lukács, the great distinction between revolutionary Marxists and pseudo-Marxist opportunists consists in the fact that, to the former, the capitalist state counts merely as a power factor against which the power of the organised proletariat is to be mobilised. The latter, in turn, regard the state as an institution standing above the classes and the proletariat and the

bourgeoisie conduct their war in order to gain control of it. Lukács is explicit on this point:

But by viewing the state as the object of the struggle rather than as the enemy they have mentally gone over to bourgeois territory and thereby lost half the battle even before taking up arms (Lukács 1971 [1923]: 260).

And what about the other danger? Lukács equally criticizes the reaction against legality at any price, which he calls the “romanticism of illegality”, describing it as an infantile disorder of the communist movement (Lukács 1971 [1923]: 260). Leninist echoes are here strong and clear. For Lukács, this hypostatization of “illegality” suggests that the law has preserved its authority – admittedly in an inverted form –, considering that it is still in a position to inwardly influence one’s actions, by which he means that a genuine, inner emancipation has not yet occurred (Lukács 1971 [1923]: 269, 263).

So, if we reject both “the cretinism of legality and the romanticism of illegality” what is then the alternative? The following rather long passage is the most indicative of Lukács’s nuanced position:

The question of legality or illegality reduces itself then for the Communist Party to a mere question of tactics, even to a question to be resolved on the spur of the moment, one for which it is scarcely possible to lay down general rules as decisions have to be taken on the basis of immediate expediencies. In this wholly unprincipled solution lies the only possible practical and principled rejection of the bourgeois legal system. Such tactics are essential for Communists and not just on grounds of expediency. They are needed not just

because it is only in this way that their tactics will acquire a genuine flexibility and adaptability to the exigencies of the particular moment; nor because the alternate or even the simultaneous use of legal and illegal methods is necessary if the bourgeoisie is to be fought effectively. Such tactics are necessary in order to complete the revolutionary self-education of the proletariat (Lukács 1971 [1923]: 264).

It is quite striking that the words *knowledge* and *education* appear each ten times in Lukács’s short essay on legality and illegality. It is also no coincidence that the essay begins with Thesis III from Marx’s *Theses on Feuerbach*, which famously states that the educator must also be educated (Lukács 1971 [1923]: 256). The way Lukács builds his argument in this essay is very much related to Lukács’s analysis of reification and the constant struggle to overcome it. Commenting on Lukács, Fredric Jameson refers to the “capacity to think in terms of process” in contrast to reification, i.e., the “blocks and limits to knowledge” which “suppress the ability to grasp totalities” (Jameson 2004: 146). The following passage of “Legality and Illegality” illustrates the essay’s evident revolutionary pedagogical aspect:

Marxist theory is designed to put the proletariat into a very particular frame of mind. The capitalist state must appear to it as a link in a chain of historical development. Hence it by no means constitutes ‘man’s natural environment’ but merely a real fact whose actual power must be reckoned with but which has no inherent right to determine our actions. The state and the laws shall be seen as having no more than an empirical validity. In the same way a yachtsman or a yachtswoman must take exact note of the direction of the wind without letting

the wind determine their course; on the contrary, they defy and exploit it in order to hold fast to their original course. [...] The strength of every society is in the last resort a spiritual strength. And from this we can only be liberated by knowledge. This knowledge cannot be of the abstract kind that remains in one's head – many 'socialists' have possessed that sort of knowledge. It must be knowledge that has become flesh of one's flesh and blood of one's blood; to use Marx's phrase, it must be 'practical critical activity' (Lukács 1971 [1923]: 262).

Along these lines, we should not forget that, after all, Lukács sees the Communist Party as one of the most important *intellectual questions* of the revolution (Lukács 1971 [1923]: 295).

From a century-long perspective, in turn, returning to the essays included in *History and Class Consciousness* provides us with some guiding principles and some breathing space. Considering the degeneration of most communist parties and the amateurish politics of the Left, it may not give us “recipes for the cook-shops of the future”. However, it is a constant reminder that *there is always an alternative*. Like a message in a bottle, and sometimes a lifejacket, it reaches militants that are very often trapped into a state of moodiness changing from short-lived enthusiasm to a constant feeling of despair.

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