

JOURNAL OF INTERDISCIPLINARY HISTORY OF IDEAS



2022

Volume 11 Issue 22

Item 17

– Section 4: Reviews –

Book Reviews

L. Timponelli, C. Pontorieri



JJHI 2022

Volume 11 Issue 22

Editorial 1. *Double-size* (E. Pasini)

Special Issue: Hybridisation in the History of Ideas

2. *Introduction: Facets of Hybridisation in the History of Ideas* (R. Garau, E. Pasini, G. Pignatelli)
3. *'Nose of Wax': Early-Modern Philosophy and the Discourse of Conceptual Hybridization* (G. Pignatelli)
4. *The Hybridization of Practical and Theoretical Geometry in the 17th-Century Euclidean Tradition* (A. Axworthy)
5. *Christiaan Huygens' Verisimilia de planetis and its Relevance for Interpreting the Cosmotheoros: With its First English Translation* (L. Marinucci)
6. *The Contents of Different Forms of Time: On Ancient and Modern Concepts of Geming (Revolution) in China* (S. Cheng)
7. *Systematic Irrationality and the Emergence of Behavioral Economics: On the Hybridization of Economics and Psychology* (T. Neuhaus)

Special Issue: Historical Geoanthropology

8. *Historical Geoanthropology* (P.D. Omodeo, R. Garau, G. Rispoli)
9. *Geopraxis: A Concept for the Anthropocene* (P.D. Omodeo)
10. *The Evolution of the Anthroposphere: Historicizing Geoanthropology* (G. Rispoli)
11. *Mississippi: Working River* (T. Turnbull)
12. *Historical Geoanthropology in Venice* (P.D. Omodeo, S. Trevisani)
13. *Labour, Energy, and Information as Historical Configurations: Notes for a Political Metrology of the Anthropocene* (M. Pasquinelli)
14. *Transformation and Persistence of the Basin-Valley of Mexico in the 16th and 17th Centuries* (O. Rodríguez Camarena)
15. *Historical Geoanthropology: Book Reviews* (G. Fava, L. Meisner, P.D. Omodeo)

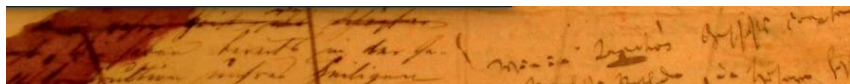
General Section

16. *Paper Money and the Fear of Excess in Late Eighteenth-Century Britain* (D.M. Batt)
 17. *Book Reviews* (L. Timponelli, C. Pontorieri)
-

Book Reviews

L. Timponelli, C. Pontorieri

Reviews of Grassmann, Der Eklat aller Widersprüche. Marx' Theorie und Studien der wiederkehrenden Wirtschaftskrisen, De Gruyter 2022; Lagi, Democracy in its Essence. Hans Kelsen as a Political Thinker, Lexington Books 2021.



1 TIMM GRASSMANN, *Der Eklat aller Widersprüche. Marx' Theorie und Studien der wiederkehrenden Wirtschaftskrisen*, Berlin: De Gruyter, 2022, ix+555 p. ISBN: 9783110745023 / 9783110744934, € 113.95.

Economic crises have always been one of the most debated topics of Marx's critique of political economy. Since the late XIX century, many contrasting interpretations have been singled out to reconstruct Marx's position on the causes of the ever-recurring crises in capitalism: a lack of effective demand which can absorb the whole product, either due to the underconsumption of the working classes or to production growing faster than the market expansion, the disproportionalities between the different sectors of production which follow from the absence of coordination between entrepreneurs, the turnover time of fixed capital, the profit squeeze in consequence of rising wages (due either to rising labor demand or to a mounting class struggle), the falling rate of profit due to the increasing organic composition of capital, the turbulent gravitation of market prices around values across the business cycle are the most prominent interpretations around which the debate has revolved. The originality of Grassmann's perspective lies in recasting the question from the cause of crises to their meaning for the critique of political economy and to their effects in the history of capital accumulation.

According to Graßmann, Marx's main concern is not to trace a single causal mechanism which leads to crises: many of the aforementioned phenomena actually coexist as different aspects of the deployment of a concrete crisis. Rather, Marx gives prominence to crises in so far as they suddenly manifest the contradictions he ascribes to the capitalist mode of production: they dispel the illusion of unlimited capitalist development and put into jeopardy both the persistence of the civil and political rights and the cosmopolitanism which seemed till that time an unshakable conquest of the liberal civilization. In the first place, crises are seen by Marx not as exceptional deviations from a steady path of growth, triggered by exogenous shocks, but as constitutive moments of capital accumulation, endogenously generated by the tendency of capital to grow faster than its possibilities of profitable employment. The devaluation of capital, which manifests itself in the simultaneous idleness of means of production, workers, and money, is the necessary condition for the restoration of profitability. State intervention can postpone the deployment of crises and tone down the effects of their outbreak (often by socializing the losses of the capitalist class) but cannot in any case prevent their outbursts and the devaluation of capital they entail. According to Marx, this periodic destruction of capital refutes capitalism's claim to efficiency in the employment of resources, therefore calling for its overcoming: capitalism appears as a form of social reproduction in which the absence of social coordination leads to the overexploitation of workers and of nature together with the waste of available productive forces. This denunciation of the limits of capitalism goes together with the expectation (attenuated, but never wholly rejected), on Marx's side, of revolutionary outbreaks in consequence of the growing immiseration brought about by diffuse unemployment and falling wages. However, crises do not only dispel illusions: they bring about, in an ambiguous double movement of unveiling and concealment, a mythology of their own which is grounded in the attempt by the capitalists' to restore profitability at any cost: *laissez-faire* gives way to State intervention in order to protect national capital and to socialize its losses at the expense of the whole society; authoritarianism replaces liberalism in order to secure social stability and discipline the working class; free trade is superseded by protectionism as the belief in the benefits of international cooperation and integration are eroded by increasing international rivalry. War looms once national capitals struggle to preserve their share of profits at the expense of

other countries. As accumulation as a win-win game (albeit in an unbalanced way across social classes and countries) turns into a zero-sum game, the expectations of ever-growing freedom, equality, emancipation, and progress are superseded by the naturalization of social evils (as in Malthus' theory of overpopulation) and by an open praise of discipline, hierarchy, and inequality. As Marx's analysis of Napoleon III's regime shows, authoritarian regression does not represent an accident or marginal phenomenon, but, rather, a constitutive element of capitalist modernity.

Besides *Capital* and the earlier economic manuscripts of 1857-58 and 1861-63, Graßmann's reconstruction takes into account the vast amounts of notebooks and excerpts made available by the *Marx-Engels-Gesamtausgabe* (first and foremost the *Londoner Hefte* of 1851-53, which testimony Marx's first in-depth study of political economy and the *Krisenhefte* of 1857-58), and the too often neglected articles Marx wrote for the *Neue Rheinische Zeitung* and then for the *New York Daily Tribune*. These latter contributions offer precious insight into Marx's understanding of the role of public debt in conditioning State policies, of the interplay between overproduction, commercial crisis, and speculation, of the spilling over of crises from one market into another and across different countries, of the effects of sudden events like the gold rush and the openings of new markets in Australia and in the Far East. Contrary to the opinion that sees them either as *marginalia*, or as too remoted from the levels of abstraction dealt with in *Capital*, these texts show how Marx's theory develops together with the observation of specific, sometimes unexpected, events in the historical unfolding of capital accumulation. Graßmann's book follows such a development from the 1844 *Economic and Philosophic Manuscripts* until the French edition of *Capital* (1875).

The first chapter deals with Marx's economic sources, starting from Ricardo and Say, who denied the possibility of general gluts, with the only exception of too much paper money being pumped into the economic system: the devaluation of currency relatively to gold leads to inflation and to drains of precious metals abroad, which undermine the convertibility of currency into gold. Crises can therefore be prevented by the management of the money supply. This belief is opposed both by Malthus, who argued that crises arise because overpopulation, by exerting downward pressure on wages, periodically leads to insufficient effective demand, and by the economists of the banking school (Tooke

and Fullarton), who see crises as the ultimate consequence of the tendency of capital to overexpand beyond the actual possibilities of investment. These latter authors are critical of the attempts to control the money supply: harsh monetary policies in times of crises can only lead to further bankruptcies. Marx draws from Malthus the description of crises as simultaneously presenting overpopulation (people who cannot be employed) and overproduction (commodities which cannot be sold) and accepts Tooke's and Fullarton's critique of the quantitative theory of money and their outline of the business cycle. Owen, Bray, Thompson, and Gray are praised by Marx because of their acknowledgment of crises as "artificial checks to production", which follows from a production oriented to profit and not to the satisfaction of human needs. However, Marx is skeptical of their attempts to arrest the underconsumption of the masses by simply substituting money with a labor standard. Conversely, it is Sismondi the first to root the necessity of crises not in the capitalist perversion of market exchange, but on production for exchange itself. The development of productive forces promoted by competition reduces the value of existing capital, of the already produced commodities and of labor, thus eroding incomes and destroying the purchasing power for the newly created commodities: consumption cannot therefore grow as fast as production. On the one hand, Sismondi drew Marx's high praise for acknowledging production for exchange as a historical stage, on the other hand, Marx blamed as reactionary his inability to find an alternative both to commercial society and the traditional, pre-capitalistic production for consumption.

The second chapter focuses on the birth of Marx's interest for crises. Despite already exhibiting a theory of crises as due to overinvestment relative to profitable opportunities, in the *Economic and Philosophic Manuscripts* Marx is quite exclusively concerned with the philosophical aspects of alienation and of the growing misery of the proletariat in capitalist development. At the time, Marx does not question the "cynical, but correct" account of the bourgeois society made by political economists, including the theory of the neutrality of money as a mean of exchange. It is only with the progressive detachment from their perspective that crises become a more and more central issue. Crises are therefore from start, Graßmann convincingly argues, a core element of Marx's critique of political economy, exposed for the first time in *Misère de la philosophie* (1847). In consequence of the adoption of the labor theory of value, crises are interpreted,

like Sismondi, as due to commodity and capital devaluation which erode profits and forces production unto a halt. The outbreak of the 1847-48 crisis and the following wave of European revolutions persuade Marx of the connection between crises and revolution and, therefore, of their political relevance. Unrest is exacerbated not only by widespread unemployment and immiseration, but also by the tax increases made by governments under the pressure of their creditors. At the same time, Marx develops a theory of overspeculation as a symptom and a consequence of overproduction: the lack of productive employment drives superabundant capitals toward speculation. The lowering of the interest rate in consequence of the superabundance of capital has therefore to be interpreted as a sign of an imminent crisis.

In the third chapter, Graßmann follows the evolution of Marx's thought in the '50s. Two epoch-making events mark the beginning of the decade and shake Marx's previous belief in a mechanical nexus between low interest rates and imminent crises and between crises and revolution: the California Gold Rush and Napoleon III's coup d'état. On the one hand, the increased inflow of gold into the world economy led to a new phase of expansion in which the abundance of money capital fostered new investments. This unexpected occurrence is at the base of Marx's insight into the fetishistic character of gold, which does not only act as a mean of circulation but truly embodies wealth in its capitalist form. On the other hand, the advent of Bonapartism surprises Marx because both of its origin as the outcome of a crisis process, in which the emperor is cheered by the bourgeois class against the alleged instability of the parliamentary regime, and of its endurance in spite of the 1857-58 crisis, managed thanks to a wide range of interventionist policies. However, Marx observes, internal stabilization can be protracted only through political and military adventurism: authoritarian regression and then war are acknowledged to be another possible political outcome of economic crises. Graßmann then documents Marx's careful study, in his notebooks, of the 1857-58 crisis, in which he carefully follows its progressive deployment, its effects on the prices of different commodities and on wages, and the reaction it provokes in the forms of rising social conflict and on of different degrees of State interventionism across Europe. Marx's report goes together with the drafting of the *Grundrisse*, where the root of the crisis is identified in the tension between production and valorization. The development of productive forces, while rising the quantity of commodities, reduces the

labor time embodied in them and, consequently, the value from which profits can be drawn. Profitability is feasible only as far as the time spent by workers to reproduce their labor force can be reduced and the time devoted to surplus labor can be prolonged: once these limits are reached commodities cannot be turned into money anymore. While leading to ever-greater economic cataclysms and to the necessarily rising exploitation of the working class, the progress of capital accumulation openly reveals its limits and brings out the necessity to substitute it with a socialized form of production oriented to the satisfaction of needs.

In the fourth chapter, Graßmann analyzes the role of crises in the theoretical project of *Capital*. The systematic exposition of the capitalist mode of production attempted by Marx is interpreted not as an approximation to actual causes of historical crises, but as the progressively setting out, at different levels of abstraction, of their conditions of possibility and their modes of appearance. At the most abstract level, the fact that commodities are not exchanged for one another, but must be converted first into money and only in a second time into other commodities confutes Say's law: since buying and purchase are separate acts, there's no warranty that commodities at a given time can be converted into money (and vice versa), and then into new commodities. At the level of capital production, the possibilities of expansion and contraction of the great industry, as well as the downward pressure exerted on wages by mechanization build the possibility of recurring industrial cycles, culminating into overproduction together with overpopulation. The analysis of capital reproduction conducted in the second book reveals that crises can also occur because of underproduction of raw materials and for relative overproduction of means of production. At the level of the third book, Graßmann denies that the tendency of the rate of profit to fall constitute an actual causal mechanism for crises:¹ rather, by setting

¹ This seems to me to be the least persuading point of the book: Marx actually envisaged a nexus between the falling rate of profits and the crisis outburst through the effects on the mass of profits of the composition of capital increasing faster than the growth of total capital. It is this effect on the mass of profits which is defined in the *Grundrisse* as the most important law in political economy. By bringing about an overproduction of capital which can be profitably employed, the movement of the rate of profits constitutes the ultimate limit to capital expansion (MEGA₂ II/1, 622). The tie between crises and the movement of the rate of profits is also affirmed, against Smith, in the 1861-63 manuscripts (MEGA₂ II/3, 1090; 1119-20). Nevertheless, I agree with Graßmann that

limits to capital accumulation, this tendency can explain the necessity for capital to increase the rate of surplus value, the increasing concentration of capital (since large undertakings can survive at lower rates of profit and still benefit from a high mass of profit), harsher competition and stagnation as a long-run outcome of capital accumulation. While not constituting per se a cause of crises (which, as in the previous writings, always have their ultimate origin in the lack of profitable investment in the industrial sector), the credit cycle described in the fifth section of the third book of *Capital* provides useful insights in their actual outbursts, with a sudden stop in capital inflows, a hike in the interest rate in consequence of the exacerbated demand for funding and then a fall because of stagnation. Moreover, a distinction is introduced between crises which originate directly in the productive sector and crises which are ignited in the financial markets. Overabundance of capital can characterize both the imminence of crises, as the plethora of capital moves towards speculation, and the early and mounting stages of expansion, where there's still plenty of opportunities for profitable employment.

The last chapter is devoted to two crises commented by Marx in the 60s, in which he sees a further confirmation of the irrationality of capitalist production: the Cotton Famine and the 1866 financial crisis. In response to the first crisis, British capitals are turned towards Egypt and India, where the traditional subsistence agriculture is turned into export-oriented production. This process results, Marx observes, into the death for starvation, in 1866, of over one million people just in the Indian region of Orissa. The 1866 financial panic offer an example of a crisis which originates in the financial sector, and which is seen as taking place because of the high degree of financialization of the British economy after that capitals leave the US, engaged in the Civil War, and the textile manufacture, hit by the Cotton Famine, and reorient themselves into speculation. Through the reading of Laing and Meason, Marx delves into the study of stock exchange practices. The relative autonomy of share value from the movement both of industrial and moneyed capital encourages fraudulent behavior on the speculators' side, which is crudely revealed by the devaluation taking place

this is not the only one reason for the occurrence of crises, and that even in this case they can be postponed through the movements of the *plethora* of capitals towards speculation and then outburst as financial crashes.

with the crisis. Graßmann concludes by contrasting Marx's theory of crises and of stagnation to his contemporaries' attempts to naturalize these phenomena, reducing them either to the psychological oscillation between excitement and depression (as in John Stuart Mill), to the alleged racial degeneration of the Englishmen (as in Bagehot), or to the effects exerted on agriculture by the sunspot cycle (as in Jevons). The same naturalization lies at the root of every reactionary *Krisenideologie*, which is unable to distinguish between the limits of a specific social form and the limits to the possibilities of human civilization.

The richness of details and insights makes Graßmann's book the most comprehensive study available on the subject. The reader will find in it an exhaustive guide to the development of Marx's theory of crises and to its peculiarities, also in confrontation with the (post)Keynesian paradigm, as well as a useful framework for better understanding the political involution we are experiencing since the last great crisis with the ascent of a new wave of right-wing movements and the looming menace of war. Graßmann's reading of crises as entailing a "double character", which can unleash both critique and reaction, dispels any mechanical interpretation of the relationship between the economic and the political sphere. Unfortunately, the book could not consider Marx's excerpts and notebooks dating to the '70s, which are yet to be published, and which could offer further testimony of Marx's enduring attempt to develop his analysis together with his ever-changing object.

Luca Timponelli



2 SARA LAGI, *Democracy in its Essence. Hans Kelsen as a Political Thinker*, Lanham, MD: Lexington Books, 2021, 204 p. ISBN: 9781793603715, \$100.00; 9781793603739, \$39.99; eBook 9781793603722, \$45.00.

Hans Kelsen was undoubtedly one of the most influential legal theorists of the 20th century. His *Pure Theory of Law* has been debated by generations of

scholars. The Italian tradition of Kelsenian studies, from Renato Treves to the works of Norberto Bobbio, Mario G. Losano, Luigi Ferrajoli, Biagio de Giovanni and many others, has contributed in important ways to a deeper understanding of Kelsen's thought.

This book renews that tradition with a very original and convincing contribution, approaching Kelsen's thought from a political rather than a philosophical angle, identifying a relation between legal positivism and Kelsen's doctrine of democracy. While this theme was treated by Ernst Topitsch in 1982 (*Hans Kelsen, Demokrat und Philosoph*, in W. Krawietz, E. Topitsch, P. Koller Hrsg., *Ideologiekritik und Demokratietheorie bei Hans Kelsen*, Berlin, 1982), Lagi's analysis unpacks this relation through an accurate investigation of the intellectual and political biography of the author of the *Pure Theory of Law*.

Sara Lagi, associate professor of History of political thought at the University of Turin, argues that Kelsen's theory of democracy developed over time as a response to the very real challenges the jurist faced in his life span, in the storms of the 'short twentieth century', living and teaching in Vienna, Cologne, Geneva, Prague, Harvard and, finally, Berkeley.

He witnessed the collapse of the Habsburg Empire and the birth of the Austrian Republic, the Weimar crisis and the advent of Nazism, the confrontation between East and West in the Cold War era. The development of the resulting doctrine of democracy can be followed through a series of writings, from the fundamental *Vom Wesen und Wert der Demokratie*, to the *Foundation of Democracy*, written in the American years.

The author chooses not to focus on an in-depth comparison between Kelsen and the other theorists of Law, though Carl Schmitt is evoked in connection with the early 1930s German dispute over the "guardian of the Constitution". Rather, she examines the relationship between the Kelsenian theory of democracy and the classics of liberal and democratic political thought: among authors of the past, mainly Rousseau, but also Alexis de Tocqueville and John Stuart Mill, and among his contemporaries, Isaiah Berlin, Karl R. Popper, von Hayek or Schumpeter.

Sara Lagi writes that developing a theory of democracy was a lifelong task for Kelsen and the resulting vision was representative, pluralist, constitutional, relativist, positivist and procedural. In other words, his doctrine was developed over time as a response to the enemies of democracy itself: on the one hand, the

Bolshevik Revolution after World War I and the socialist regimes of the Cold War, on the other hand, Fascism and Nazism, from the late 1920s onwards.

This interpretation seems consistent with the writings in which Kelsen depersonalizes the State, depriving it of any will, making it coincide with the Law, which meant taking the doctrine of the *Rechtsstaat* to its ultimate conclusion. According to Lagi, but also according to Kelsen's autobiography, the idea of the dissolution of State sovereignty into the Law is rooted in the jurist's early experience as a subject of a vast pluralistic and multinational empire, which could find the unitary principle of its existence only in the uniformity of the Law.

However, the story of Hans Kelsen's theoretical engagement with democracy began in 1919, when he worked with the Austrian Social-Democratic leader Karl Renner as the Austrian Constitution was being drafted. In those years, Kelsen declared himself in favour of the proportional electoral system, not only because it guaranteed a better representation of minorities, but also because it offered the best protection against a possible dictatorship of the majority, driving the system to continuously aim at a composition between different political positions. Kelsen would not revise this idea even during his American years.

During the time of the drafting of the Austrian Constitution, Kelsen was a legal advisor of the Constituent Assembly and he can be considered the father of the Austrian Constitutional Court, his greatest direct contribution to European positive constitutional Law. Soon the Constitutional Court, established primarily to resolve possible conflicts between the central State and the *Länder*, became in Kelsen's eyes the true guardian of the Constitution. This function was to be implemented through the *ex officio* procedure, another concept of his: this was the idea that would lead him to his well-known confrontation with Carl Schmitt in the final years of the Weimar Republic. However, it should be remembered that in Kelsen's writings the Court only holds a negative legislative power, that is, the power to declare constitutional illegitimacy, according to the traditional principle of the separation of powers. Moreover, the definition of the functions of the Austrian Court was at the core of the Austrian constitutional revision of 1929 and the reason Kelsen subsequently resigned from the Court itself.

The two editions of *Vom Wesen und Wert der Demokratie*, published in 1920 and 1929, well represent the historically determined character of Kelsen's reflection as personal theoretical struggle for democracy. In 1920, after the First

World War, Kelsen defended the democratic model of government against the strong echo the communist revolution was having in Europe, and from the movements and parties that wanted to “do as in Russia”. In 1929 there had been a reversal of the political situation, and the new edition’s background was the expansion of fascist and reactionary movements.

According to Lagi, the main features of the Kelsenian doctrine of democracy are the following: government “by the People”, that is, its parliamentary character; pluralism, to be guaranteed through a proportional electoral law; implementation through procedures ensuring the access and participation of minorities to final decisions; preference for the political decision representing the outcome of a parliamentary compromise; constitutionalism as the articulation of a hierarchy of sources, where a judge of the laws is called to rule on conflicts of laws with the constitutional norms, even *ex officio*.

Those were the years of Kelsen’s response to Rousseau. Kelsen could not accept the *volonté générale* and advocated a pluralistic theory of political representation, that excluded the methods of direct democracy and relied on parliamentary mediation as a means of compromise between the various parties. Lagi clearly points out his favorable attitude toward party pluralism and his preference for proportional representation are both echoed by his reflections on Tocqueville’s warnings and Max Weber’s diagnosis of politics *als Beruf*.

At that time, the fundamental relativism vs. absolutism dichotomy of the Kelsenian theory of democracy was also asserted. For Kelsen, relativism is simply the other side of social, political, ideal and religious pluralism, or in other words, of respect for minorities: it reflects a democratic *Weltanschauung*. Lagi argues that Kelsenian relativism does not lead to a kind of moral agnosticism. Rather, it coincides with the freedom of self-determination, reflecting Kelsen’s “perhaps value” and his enlightened faith in human reason. Kelsenian juridical positivism is therefore placed within this same conceptual framework: Law is the product of an exclusively human reason and of the procedures on which its legitimacy is grounded; it cannot be found elsewhere, in religion or in history. In this respect, Lagi constantly refers to South-West German Neo-kantianism and to Hermann Cohen’s thought as philosophical premises of Kelsen’s theory.

Kelsen’s maintained his distance from the doctrines of natural Law even after World War II. Gustav Radbruch, who came from the same neo-Kantian circle and was close to Social Democracy, and the theories of Brunner, Maritain and

Niebhur should be evoked here. Lagi highlights how the doctrines of natural Law, often combined in the post-war period with a revival of religious culture, appeared to Kelsen as the expression of an absolutist thought, disrespectful of minorities and the relativism implicit in a democratic vision of life. For Kelsen, the doctrines of natural Law, like communist thought, do not propose a procedural but an essentialist vision of democracy.

Kelsen criticized one of his former students, Eric Voegelin, for his notion that Communism and Nazism were secular religions, creating the consequent need to reformulate the theory of democracy in terms of “openness toward transcendence”. In a 1955 paper, Kelsen pointed out that in such a framework fundamental rights may not receive legal protection. An existential notion of democracy, blurring the distinction between religion and politics asserted by the Enlightenment, is paradoxically more functional to absolutist systems than to democratic ones. In his posthumous work *Secular Religion*, Kelsen systematically addressed the subject of secularization, reaffirming the autonomy of modern reason from religion and its transcendent dimension. For Kelsen, there could be no relationship between modern democracy and Christianity. These points are extensively examined throughout the book’s text and footnotes, although Lagi, quite surprisingly, does not include any references to the controversy raised against Kelsen’s relativism by pope Joseph Ratzinger, not even in the chapter where the famous Kelsenian thesis about a “democratic” and “relativist” Pilate is examined.

During the Cold War, Kelsen, who had emigrated to the United States, moved to Berkeley after teaching for two years at Harvard University: at that time, the FBI opened a file on him. In an academic environment in which realistic interpretations of the Law prevailed, Kelsen – now a professor in a faculty of Political Science, not in a faculty of Law – developed an interest in the themes of international Law, following the birth of the United Nations and the Nuremberg Trial. In those years, he also published *Foundations of Democracy*, based on his Chicago *Walgreen Lectures*, which took up and summarized many of the themes already addressed in his European years, presenting them to the American public: majority rule, self-government, social and political compromise, and respect for the minority.

According to Lagi, in the context of Cold War Liberalism Kelsen’s vision differed from both Schumpeter’s and von Hayek’s. He could not agree with von

Hayek on the connection between capitalism and democracy (a contrast which shows many analogies with the Benedetto Croce and Luigi Einaudi controversy, which is well known in the Italian debate). Kelsen's positions were also distant also from Schumpeter's ideas: while they shared a procedural vision of democracy, Kelsen's theory was based on political decision as a compromise between the majority and the minority, while Schumpeter paid more attention to the dynamics of electoral victory. On the other hand, Karl R. Popper's approach in *Open Society* was closer to many of the themes elaborated by the Viennese jurist.

To conclude, Lagi convincingly argues that Kelsen can be considered one of the greatest theorists not only of law, but also of liberal democratic thought, as he combines respect for the fundamental rights of the individual with the principle of self-determination as the foundation of a form of government "by the People", thus associating freedom and equality.

This book traces the entire intellectual journey of one of the most influential thinkers of the 20th century, showing the connection between Kelsen's *Pure Doctrine of Law* and his theory of democracy through an in-depth analysis not only of his main works on the subject, but also of his various writings in defense of democracy, linked to the various contingencies he faced during his long and difficult life. A rich apparatus of footnotes and bibliographical references completes the book, which marks an important step in the study of Hans Kelsen's thought.

Carlo Pontorieri

DE GRUYTER

Timm Graßmann

DER EKLAT ALLER WIDERSPRÜCHE

MARX' THEORIE UND STUDIEN DER WIEDERKEHRENDEN
WIRTSCHAFTSKRISEN

DE GRUYTER MARX FORSCHUNG

DE
G

Grassmann, Der Eklat aller Widersprüche, 2022, cover.