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## Writing in a time of coronavirus

Grietje Baars\*

Even though the book launch at City was just over a year ago, right now it feels like an eternity has passed. Reading everyone's contributions in this moment makes me at once nostalgic, for a pre-pandemic time that is tempting to romanticise as 'carefree', and grateful. It takes only a fraction of a second to remember we were always already in crisis even if it had a different intensity. Still, I am grateful to be part of such an incredible community of scholars, and humans, whose work and friendship (dare I say comradeship) has sustained me over the past years and, in some cases, the past decade or more. It is that connection, that comradeship, and that willingness and ability to engage, critically if must be, with each other's work, lives and projects that will carry us through beyond the present crisis, and to a world which in some (many) areas, needs to be rebuilt from the ground up. I am intensely grateful for the time, energy and care given to my book by the five scholars in this symposium<sup>1</sup>—Susan Marks, Dan Danielsen, Emily Jones, Maïa Pal, Honor Brabazon—and I know that even though we may disagree on certain issues (such as the utility of law) it is clear to me that we are ultimately working on a common project.

Research and writing, academic work more generally, is a collective effort and we complement each other's work, generate synergies and push each other to go beyond. For example, I am happy to accept Pal's challenge to my generalising, and at times flattening, description of the early modern state form.<sup>2</sup> I look forward to Pal's own book on this topic, due to be published soon. M Pal, *Jurisdictional Accumulation: an Early Modern History of Law, Empires, and Capital* (Cambridge UP, forthcoming). I am likewise looking forward to Emily Jones' 'Posthuman International Law', which is set to force us to adjust our narrow anthropocentric understanding of law and capitalism. Honor Brabazon's *The Criminalization of Dissent*, also forthcoming and which surveys and theorises questions of strategy and tactics will be a welcome elaboration on the key points made by Robert Knox in his seminal article on this topic. See R Knox, 'Strategy and Tactics' 21 *Finnish Yearbook of International Law* (2010) 193.

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<sup>1</sup> G Baars, *The Corporation, Law and Capitalism: A Radical Perspective on the Role of Law in Global Political Economy* (Brill, 2019). For the engagements with the book, see the five symposium essays in this issue.

<sup>2</sup> I look forward to Pal's own book on this topic, due to be published soon. M Pal, *Jurisdictional Accumulation: an Early Modern History of Law, Empires, and Capital* (Cambridge UP, forthcoming). I am likewise looking forward to Emily Jones' 'Posthuman International Law', which is set to force us to adjust our narrow anthropocentric understanding of law and capitalism. Honor Brabazon's *The Criminalization of Dissent*, also forthcoming and which surveys and theorises questions of strategy and tactics will be a welcome elaboration on the key points made by Robert Knox in his seminal article on this topic. See R Knox, 'Strategy and Tactics' 21 *Finnish Yearbook of International Law* (2010) 193. Dan Danielsen's unrivalled work on the corporation is soon to culminate in a monograph, while Susan Marks's much anticipated *A False Tree of Liberty* (Oxford University Press, 2020) shares my commitment to revisiting the archive to stimulate critique and steer current praxis in a more fruitful direction.

Dan Danielsen's unrivalled work on the corporation I have been thinking with for almost two decades is soon to culminate in a monograph which is set to become an instant classic, must-read text, inevitably always less Marxist, but more elegant and nuanced than my own. Susan Marks's much anticipated *A False Tree of Liberty* (Oxford University Press, 2020) shares my commitment to revisiting the archive to stimulate critique and steer current praxis in a more fruitful direction. I am as grateful for these scholars' support as I am of the gentle yet firm critiques they offer. In this response, I will briefly address the 'lawness' of law and its limits, and sketch out my response to the 'then what?' question. I will start, though, with a note on praxis and the importance of choosing the stories we tell for the stories we long to create.

As I write during the coronavirus pandemic, the deep structural, racialised and gendered violence of global corporate capitalism is coming into sharp relief—or *even sharper* relief—to ever more people. In the face of communities hit by a debilitating and deadly illness, it has become clear that resistance against the old order, and what is already touted as the 'new normal' of a hyper-precaritised police state, is our only option. We have known for a long time that the world produces enough food to feed its population many times over, and yet people starve because of the structural dynamics underlying global inequality. While these dynamics may have previously seemed complex and opaque to many, the current situation makes them impossible to ignore.

That the pandemic affects Black, Indigenous and People of Colour disproportionately—globally but also within Europe and North America—is immediately obvious from data on who has died and who is forced (back) to work<sup>3</sup>—in healthcare/elderly care, public transport, delivery and warehouse work, farming,<sup>4</sup> manufacturing and meat packing,<sup>5</sup>—as well as on who is incarcerated or killed,<sup>6</sup> or whose homes are destroyed.<sup>7</sup> More people are starting to realise that in the face of a state that *can* but *won't* ensure adequate PPE for frontline workers, we only have one another.<sup>8</sup> In the UK alone, 4,000 mutual aid groups have sprung up, through which people support each other with essential

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<sup>3</sup> M Bergfeld & S Farris, 'The COVID-19 Crisis and the End of the "Low-skilled" Worker', *Spectre*, 10 May 2020, available at <https://spectrejournal.com/the-covid-19-crisis-and-the-end-of-the-low-skilled-worker/>.

<sup>4</sup> 'Germany: Seasonal workers force farm bosses to pay up', *Freedom News*, 21 May 2020, available at <https://freedomnews.org.uk/germany-seasonal-workers-force-farm-bosses-to-pay-up/>.

<sup>5</sup> See, e.g., L Cowan, 'Joining a Union is our only defence against bosses who saw Belly Mujinga's life as disposable', *gal-dem*, 14 May 2020, available at <https://gal-dem.com/joining-a-union-is-our-only-defence-against-bosses-who-saw-belly-mujingas-life-as-disposable/>.

<sup>6</sup> 'Increased Border Militarization Under The Reign Of Mexico's Social-Democratic Administration', *It's Going Down*, 13 April 2020, available at <https://itsgoingdown.org/increased-border-militarization-under-the-reign-of-mexicos-social-democratic-administration/>

<sup>7</sup> <https://www.theguardian.com/world/2020/may/06/brazil-using-coronavirus-to-cover-up-assaults-on-amazon-warn-activists>.

<sup>8</sup> C Bence, 'If Your Boss Is Putting Your Life at Risk – Read This', *Tribune*, 12 May 2020, available at <https://tribunemag.co.uk/2020/05/if-your-boss-is-putting-your-life-at-risk-read-this>. See also 'Newsletter No. 1: All we have is each other', *Cooperation Birmingham*, 21 May 2020, available at <https://cooperationbirmingham.org.uk/newsletter-1-all-we-have-is-each-other/>.

shopping and pharmacy trips.<sup>9</sup> People in the UK are sitting at their kitchen tables *en masse* sewing nurses' scrubs from old bedsheets.<sup>10</sup> In the US, arms factory workers have autonomously decided to switch production to the provision of ventilators.<sup>11</sup> In France, fast food chain workers shut down a restaurant to distribute food to the community.<sup>12</sup> A worker-occupied factory has started producing soap for refugee camps on the Greek islands.<sup>13</sup> Frantic work is ongoing to ensure even basic survival in a new normal where essential and non-essential workers alike are unceremoniously sacrificed—in the global north but, as usual, especially in the global south.<sup>14</sup> Those who can fight to keep open spaces (community, public educational, arts, social centres and others) in the system where resistance is possible, breaking open new ones. Together we shall co-imagine and co-create the new in the rubble of the old.

I am writing this from the privileged position of fulltime employment in the higher education sector, working from home in relative comfort and without children. I have just completed my employer's survey on the reasonable adjustment of my kitchen chair (add a pillow in the small of your back, it says) and am writing while at the same time engaged in frantic conversations with my union's rank and file on our strategy for advancing the demands behind our recent strike. We quickly moved from the biggest universities strike in UK history to full pandemic closure in one eventful week in March and now face unprecedented cuts to already shoestring budgets. We negotiate the old world's demands in a new and entirely more precarious context. I interrupt my writing with periodic mutual aid deliveries, while organising an online discussion on how and why to set up solidarity funds (radical income redistribution, replacing the welfare state from below), preparing a funding bid on scaling up the cooperative economy post-pandemic, and completing a zine on alternatives to

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<sup>9</sup> J Donaghey, "It's going to be anarchy" (fingers crossed): anarchist analyses of the coronavirus/covid-19 pandemic crisis', *Anarchist Studies Blog*, 13 April 2020, available at <https://anarchiststudies.noblogs.org/article-its-going-to-be-anarchy-fingers-crossed-anarchist-analyses-of-the-coronavirus-covid-19-pandemic-crisis/>.

<sup>10</sup> See the video produced by the Rainbow Chorus charity, published on *Facebook*, 10 April 2020, available at <https://www.facebook.com/RainbowChorus/videos/2734181143477090/>.

<sup>11</sup> G Graziosi, 'Coronavirus: GE workers protest and demand company build ventilators', *Independent*, 30 March 2020, available at <https://www.independent.co.uk/news/world/americas/coronavirus-general-electric-workers-ventilators-work-stoppage-labor-massachusetts-a9436881.html>.

<sup>12</sup> 'Workers in France Take Over McDonald's to Distribute Food', *Left Voice*, 13 April 2020, available at <https://www.leftvoice.org/workers-in-france-take-over-mcdonalds-to-distribute-food>.

<sup>13</sup> N Georgiades, 'Worker-Occupied Factory Sends Soap to Refugee Camp – Coronavirus in Greece, Part 2', *Unicorn Riot*, 28 April 2020, available at <https://unicornriot.ninja/2020/worker-occupied-factory-sends-soap-to-refugee-camp-coronavirus-in-greece-part-2/>.

<sup>14</sup> L Tiernan, '33 London bus drivers killed by COVID-19: "We are expendable like diesel"', *World Socialist Web Site*, 13 May 2020, available at <https://www.wsws.org/en/articles/2020/05/13/lond-m13.html>; J Miller, 'Coronavirus "could kill 2 million in Bangladesh", warns leaked UN memo', *4 News*, 6 April 2020, available at <https://www.channel4.com/news/coronavirus-could-kill-2-million-in-bangladesh-warns-leaked-un-memo>.

calling the police when faced with violence in the street or at home.<sup>15</sup> The ubiquity of mutual aid networks that have so quickly emerged everywhere (spontaneously and/or backed by existing mutual aid projects<sup>16</sup>) shows that we can manage our survival ourselves, because we built this world. We have seen unprecedented labour organizing, including global wildcat militancy, in the past two months.<sup>17</sup> In the US, tenants are gearing up for the largest rent strike since the 1930s, while 30 million have filed for unemployment.<sup>18</sup> New unions and solidarity funds have been set up by those on the pandemic frontline, including cleaners and childminders.<sup>19</sup> There is a time for theory and a time for action, but if ever there was a time to take to the proverbial, virtual, and actual streets, this is it. Honor has told me about her organizing to defend quality public education and research in the face of Covid-19 with her Canadian labour union. Maïa has inspired me over the past couple of years with her experiences organizing on her hometown's roundabout with the Gilets Jaunes. This we discussed also at public meetings at the Common House in London, the Autonomous Centre of Edinburgh and the Historical Materialism Conference in Athens – the latter with veteran French activist academic (public intellectual, or philosopher on the barricades) Frédéric Lordon, with the idea of subverting the dominant (negative) portrayal of the Gilets Jaunes movement even in the left media. Radical anti-racist, migrant and queer groups' participation in this movement was one factor warranting our engagement in this movement that merged into the massive General Strike movement<sup>20</sup> which is poised to reengage once the lockdown ends.<sup>21</sup> There is a time for theory and a time for action, but if ever there was a time to take to the proverbial, virtual and actual streets, this is it.

Despite the world suddenly looking quite different since the start of the pandemic, *The Corporation, Law and Capitalism* will remain relevant and useful, especially in understanding both corporate capitalism's role in creating this crisis and spreading the virus, and in formulating our response to corporate

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<sup>15</sup> The Filthbusters Collective, 'Who you gonna call? Filthbusters! A zine on alternatives to calling the police', *the common house*, 29 June 2020, <https://www.commonhouse.org.uk/filthbusters-a-zine-on-alternatives-to-calling-the-police/> (last visited 10 July 2020).

<sup>16</sup> See, e.g., Akwaaba, a refugee mutual aid project in London that has been around for some years, its website available at <https://akwaaba.org.uk>. See also 'Food, poverty, mutual aid: Reflections from Birmingham solidarity kitchen', *Freedom News*, 27 April 2020, available at <https://freedomnews.org.uk/food-poverty-mutual-aid-reflections-from-birmingham-solidarity-kitchen/>; the Covid-19 Mutual Aid UK website, available at <https://covidmutualaid.org>; and the list of mutual aid projects at the It's Going Down website, available at <https://itsgoingdown.org/c19-mutual-aid/>.

<sup>17</sup> Interview with Robert Ovetz on the *It's Going Down* podcast, 'This Is America #117: Out Of The Firing Pan, Into The Fire', 20 May 2020, available at <https://itsgoingdown.org/this-is-america-117-out-of-the-firing-pan-into-the-fire/>.

<sup>18</sup> A Gabbatt, 'Thousands of Americans to take part in biggest rent strike in decades', *The Guardian*, 1 May 2020, available at <https://www.theguardian.com/world/2020/may/01/coronavirus-america-rent-strike-protest>.

<sup>19</sup> L Schwartz, 'The Politics of Covid-19: A crisis for cleaners', *Red Pepper*, 14 May 2020, available at <https://www.redpepper.org.uk/the-politics-of-covid-19-a-crisis-for-cleaners/>. See, e.g., the Nanny Solidarity Network's Childcare Workers Solidarity Fund, available at <https://nanny-solidarity-network.netlify.app/>.

<sup>20</sup> ACTA, 'Après la confinement: L'explosion', 7 May 2020, <https://acta.zone/apres-le-confinement-lexplosion/>.

<sup>21</sup> Nat Raha and Grietje Baars in Conversation, *Third Text*, forthcoming 2020.

bailouts, corporations cashing in on the crisis, and the rest of what Corporate Watch and others have already termed Corona Capitalism.<sup>22</sup> It will remain relevant not least because it offers a perspective now embraced by more and more people: that reformism is insufficient and nothing short of revolution/systemic change will do. Capitalism is beyond saving through a #JustRecovery or a New Deal, green or otherwise. For those still wavering in this regard, the book offers a catalogue of reasons to help reach that conclusion.

Critics such as Brabazon have rightly pointed out that, while expansive in its reasoning on why corporate capitalism needs to end, the book is thin on the 'how' and 'then what'. Its focus is dismantling the mainstream and left-liberal hobbyhorses of corporate human rights accountability and the possibility of a responsible, sustainable capitalism. My next book will address the obvious, urgent and complex concomitant questions: what's the alternative and how do we get there? Such questions require grappling with the role of law (if any) in a post-capitalist world and in the transition to such a world. The present situation has taken us several steps closer, and the pandemic has revealed the need to construct that alternative all the more urgently. A crisis also accelerates collaboration, resourcefulness, and strategizing.<sup>23</sup> The resistance is in full swing, and the foundations of the alternative (some already built by previous generations) are solidifying.

Marks's *A False Tree of Liberty* reminds us of the importance of interrogating the 'official' or hegemonic back story to mainstream discourse, while also recognizing the presence (and prescience) of other stories relegated to gather dust in the archives but now warranting an airing.<sup>24</sup> In her comment in this symposium, she traces the birth of the corporate legal person from *The Case of Sutton's Hospital* to the corporatization of everyday domestic life through three generations of the Coke family. Legal personality is the corporation's most potent feature, without which we would not have had corporate capitalism today. My book explores the broader context of this trespass case concerning the estate of John Sutton, the once-'richest commoner of England' against his heirs, who had been arrested on the site of the yet-to-be-built hospital. The case illustrates how justice Coke and the King's Bench judges—who were also the governors of Sutton's charity, to which Sutton had (in the judges' view, successfully) transferred the contested property. Thus, Sutton had used a legal person to evade liability (here to his natural heirs), and a 'futures contract', the creation of wealth in the present (which can then be used/passed on) based on a speculative future gain, was thus upheld in this case. Today we call this use of a legal person 'entity shielding', which together with 'asset shielding' and the optimization of corporate group structures (networks of legal persons) are the bread and butter (toast and foie gras) of corporate lawyers. By deciding this case in their own favour, and establishing the general legal principle of corporate separate legal

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<sup>22</sup> '#Coronacapitalism: six ways capitalism spreads the crisis', *Corporate Watch*, 9 April 2020, available at <https://corporatwatch.org/coronacapitalism-six-ways-capitalism-spreads-the-crisis/>.

<sup>23</sup> See, e.g., Five Demands Global, available at <https://5demands.global>.

<sup>24</sup> See Marks (2020).

personality, the King's Bench/charity governors significantly increased their wealth and that of their class, as it enabled corporate capitalism to take off.<sup>25</sup>

In his contribution to this symposium, Danielsen also asks about the agency of the 'global capitalist class'. Returning to *The Case of Sutton's Hospital*, we don't know if the judges would have come to the same decision if the case had not concerned their own charity, or whether different judges would have decided the same way. Ultimately, though, the current system of global corporate capitalism is constructed through millions of individual decisions made by individual people who are moved to make these decisions (or who have this freedom denied) through their material circumstances: 'men make their histories themselves, only in given surroundings which condition it and on the basis of actual relations already existing'.<sup>26</sup>

My book not only describes the structure of capitalism but also pays attention to the agency of the lawyers that play a part in constructing the structure, as individual and collective human actions *do* matter. I look at the individuals (who often, but not always, act as members of a class or in alignment with class interests) involved in giving substance to company law, at the individual lawyers involved in the Nuremberg and Tokyo Trials, and at individual human rights lawyers—as well, of course, as the individual accused and victims in international criminal trials and the way their arguments helped shape political responses and eventual big-picture outcomes. While not everyone has the same range of choices open to them (an understatement, certainly), the stories we (or more often our parents and teachers, thought leaders, hegemon, influencers) tell and those we chose not to tell have a major impact on how we understand, and therefore interact with, the world and what possibilities we can imagine, and what we hope and fight for. Marks also makes this argument in *A False Tree of Liberty*, which reclaims 19th-century agrarian reformer Thomas Spence as a human rights activist, allowing us to reimagine and reinforce sustainability and food sovereignty as political demands today.

Since its very beginning, corporate capitalism has also been resisted. As Marx and Engels famously wrote, all history is the history of class struggle,<sup>27</sup> and my book highlights this struggle and resistance against corporate capitalism through the ages. Inspired by Marks, as well as the urgency of the pandemic moment, I looked for another story around Sutton—the person, the property, the phenomenon—that foregrounds this resistance, struggle and alternative ways of organizing social life.

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<sup>25</sup> The Charterhouse School, founded in 1611 today charges fees upwards of £40,000 per annum, and probably educates many future corporate lawyers and corporate CEOs. It moved to Surrey in 1872. See the Charterhouse website, available at <https://www.charterhouse.org.uk>.

<sup>26</sup> F Engels quoted in Baars (2019) 27.

<sup>27</sup> K Marx & F Engels, *The Communist Manifesto* [1848], in *Marx/Engels Selected Works*, vol. 1 (Progress Publishers, 1969) 40.

Sutton, a coal mine owner and moneylender, lived his later years and died in Hackney, in a house located on what is now called Sutton Place.<sup>28</sup> Next door we find Sutton House, a 16th-century mansion mistakenly named after Sutton, which was, at various times, home to merchants as well as schools. It passed to the National Trust in 1938 and was used as a centre for fire wardens during the Blitz and, in the 1950s, served as headquarters to a trade union.<sup>29</sup> The house was progressively used for more collective, communal purposes and, in the 1980s, as a site for class struggle organizing. In Thatcher's Britain, when the coalmines introduced by Sutton and others were closed, resistance grew. Squatters occupied (and apparently saved!) the derelict Sutton House, giving it new life as a home, café/social centre and music venue. Amongst the many events they hosted was a benefit gig for the anarchist group Class War's 'bust fund' on 21 September 1985, following the 'Bash The Rich' march from Camden to Hampstead earlier on the same day.<sup>30</sup> The squat was evicted in the mid-1980s as anti-squatting laws were tightened and police repression intensified.<sup>31</sup> The National Trust (originally founded to (re-)open green spaces to the poor, although with a controversial track record<sup>32</sup>), was pressured by the community to abandon its plans to sell to luxury flat developers, and now operates the house as a museum.<sup>33</sup> As a direct result of the Thatcher government's neoliberal policies, Hackney has seen massive gentrification and deepening inequality, with the average two-bedroom flat now costing upwards of half a million pounds, while in the very same area young people grow up in poverty without prospects for the future.<sup>34</sup>

On the 50th anniversary of the decriminalization of sodomy, the National Trust decided to unearth some of the stories we don't normally tell, such as that of Hadrian's boyfriend.<sup>35</sup> Although in corporate capitalism LGBT stories are often

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<sup>28</sup> Anne Walker, wife of Anne Lister (fellow coal magnate), lived at Sutton Park in North Yorkshire, but I could find no immediate link between 'our' Sutton and the two Annes and so decided this was a tangent best left for another, less hectic, time.

<sup>29</sup> 'Champagne socialists and punk squatters at Sutton House', *The Radical History of Hackney*, 9 August 2012, available at <https://hackneyhistory.wordpress.com/2012/08/09/champagne-socialists-and-punk-squatters-at-sutton-house/>.

<sup>30</sup> Ibid.

<sup>31</sup> J Donaghy, *Punk and Anarchism: UK, Poland, Indonesia*, PhD Thesis, Queen's University, Belfast, 2016.

<sup>32</sup> S Curran, *Queer activism begins at home: situating LGBTQ voices in National Trust historic houses*, PhD Thesis, UCL Institute of Education, 2019. See also M Hall, 'The Politics of Collecting: The Early Aspirations of the National Trust, 1883-1913' *13 Transactions of the Royal Historical Society* (2003) 345.

<sup>33</sup> Curran writes: 'The National Trust was established for poor and working class people to have access to green spaces. The Trust now proudly boasts "for ever, for everyone" as its mission statement, but questions still remain about who historic buildings are being saved for.' Curran (2019) 216.

<sup>34</sup> See, e.g., M Sargeant, 'I Watched the Neighbourhood I Grew Up in Get Gentrified', *Vice*, 12 July 2019, available at [https://www.vice.com/en\\_uk/article/7xgye4/east-london-gentrification-rife-book-extract](https://www.vice.com/en_uk/article/7xgye4/east-london-gentrification-rife-book-extract); S Ankel, 'The changing face of Hackney: new documentary tackles gentrification in the borough', *East London Lines*, 6 December 2017, available at <https://www.eastlondonlines.co.uk/2017/12/changing-face-hackney-new-documentary-tackles-gentrification-borough/>.

<sup>35</sup> National Trust podcast: Episode 6: Standing Tall by Hadrian's Wall, 25 August 2017, available at <https://podcasts.apple.com/gb/podcast/national-trust-prejudice-and-pride/id1261821287>.



leveraged in aid of gentrification, Sean Curran, curator of Sutton House Queered,<sup>36</sup> tried to subvert this by, amongst others, excavating the radical past (and possible future potential?) of Queer Squatting.<sup>37</sup> Hackney is the borough in London worst affected by the coronavirus pandemic, and Sutton House is a two-minute walk from the Homerton Hospital, recipient of those scrubs hand-stitched by people on their kitchen tables and the organizing ground of radical nurses.<sup>38</sup>

Can we tell one story without another? What does queer squatting have to do with corporate legal personality? I am pleased that Jones, in her comment, outed the book as Queer. From a queer perspective on things—looking at the world from a queer angle—new aspects come into view, new stories become relevant, new meanings emerge, and new futures become imaginable. A queer view makes it easier to de-naturalise the abstractions that capitalism runs on. Queer squatting, The Blue Room, and contemporary spaces such as the GRASS squatted social centre and mutual aid hub,<sup>39</sup> are the antithesis of the social relations in the *Sutton* courtroom that resulted in the abstraction of the corporate legal person, and their antidote.

Turning from the kinds of stories we tell to the ‘lawness’ of law and its limits, I would argue that the question of (capitalist) law, posed by Danielsen, is not just one of semantics. Evgeny Pashukanis understood there to be a categorical distinction between pre-capitalist feudal, roman, etc. ‘law’ and law properly so-called. Law properly so-called is capitalist law, which came about as a result of the class struggle between feudal lords and their subjects and was fundamental in the transition to capitalism. The logic of the legal form is the commodity form. I discuss this in chapter 2 of the book in some detail and I recommend reading Pashukanis’ *Law and Marxism: A General Theory* for the full story.<sup>40</sup>

Following Pashukanis’ argument, one can expect that a communist society will have no law. Communism involves the abolition (or smashing, or withering away) of both state and law. By abolition of law I mean much the same as Stefano Harney, Fred Moten and the editors of *Invert Journal* when they write of prison abolition. They mean ‘not so much the abolition of prisons but the abolition of a society that could have prisons, that could have slavery, that could have the wage’.<sup>41</sup> Abolition of the state and law post-capitalism would include abolition of

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<sup>36</sup> ‘Sutton House Queered’, *National Trust*, available at <https://www.nationaltrust.org.uk/sutton-house-and-breakers-yard/features/sutton-house-queered>.

<sup>37</sup> See the event ‘Queer(er) Squatting: an evening of discussion’, held at Sutton House on 22 March 2019.

<sup>38</sup> P Bogue, ‘2020: A brutal siege’, *Hackney Citizen*, 18 May 2020, available at <https://www.hackneycitizen.co.uk/2020/05/18/2020-a-brutal-siege/>; ‘Nurses United UK’, *The Action Network*, available at <https://actionnetwork.org/groups/nurses-united-uk>. See also the video ‘Nurses block Westminster Bridge demanding proper PPE’, produced by *Reel News* and posted to *YouTube* on 30 April 2020, available at <https://youtu.be/P3MlqGfWNPI>.

<sup>39</sup> See the GRASS website, available at <https://network23.org/grass/>.

<sup>40</sup> EB Pashukanis, *Law and Marxism: A General Theory* (Ink Links, 1978) [1924].

<sup>41</sup> S Harney & F Moten, *The Undercommons: Fugitive Planning and Black Studies* (Minor Compositions, 2013) 40; S Monk, J Cohen & L Freedman, ‘Editorial’, *Invert Journal*, 13 April 2020, available at <https://invertjournal.org.uk/posts?view=articles&post=6838110#editorial>.

prisons, private property, the family, and gender, among other things.<sup>42</sup> Emancipation's promise lies not in legal reform and contestation but in counter-systemic organising, building alternative modes of production, and abolitionist, restitutive, restorative and transformative justice work. In response to Brabazon, I would strongly agree that alternative approaches to justice are indeed a necessary part of dismantling capitalist social relations. These days I am inspired not only by present company, but also by the rapidly expanding Queer Marxist and radical transfeminist work on imagining such futures in new open access journals such as *Spectre*, *Pinko* and *Invert Journal*—the work, for example, of Nat Raha and Mijke van der Drift, and radical queer, trans anti-racist text that emerges out of the margins of the academy and world.<sup>43</sup> Queer Marxist work on racial capitalism theorizes the racialized and gendered nature of corporate capitalism,<sup>44</sup> which no one can now un-see, in order to bring about its downfall. Most of all I am inspired by the work of those actively engaged in building effective counter-power: on the streets, in their workplaces, homes, gardens and camps.<sup>45</sup>

Pashukanis noted that, post-capitalism, we would still have 'regulation', the non-contentious agreement that exists, for instance, in a published train timetable.<sup>46</sup> Without an external, overarching body to govern, monitor, supervise, and discipline societies and communities, our regulation will be the result of largely local-level, consensus-based decision making. The alternative forms of relating, producing, and distributing existent in post-capitalist society would give rise to horizontal agreements and normative practices including transformative justice. Indeed, communities have employed, and still do employ alternative, non-legal normative frameworks for dispute resolution and accountability, as with certain indigenous communities. Moreover, communities have developed such frameworks by virtue of exclusion or self-exclusion from the state—see for example the work of the Audre Lorde Project's Safe OUTside the System Collective.<sup>47</sup>

One recent example of the collective development of alternative normative frameworks is QueerCare, whose Covid-19 protocols have been adopted by mutual aid networks around the UK.<sup>48</sup> Autonomy erupts at the margins, in the

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<sup>42</sup> See contributions to *Invert Journal*, available at <https://invertjournal.org.uk>; Sophie Lewis, *Full Surrogacy Now: Feminism Against Family* (Verso, 2019).

<sup>43</sup> Mijke van der Drift and Nat Raha, 'Radical Transfeminism: Trans as Anti-static Ethics Escaping Neoliberal Encapsulation', in *New Feminist Literary Studies*, Jennifer Cooke (Ed.), Cambridge: Cambridge University Press, 2020, 13-24.

<sup>44</sup> See, e.g., K-S Park, 'This Land Is Not Our Land', forthcoming in *University of Chicago Law Review*.

<sup>45</sup> See, e.g., the Voices of Freedom assembly in Moira Camp, Lesvos, Greece, information available at <https://www.facebook.com/VoicesofFreedomOpenAssembly/>.

<sup>46</sup> C Arthur, 'Introduction', in Pashukanis (1978) 1, 29.

<sup>47</sup> SoS are 'devoted to challenging hate and police violence by using community based strategies rather than relying on the police'. See 'Safe Outside the System', *The Audre Lorde Project*, <https://alp.org/programs/sos>. For a UK comparator, Cradle Community, see <https://www.gofundme.com/f/cradlecommunity> (last visited 10 July 2020).

<sup>48</sup> See the QueerCare wiki, available at <https://wiki.queercare.network/index.php?title=Category:Covid>.

cracks.<sup>49</sup> In the all too obvious gaps left by the state, people in crisis are taking back control.<sup>50</sup> Danielsen predicts ‘experimental appropriation, adaptation, redeployment and subversion of existing institutions and forms in increments of better and worse’.<sup>51</sup> Yes! But this and, eventually, the smashing of the state and appropriation of the means of production.<sup>52</sup> Left infrastructure is being built at accelerated speed, strengthened, consolidated, and expanded. This includes, in addition to the 4,000 mutual aid projects, some of which will also form the basis for continuing initiatives ‘after’ the pandemic, new independent media, new housing co-ops, new worker co-ops taking back the means of production, food sovereignty/autonomy projects, new grassroots unions, new radical income redistribution mechanisms,<sup>53</sup> new land occupations, new squats.<sup>54</sup> We need to be ready for, and to resist, the flood of evictions that is to come, the resurgence of far right ideology, and the further death and destruction that the virus of capitalism will cause, and be ready to rebuild much of this world on a very different foundation.

Insofar as you haven’t already, I invite you to join ‘the real movement which abolishes the present state of things’.<sup>55</sup>

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<sup>49</sup> Z Levenson, ‘An Organic Crisis Is Upon Us’, *Spectre*, 20 April 2020, available at <https://spectrejournal.com/an-organic-crisis-is-upon-us/>.

<sup>50</sup> I Kosigan, ‘Insurrection & Infrastructure: a Dual Power Guide for Leftists in Britain’, *Medium*, 2 May 2020, available at <https://medium.com/@aralkosig/insurrectionary-and-infrastructure-a-dual-power-reader-for-leftists-in-the-british-isles-d9423d9ac081>.

<sup>51</sup> See D Danielsen in this issue.

<sup>52</sup> See, e.g., lavaca collective, *Sin Patrón: Stories from Argentina's Worker-Run Factories* (Haymarket, 2007).

<sup>53</sup> See, e.g., the Goose Green Mutual Aid website, available at <http://goosegreenmutualaid.co.uk/>.

<sup>54</sup> ‘Will A New Wave Of Squatting Begin As Retail Goes Under?’, *It's Going Down*, 9 May 2020, available at <https://itsgoingdown.org/squat-wave-retail-crash/>.

<sup>55</sup> K Marx & F Engels, *The German Ideology* [1932], available at <https://www.marxists.org/archive/marx/works/1845/german-ideology/>. For one specific suggestion, see D Ridley, ‘What can academics learn from the Lucas Plan?’, *Red Pepper*, 22 November 2018, available at <https://www.redpepper.org.uk/what-can-academics-learn-from-the-lucas-plan/>.