

# Louis Althusser

## IDEOLOGY AND THE STATE

- Ideas are a product/reproduction of the means of production
- Ideological State Apparatus
  - Religious, educational, family, legal, etc.
  - We know about this normalizing system because we act (within) it
  - The Church has been replaced by The School
  - School as determining the working classes
- Repressive State Apparatus
- Individual versus subject- we are all subjects
  - Interpolation of individuals
  - Individual participates in the practices of the ideological apparatus
- Theory comes out of a set of practices

# Legality Ideology And The State

**Yüksel Sezgin**



## **Legality Ideology And The State:**

**Legality, Ideology, and the State** David Sugarman, 1983 Karl Renner on socialist legality Pashukanis and the commodity form theory Legality and political legitimacy in the sociology of Max Weber Gramsci the state and the place of law Law legitimation and the advanced capitalist state the jurisprudence and social theory of Jurgen Habermas Law plurality and underdevelopment State civil society and total institution a critique of recent social histories of punishment Law economy and the state in England 1750 1914 some major issues Anarchism marxism and the critique law **Power, Politics, Law:**

**International Law and State Behaviour During International Crises** Radhika Withana, 2008-07-31 This volume addresses the question as to where international law fits into the making and implementation of foreign policy during an international crisis in which a State is considering and or may actually use force Empirical literature on the law State behaviour relationship during international crises has not been able to answer this question adequately The limitations of existing empirical literature are identified as stemming from the limitations of existing positivist realist and functionalist theoretical explanations of the law State behaviour relationship These theoretical approaches which underpin existing empirical literature on international crises assume that international law matches what is referred to in this book as its rule book image This is the notion of international law as a finite set of objective politically neutral rules that can be applied so as to distinguish objectively between legal and illegal action The rule book image of international law does not match reality but the assumption that it is true underpins both theoretical literature and references to international law in political rhetoric The rule book image and the reality of international law have been reconciled within the theory of International law as Ideology ILI as developed by Shirley Scott This book hypothesises that an ILI perspective offers a better explanation of the law State behaviour relationship during international crises than rival explanations grounded in positivism realism or functionalism Four case studies of State behaviour of the US the Soviet Union and the PRC during the Korean War 1950 1953 of the US and UK during the Suez crisis 1956 of the US and the Soviet Union during the Cuban Missile Crisis 1962 and of the US and an alliance of Latin American States during the Dominican Republic crisis 1965 are used to test the hypothesis The findings confirm the greater explanatory efficacy of ILI and demonstrate that the significance of international law to foreign policy decision making during international crises is more than that of deterring the use of force as is assumed by rival theoretical approaches grounded in a rule book image of international law International law is shown to serve as a vehicle for inter State competition during international crises **International Corporate Law - Volume 2 2002** Fiona

Macmillan, 2003-05-30 This book contains essays and country reports from across the globe in the area of international and comparative corporate law *The Law and Society Canon* Carroll Seron, 2018-02-06 This volume presents seminal monographs that continue to shape the contemporary discipline of law and society Long before the turn toward cultural analysis of social institutions socio legal scholars demonstrated the ways in which law and its activities is contingent on the

context of time place and hierarchy The works selected for this volume demonstrate this foundational principle of the discipline of law and society

*Law against the State* Julia Eckert, Brian Donahoe, Christian Strümpell, Zerrin Özlem Biner, 2012-05-24 This collection of rich empirically grounded case studies investigates the conditions and consequences of juridification the use of law by ordinary individuals as a form of protest against the state Starting from the actual practices of claimants these case studies address the translation and interpretation of legal norms into local concepts actions and practices in a way that highlights the social and cultural dynamism and multivocality of communities in their interaction with the law and legal norms The contributors to this volume challenge the image of homogeneous and primordially norm bound cultures that has been unintentionally perpetuated by some of the more prevalent treatments of law and culture This volume highlights the heterogeneous geography of law and the ways boundaries between different legal bodies are transcended in struggles for rights Contributions include case studies from South Africa Malawi Sierra Leone Turkey India Papua New Guinea Suriname the Marshall Islands and Russia

**Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India** Yüksel Sezgin, 2013-08-22 About one third of the world's population currently lives under pluri legal systems where governments hold individuals subject to the purview of ethno religious rather than national norms in respect to family law How does the state enforcement of these religious family laws impact fundamental rights and liberties What resistance strategies do people employ in order to overcome the disabilities and limitations these religious laws impose upon their rights Based on archival research court observations and interviews with individuals from three countries Yüksel Sezgin shows that governments have often intervened in order to impress a particular image of subjectivity upon a society while people have constantly challenged the interpretive monopoly of courts and state sanctioned religious institutions re negotiated their rights and duties under the law and changed the system from within He also identifies key lessons and best practices for the integration of universal human rights principles into religious legal systems

**People's Law and state law** Antony Allott, Gordon R. Woodman, 2011-05-02 No detailed description available for People's Law and state law

*Muslim Laws, Politics and Society in Modern Nation States* Ihsan Yilmaz, 2016-12-05 Drawing on theories of legal pluralism this book tests whether and to what extent claims of the modern nation state laws to exclusive dominance over other spheres are tenable and reassesses the operation of law in society Incorporating a combination of legal theory post modern critique and socio legal analysis of three current jurisdictions in which Muslims play an important role the volume identifies Muslims current socio legal situation and attitudes from different perspectives and reconciles them with modern legal systems in three key countries It analyzes the conflict between the assumptions of modern legal systems and plural legal realities and also examines attempts by modern legal systems to impose official laws in the face of resistance from unofficial Muslim laws and discusses possible responses to the challenge of dynamic Muslim legal pluralism A valuable resource for students researchers and academics with an interest in the areas of Islamic law and politics and the interplay

between secular law and religious cultural traditions      **Indigenous law and the state** Bradford W. Morse, Gordon R. Woodman, 2019-11-18 No detailed description available for Indigenous law and the state      The Palgrave Handbook of State-Sponsored History After 1945 Berber Bevernage, Nico Wouters, 2018-02-03 This handbook provides the first systematic integrated analysis of the role that states or state actors play in the construction of history and public memory after 1945 The book focuses on many different forms of state sponsored history including memory laws monuments and memorials state archives science policies history in schools truth commissions historical expert commissions the use of history in courts and tribunals etc The handbook contributes to the study of history and public memory by combining elements of state focused research in separate fields of study By looking at the state s memorialising capacities the book introduces an analytical perspective that is not often found in classical studies of the state The handbook has a broad geographical focus and analyses cases from different regions around the world The volume mainly tackles democratic contexts although dictatorial regimes are not excluded      **Transplanting Commercial Law Reform** John Gillespie, 2017-03-02 The first sustained analysis examining legal transplantation into East Asia this volume examines the prospects for transplanting a rule of law that will attract and sustain international trade and investment in this economically dynamic region The book develops both a general model that explains how legal transplantation shapes legal development in the region whilst developing theoretical insights into the political economic and legal discourses guiding commercial law reforms in Vietnam For the first time this book develops a research methodology specifically designed to investigate law reform in developing East Asia In so doing it challenges the relevance of conventional convergence and divergence explanations for legal transplantation that have been developed in European and North American contexts As the first finely grained analysis of legal development in Vietnam the book will be invaluable to academics and researchers working in this area It will also be of interest to those involved in commercial legal theory      *Governing Property, Making the Modern State* Martha Mundy, Richard Saumarez Smith, 2007-01-26 Was modernity in the Middle East merely imported piecemeal from the West Did Ottoman society really consist of islands of sophistication in a sea of tribal conservatism as has so often been claimed In this groundbreaking new book Martha Mundy and Richard Saumarez Smith draw on over a decade of primary source research to argue that contrary to such stereotypes a distinctively Ottoman process of modernisation was achieved by the end of the nineteenth century with great social consequences for all who lived through it Modernisation touched women as intimately as men the authors careful work explores the impact of Ottoman legal reforms such as granting women equal rights to land Mundy and Saumarez Smith have painstakingly recreated a picture of such processes through both new archival material and the testimony of surviving witnesses to the period This book will not only affect the way we look at Ottoman society it will change our understanding of the relationship between East West and modernity      The Struggle for Land Under Israeli Law Hadeel S. Abu Hussein, 2021-11-29 This book provides a comprehensive examination of land law for Arab Palestinians under Israeli law

Land is one of the core resources of human existence development and activity Therefore it is also a key basis of political power and of social and economic status Land regimes and planning regulations play a dynamic role in deciding how competing claims over resources will be resolved According to legal geography spatial ordering impacts legal regimes whilst legal rules form social and human space Through the lenses of international law colonisation and legal geography the book examines the land regime in Israel More specifically it endeavours to understand the spatial strategies adopted by Israel to organise the entire territorial expanse of the country as Jewish while also excluding Arab Palestinian citizens of Israel and residents of East Jerusalem from the landscape The book then details how the systematic nature and processes of marginalisation are mapped out across the civil political and socio economic landscape This monograph will be of interest to international legal theorists legal geographers land lawyers and human rights practitioners and students as well as to international scholars NGOs and others focusing on the Israeli Palestinian conflict **Communities and Law** Gad

Barzilai,2010-02-05 Offers an alternative approach to liberalism and to communitarianism with an empirical focus on Israel

**Religious Diversity, State, and Law** Joseph Marko,Maximilian Lakitsch,Franz Winter,Wolfgang Weirer,Kerstin Wonisch,2022-10-17 Globalisation migration and de secularisation have fundamentally transformed the concepts of religion state and law during the last decades The main goal of this interdisciplinary approach is to clarify the multifaceted theoretical and practical challenges of religious diversity and socio political pluralism in Europe In twenty two chapters the contributions to this volume revisit basic concepts structures and institutional settings such as sovereignty the dogma of the separation of state church and or religion human and minority rights gender and religion varieties of fundamentalisms interreligious dialogue and peacebuilding and not least religious education The Struggle over State Power in Zimbabwe

George Hamandishe Karekwaivanane,2017-11-09 The establishment of legal institutions was a key part of the process of state construction in Africa and these institutions have played a crucial role in the projection of state authority across space This is especially the case in colonial and postcolonial Zimbabwe George Karekwaivanane offers a unique long term study of law and politics in Zimbabwe which examines how the law was used in the constitution and contestation of state power across the late colonial and postcolonial periods Through this he offers insight on recent debates about judicial independence adherence to human rights and the observation of the rule of law in contemporary Zimbabwean politics The book sheds light on the prominent place that law has assumed in Zimbabwe s recent political struggles for those researching the history of the state and power in Southern Africa It also carries forward important debates on the role of law in state making and will also appeal to those interested in African legal history (Dis)Entitling the Poor Elizabeth Bussiere,2010-11-01 Although focused on the Warren Court the book explores Western political thought from the seventeenth through late twentieth centuries draws on American social history from the Age of Jackson through the civil rights era of the 1960s and utilizes current analytic methods particularly the new institutionalism **Law, State and Society** Bob Fryer,Alan J. Hunt,Doreen

McBarnet, Bert Moorhouse, 2018-05-11 Originally published in 1981 *Law State and Society* confronts many of the most important issues within the developing field of law and society. The essays cover the key political debates and the subject of the sociology of law through two key debates: the first tackling the wider theoretical and political system while the other essays are concerned with more concrete aspects of both the political and social face of law. Together the essays show how crucial the potential is that exists for a considerable extension and integration of work that focuses explicitly on empirical problems yet is at the same time more conscious of the theoretical issues that underpin the effectivity of law. **The**

**Canadian Department of Justice and the Completion of Confederation 1867-78** Jonathan Swainger, 2011-11-01 The federal Department of Justice was established by John A. Macdonald as part of the Conservative party's program for reform of the parliamentary system following Confederation. Among other things it was charged with establishing national institutions such as the Supreme Court and the North West Mounted Police and with centralizing the penitentiary system. In the process the department took on a position of primary importance in post-Confederation politics. This was particularly so up to 1878 when Confederation was completed. Jonathan Swainger considers the growth and development of the ostensibly apolitical Department of Justice in the eleven years after the union of 1867. Drawing on legal records and other archival documents he details the complex interactions between law and politics, exploring how expectations both inside and outside the legal system created an environment in which the department acted as an advisor to the government. He concludes by considering the post-1878 legacy of the department's approach to governance wherein any problem legal or otherwise was made amenable to politicized solutions. Unfortunately for the department and the federal government this left them ill prepared for the constitutional battles to come. One crucial task was to establish responsibilities within the federal government rather than just duplicate offices which had existed prior to union. Others were the establishment of national or quasi-national institutions such as the Supreme Court 1875 and the North West Mounted Police 1873, the redrafting of the Governor General's instructions which was done between 1875 and 1877 and centralization of the penitentiary system completed by 1875. The Department benefited from a deeply rooted expectation that law was both apolitical and necessary. This ideology functioned in a variety of ways: it gave the Department considerable latitude for setting policy and solving problems but rationalized the appearance of politicized legal decisions. It also legitimized Department officials' claim that it was especially suited to review all legislation, advise on the royal prerogative of mercy, administer national penitentiaries and appoint judges to the bench. Ultimately the fictional notion of law as apolitical and necessary placed the Department of Justice squarely in the midst of the completion of Confederation. **The Canadian Department of Justice and the Completion of Confederation** will be of particular interest to students and scholars of Canadian legal and political history. **Legal Pluralism in Indonesia** Ratno

Lukito, 2013 With the revival of Islamic law and adat customary law in the country this book investigates the history and phenomenon of legal pluralism in Indonesia. It looks at how the ideal of modernity in Indonesia has been characterized by a

state driven effort in the post colonial era to make the institution of law an inseparable part of national development Focusing on the aspects of political and conflictual domains of legal pluralism in Indonesia the book discusses the understanding of the state s attitude and behaviour towards the three largest legal traditions currently operative in the society adat law Islamic law and civil law The first aspect is addressed by looking at how the state specifically deals with Islamic law and adat law while the second is analysed in terms of actual cases of private interpersonal law such as interfaith marriage interfaith inheritance and gendered inheritance The book goes on to look at how socio political factors have influenced the relations between state and non state laws and how the state s strategy of accommodation of legal pluralism has in fact largely depended on the extent to which those legal traditions have been able to conform to national ideology It is a useful contribution for students and scholars of Asian Studies and Law



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