

Paul Hirst ON LAW AND IDEOLOGY



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Paul Hirst



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I On Ideology

Ideology has developed a significance and centrality in Marxist theory in the last decade which it had never possessed before. This change represents an attempt to come to terms with pressing political problems and struggles in modern capitalism. The Women's Movement, the struggles around the character and content of education, movements among Blacks and anti-racist struggles, questions of welfare state practices, the political role and effects of the mass media, and so on, have forced Marxists to recognise a complex field of social relations inadequately comprehended by the classic Marxist theories of the economy and politics. Louis Althusser's work is the primary means by which these problems, inadequately signalled under the notion of 'ideology', have been thought through in this country and in France. The three essays on ideology published here are different stages of my attempt to come to terms with and to criticise Althusser's work. This criticism is no mere dismissal; it attempts to take up and extend certain of Althusser's innovations in relation to Marxist theory. These innovations made possible a new kind of attention to certain political questions, and yet at the same time his concept of the 'ideological instance' closed-off an adequate theoretical response to those questions, restoring the theoretical continuity with classical Marxism which they had disturbed. It is this continuity that I began to challenge. Althusser's incorporation of this field of institutions, practices, discourses and struggles into his concept of social totality as the 'ideological instance' set serious limits on the forms of politics which could be considered appropriate within this field.

My criticism of Althusser has proved unacceptable to many Marxists because it has dismembered the prevailing general

theory of the 'ideological' and makes no attempt to replace it with another. They see this criticism as merely negative. And so it would be if the only possible objective of theoretical work in this area was to unify the social relations in question in a general concept and locate them as an element in a social totality, an element which both serves to reproduce it as a totality and which in turn is subject to the logic of its reproduction. But it is precisely this objective that I am attacking.¹ Except as part of a totality, an entity governed by a principle of unity and necessary limits, these relations exhibit no *necessary* homogeneity. This means they cannot be represented in a general concept of their character and effects. It is not only questions of theoretical adequacy that lead me to challenge this objective. The consequences of a theory like Althusser's for the conception of the politics appropriate to this area of social relations are the main reasons for my opposition to this type of work. Clearly, the alternative I have offered cannot produce the same type of theoretical results. In rejecting a general theory of the 'ideological instance', insisting on the heterogeneity of 'ideological' social relations and their effects, I have tried to indicate the space for specific theorisations and questionings of institutions, practices and discourses in this area. The nature of this work cannot be legislated for in advance of its products, nor can it have an easy and unambiguous relation to Marxist theory.

There can be no doubt that the main effect of my criticisms is to challenge the pretensions of previous Marxisms, to radically limit the claims and competencies of Marxist discourses in relation to what are called 'ideological' social relations. Challenging the Marxist notion of totality means challenging Marxism's claims to competence as a general science of social relations. It means being prepared to accept that in questions of sexuality, family forms, methods of training and social control, and so on, conventional Marxism may have little that is positive to say and the classic prescriptions of socialist ideology may be at best irrelevant. This preparedness is essential if the socialist movement is to be able to ally itself with, to learn from, to draw strength from and to unify in practice a whole complex of

movements, practices and struggles. In a sense Marxists and others have been coming to terms in their practice with this radical limitation for some time. Just as many people concerned in struggle in a particular area, such as, for example, welfare policy, have turned to Marxism and to socialism to gain a wider comprehension and ideological basis, so Marxists are increasingly being forced to take hitherto 'alien' discourses like psychoanalysis or the work of Foucault and his collaborators seriously for want of any adequate means within Marxism to come to terms with the problems they face.

This radical limitation of the claims and competencies of Marxist theories is part of a much wider challenge to previous conceptions of the relation of theory and practice. Barry Hindess and I have argued in *Mode of Production and Social Formulation (MPSF)* that Marxism is not a 'science' but a 'political theory', a medium of political calculation. That is, it is one of the means by which political situations of action are constructed and definite actions in relation to those situations determined. A 'political theory' serves calculation in two ways: it provides criteria of appropriateness of political actions (objectives, principles, 'ideology') and it provides discursive means for characterising the situation of action. The means employed in political calculation are not confined to political theory. The means of calculation are conditioned by and involve political apparatuses, practices and struggles and their effects. Theory has no necessary privilege in relation to this complex of means, it is in no sense necessarily primary in the construction of situations of action. Such modes of calculation have conditions of their operation in and are therefore limited by the practices for which they calculate. They are also, through these practices and their effects, conditioned and limited by the situations which they construct in calculation.

Discourses about politics, 'political theories', have a crucial organising and directing role in certain forms of politics. Marxism postulates such a role for discourse, claiming itself to be the 'unity of theory and practice'. This unity follows from the application to Marxist practice itself of its theory of social knowledge, historical materialism. Social being determines social

consciousness, but the adequate apprehension of social being ('science') demands a specific form of social consciousness (Marxism). Marxism is both product of and a scientific guide to the situation of action; it thus makes possible the transformation of social reality because its practice conforms to the nature of that reality. This double connection, central to the claims of classical Marxism, must be challenged. Marxism links its theory of social causality and its theory of knowledge. Its conception of the relation between calculation and the situation of action is an epistemological one. Calculation appropriates the situation as object of knowledge, and that situation—as social being—ultimately determines that process (social causality assures the knowledge-being relation). Political calculation is knowledge of an object. In *MPSF* we argued that calculation *constructs* the situation of action, that that situation always exists to political practice in the form of a construct. Calculation cannot appropriate the situation of action as if it were an object of knowledge.² Among our general criticisms of epistemological discourse we argued that, in positing a necessary and general knowledge-being relation, epistemologies are forced to constitute being as a class of objects with attributes appropriate to the knowledge process by which it is corresponded to or appropriated. A necessary form of knowledge relation requires a reality appropriate to that relation. Marxism conceives social being to be a totality, its phenomena forming a unity of effects. Social being is therefore capable of representation as totality, of appropriation as a singular 'reality'.

Once we step outside of epistemological discourse then we must abandon the concept of 'knowledge'; with it we abandon the concepts of a unitary knowing subject and 'object' of knowledge, the latter a realm of being with general attributes assimilated or appropriated by the subject. The consequences of our critique of epistemology are reinforced by our challenge to the Marxist conception of social relations as forming a totality. It follows, if we do not conceive social relations as subject to a hierarchy of necessary determinations and articulations, that political situations and practices in a particular country or

conjuncture can differ radically. There is no single point of reference for all practices. Political situations of action will differ with the types of arenas involved and the practices engaged in, with the contending forces and issues. It does not follow from this that we must therefore consider the political situations as the mere products of the outlooks and 'wills' of their participants. These situations and the nature of the participants themselves depend on definite conditions, but these conditions do not form a totality. Practices encounter obstacles and opposed forces which differ from their calculative constructions, practices do not determine their own conditions of existence. But these obstacles and forces have no necessary general attributes, they do not form a unitary 'reality' which confronts all practices. These obstacles and forces are assessed by the agents of practice in terms of definite forms of calculative construction; calculation is the continued adjustment of constructions to the conditions of practice.

It is an error to differentiate calculation and the situations it constructs in the same way as knowledge and its object. The situation is itself composed of anticipated states of affairs and the intersection of political practices. But calculative discourse does not exhaust political practice, nor is political practice itself unconditional. The construction of situations of action refers to conditions with effects. But the effectivity of the situations calculated on the practice of calculation is not that of a reality, they have no single origin and no necessary pattern of effects. The situations calculated in no sense add up to a single 'political reality'. They are differentiated not least by the types of political practice adopted. This radically effects the conditions of construction. These practices are not merely given in conditions anterior to them, ideology and the construction of strategies play an important part in the political mode adopted. I will attempt to illustrate this non-unity of the situations of calculation. Take a particular Marxist party, say a western European communist party: at any given time it may be involved in a number of practices, intra-party struggles over ideology and programme, parliamentary campaigns, competition with other groups to

lead, annex or even stifle social struggles and mass movements; each of these offers distinct conditions for applying criteria of what should be done and the characterisation of the situation for that type of action. These diverse calculations of situations do not sum up to form a 'reality'. What they do when they are brought together is to generate conflicts as to the priority of forms of struggle and the criteria for constructing a hierarchy of such forms. This extends the circle of calculations and conflicts over criteria but does not close it. Marxism is not a 'science' (equally it is not a 'non-science', science-ideology is an epistemological distinction), it has no privileged knowledge (independent of political practice) of the nature and movement of social relations or of the adequacy of political actor's constructions of those relations.

The paradox is that as a 'political theory' Marxism has derived much of its power and appeal from the claim to be a science, to be able to determine the nature and development of social relations and to act according to the objective dictates of that knowledge. It has thereby solved problems of the criteria of appropriateness of action and the means for characterising the situation of action in one and the same operation, knowledge. In its claim to be a science it has been able to eschew questions about the objectives of its practice and the content of its political programme. Both are drawn from the necessities of social development and the realities of the class struggle. In terms of this claim Marxism has staked the whole content of its ideology on the postulated necessity of certain states of affairs. This claim has radically weakened its capacity to respond to conditions of struggle other than those outlined in the texts almost everyone agrees to be simplistic or problematic and yet is forced to adhere to, Marx's '1859 Preface' or Lenin's *State and Revolution*. The reason for this is that Marxism's criteria of appropriateness are contained in constructions of certain anticipated states of affairs. Thus the key Leninist criterion for evaluating political practices in relation to the state, the thesis of its 'withering away', is posulated as a necessary process rather than as an objective to be pursued in struggle. If 'withering' were not thought of as an objective

necessity of the process of transition to communism then the problems of its nature as an objective of practice and criterion of evaluation might lead to some critical reformulation of socialist ideology. 'Withering' has come to appear a hollow notion as a result of our experience of socialist regimes; the general effect of that experience is to discredit Marxism. The category is either abandoned, rejected by 'democratic socialists' as a cynical claim made to facilitate Marxist rule, or made a matter of faith on the assumption that things will work out differently in more favourable conditions. As a result political ideology withers into something to forget, or dogma. Non-authoritarian social relations cease to be thought through as a political objective and a guide to political practice.

The content of Marxist political theory, 'ideology' (in the sense of a system of political ideas), cannot be rethought or reconstructed to meet new conditions of calculation and practice without challenging the claims of science, and without questioning one of Marxism's most compelling claims *as a political ideology*. Marxism is threatened by any radical accommodation to new conditions of calculation precisely because it has claimed to have established the *possible* conditions and determined at the most general level the necessary states of affairs. Given the concept of social totality and its movement Marxism has abolished for itself the space to mutate in relation to new political circumstances, if these circumstances are not compatible with its postulation of the effects of capitalism as totality then they threaten its existence by threatening its claim to truth. To the extent that politics has diverged from Marxism's constructions, notably the sustained development of capitalist economies and the continued survival of parliamentary democratic regimes with mass support in certain key capitalist countries, it has been disarmed in relation to those situations. The modes of accommodation made by Marxists are revealing. The withdrawal into the prediction of crises and revolutions to come, a withdrawal from current politics, or the acceptance, *without theoretical reconstruction*, of these political conditions, adaptation by making concessions in ideology, have been the parallel responses. Marxism has frozen into

'anti-revisionism' or melted into a political 'realism' which fails to consider what it means to fight for socialism under conditions set by parliamentary democracy. Scientism has crippled our capacity to think through and adapt our ideology to different political conditions. Our challenge to pretensions, and our insistence upon limits, are not conducted in the interests of reducing Marxism. Marxism in western Europe, despite its immense intellectual popularity, has reduced itself *as political theory* to virtual political irrelevance. The *political* irrelevance of an orthodoxy waiting for its postulated future. The irrelevance to politics of a Marxism which, mutilated by accommodation to conventional suppositions of the conditions of parliamentary success, represents the nominal ideology of the main European communist parties.

These remarks are not directed against 'political theory' or 'ideology'. To deny theory the role of 'knowledge', to challenge the pretensions to 'science', is not to deny the crucial organising and directing role that political discourse can and must have in socialist political practice. Socialism is nothing if it is not a political theory: a discourse which directs politics toward the construction of definite forms of social relations and in definite ways, a discourse which can construct and evaluate political situations (relative to definite objectives). Marxism has been the dominant form of socialist ideology. Its immense popularity is because it has formulated the objectives and content of socialist ideology. It prevailed in and took its character from opposition to the rationalism and moralism of Utopian socialism, and necessarily so. Socialist ideology has in consequence been carried by Marxist theory, entangled with the scientific pretensions and limits of that theory. Marxism has in consequence been inescapable *as theory*, unsupplantable because of what it carried and supported. Political practice cannot dispense without calculation, and calculation, beyond the politics of preservation of established and opportunist cliques, demands criteria of appropriateness: in a word, 'ideology'. For this reason socialists have held on to Marxism despite its defects. Modern socialism requires a revolutionary transformation in its political theory and the

mode of constituting and presenting its political objectives. Theory that is limited neither by scientism, which fuses political objectives with certain necessary states of affairs, nor by the rationalism of moralism which reduces those objectives to 'goals'. Only the broadest recognition and discussion of the need for change and of its content can achieve this; recognising the limits of classical Marxism is merely a start. Ideology can only be reconstituted on a mass basis, learning from failures and innovations in forms of socialist struggle, attempting to adapt these forms to current political conditions, and from struggles, outside the ideological orbit of conventional Marxism, which have the objective of constructing co-operative, non-authoritarian social relations. The development of a 'political theory' broad enough to contain these elements is a crucial condition for uniting and multiplying these various struggles. A unity which is crucial to the restoration of the political strength and content of modern socialism. This implies no rejection of what Marxist theory has sought to attain, rather it is the reconstruction of the means of presenting those objectives and the means of constructing political situations of action.

Theories of 'ideology' such as have hitherto prevailed in Marxism can make no contribution to this reconstruction and development of socialist political ideology. The position presented in *MPSF* and in my essays radically extends the destruction of the pretensions of Marxist theories of ideology which Althusser began. It extends criticism to the foundations of those theories in theories of knowledge. It challenges the claims of those theories to scientificity and to 'knowledge', including Althusser's own. It is important to remember that Althusser's questioning of what had passed for 'obvious' in post-war Marxist theory, the claims of empiricism, humanism and historicism, made this much more radical challenge to and reconstruction of Marxist theory possible. In denying ideology was 'false consciousness' Althusser broke with the classic claim within Marxism to be able to differentiate between *forms of social consciousness* as true or false representations of social reality. He challenged the sociologisation of political ideology. Marxism could no longer be

considered as it so often has been within 'orthodox' Marxism as basically the world outlook of a class raised to the level of science. But he did so by making Marxist *science*, historical materialism, a practice with a decisive autonomy from the social formation. In this way knowledge of social relations could direct mass practices based on an *imaginary lived relation* to those relations. Marxism appropriated the real in the realm of abstraction and returned to the real the knowledges thus gained by guiding the practice of politics. Politics required theoretical practice because social consciousness could never attain to knowledge of the social formation. Strategy was the political extension of the knowledges produced by theory. Althusser defined theoretical practice by means of a construction of Marx's conception of method in *Capital* and at the same time severed Marxism's connection with all sociologistic conceptions of knowledge as the reflection in consciousness of social being; something Marx did not do (as the theory of 'fetishism' stands witness).

Althusser has been in retreat from the implications and impossible pretensions of this position ever since the 'Foreword' to the Italian edition of *Reading Capital*. But he has never theoretically come to terms with them. *Theoretical Practice* took these implications as a necessary and valuable part of the theory and tried to develop on this basis the theoretical conditions for a political strategy appropriate to modern Britain. It failed, as it necessarily must have. Althusser's theory, for all its challenge to certain elements of orthodox Marxism, served as the philosophical underpinning for a traditional Marxist-Leninist conception of politics. But this failure made starkly obvious the problems of classical Marxism's claims to be a political knowledge. Both the conception of ideology as socially conditioned consciousness and as the imaginary representation of the structure to its agents involve the conception of a knowledge adequate to social relations: in the first case, the social consciousness of the class which represents the revolutionary nature of reality, and in the second, historical materialism, a practice without a subject, which appropriates the concrete in thought. Theories of ideology in Marxism have always been the realisation in social relations of

theories of knowledge. The concept of ideology as part of an epistemological discourse has always involved the distinction of true and false (ideological) knowledges of reality. Althusser tried to break with this sociologisation of epistemological discourse, the attributing of truth to certain forms of social consciousness, but only by withdrawing questions of the adequacy of knowledge from the consciousness of social agents.

It is in this context that our insistence that Marxism as a political theory is neither *independent* of the situations which it calculates (these situations condition calculation in and through political practice) nor a *representation* of those conditions must be understood. The notion of a relation of 'knowledge' is challenged in this insistence, but not in the interests of scepticism (a position with vested interests in the continuation of the effects of epistemological discourse). The sociologisation of epistemological categories has rendered questions of the sources and content of socialist ideology unproductive; it has reduced them to what can be permitted in terms of answers based on class experience and the necessary effects of social relations. Althusser returns to this kind of sociologism in his paper on ideological state apparatuses (ISAs), as I have shown in Chapter 3, postulating a given 'ruling-class ideology'. Breaking the notions of the *autonomy* of theoretical knowledge and the *representational* nature of socially conditioned experience can actually help us to approach questions of political 'ideology' and calculation in a new and more constructive way. We can begin to investigate the conditions and limits of forms of political calculation. This investigation can aid political practice in sensitising it both to the role of calculation and to the effects of the conditions of calculation upon its means and its constructions. But this investigation can never itself step outside of the conditions of calculation. It can be no master knowledge of how to know, but the partial and problematic construction of the limits of political calculation. There can be no equivalent of the epistemological distinction between ideology and science. The effect of the absence of this criterion need not be a reckless disregard for analysis or the content of political claims. Nietzsche long ago showed that the effect of the decomposition of

absolutes (or rather the fictional substitutes for them, for such there cannot be) is not nihilism. The recognition that everything is permissible was for him the foundation of a new sort of morality. Accepting the limits of political calculation and the absence of any necessary foundation for socialist ideology means that we must devote more care to assessing the conditions of and means of analysis, and to establishing what it is socialists make claim to and why it is so.

Our critique of the Althusserian theory of the social totality and of ideology involves the deconstruction of the field of 'ideological' social relations. This deconstruction has positive consequences in that it states certain of the terms on which socialists engage in political practice in this non-unitary area. What is insisted on in the criticism is the complexity and non-homogeneity of these social relations. In terms of the position advanced here, there can be no equivalent unifying concept to ISAs. The pertinence of the notion of 'ideology' to considering those relations is denied because the grip of a certain concept of totality over them is rejected: 'ideology' in its classical Marxist sense *means* categories which represent and organise the social actions of subjects in a certain necessary way, but which, in order to function in this way within social relations, must not constitute an adequate knowledge of those relations. Althusser's concept of 'ideology' retains these problems of functionality and misrecognition. However much he attacks the notion of the 'falsity' of ideology, because he retains the distinction between ideology and science (even in the paper on ISAs) he must retain its equivalent (the 'misrecognition' effect of the 'imaginary relation'). Denying the epistemological problem of the validity of knowledge in terms of correspondence or non-correspondence to a 'real' object and the concept of totality as unity of being leaves no place for the theoretical problem of 'ideology'. A general theory of ideology has particular theoretical conditions of existence and is not an inevitability.

This positive reorientation in theory toward the heterogeneity of these relations parallels attempts in political practice to get beyond the workerism and essentialism of existing Marxist and