



Althusser on Law's subject: Revisiting Interpellation and the Jurisprudence of Ideology

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Abstract

The article argues that although the heyday of Marxism is over, Althusser's Theory of Ideology (particularly his account of Interpellation) still offers a convincing account of the political subjectivities under the global capitalist order. The article seeks to demonstrate how much of Althusser's critics (writing in the 1970s and 1980s) misunderstood Althusser's claims for the most part, and employed a narrow and simplistic view of his works. Such an argument is informed by the more recent literature on Althusser (post 2000s) and builds itself upon an exclusive reading of Althusser's own texts, primarily his classic essay, *Ideology and Ideological State Apparatuses*. It is argued that Althusser's conception of the subject rediscovers the context for understanding the ever-eluding question of the self and the other by providing a sophisticated understanding of individual-social dynamics in the state-centric legal discourse, one which captures the paradoxical nature of and the apparent contradictions within the subjects' selves without reducing them to either delusions or to absolutely free choices of the individuals.

Introduction

This paper discusses Althusser's theory of the subject from his classical 1971 text, '*Ideology and Ideological State Apparatuses*'¹ and seeks to examine the broader ontological implications of such theorization. It is argued that his conception of the subject rediscovers the context for understanding the ever-eluding question of the self and the other by providing a new understanding of individual-social dynamics in the state-centric legal discourses. The paper is divided in three parts, each engaging in discussion from a different dimension: The first section follows Althusser's own methodological approach on the subject and touches upon the significance of Interpellation, Misrecognition and nature of 'Imaginary' in reaching an understanding of a prime issue in his Marxist Jurisprudence, i.e. of how the ideology is by the subject and for the subject. The second Section approaches the discussion from a critical perspective by identifying and engaging with some major strands of objections on his theory such as, the problem of agency, irreconcilability of structural approach with historical change, problems with Althusser's adoption of psychoanalytic framework, and the possibility of objectivity of knowledge. The third section locates the wider paradigm in which his theory can be situated and concludes the discussion on the general relevance of his concepts of subject and ideology for the political and legal theory.

¹Louis Althusser, *Ideology and Ideological State Apparatuses* (Ben Brewster tr, New Left Book 1971)

Section 1

Theoretical Background

In order to understand the statement in question, it is important to see the theoretical background in which Althusser formulated his thesis on the subject. His particular influences were Spinoza's Structural Causality, Lacanian Psychoanalysis, French Structuralism and Marxist Historical Materialism. Marx's historical materialism marked an epistemological break from humanist philosophy of Hegel, by rejecting the idea of an essence of man or precedence of spirit over the material/body². Althusser's adaption of such an approach meant that he located the formation of subjectivity in purely material and social practices. To emphasize the relevance of above-mentioned influences on his theory of the subject, I will discuss them at some length. Such discussion will demonstrate how Althusser deals with the place of the subject in history and the subject's relation to its conditions of existence.

The subject's relation to the material conditions is explained in terms of ideology, which is not a set of false 'ideas' but has a material existence in the form of actions, practices and rituals³. All consciousness, thus, is derived from the subject's material conditions and is embedded in social practices of ideology. Hence, Althusser displaces the subject from "the centre of his world"⁴⁵ and offers him a new position in the structure. This structure is unfailingly present across all epochs; this concept envisages a new immutable position of individual, shifting the focus of history. Fixing man's position implies that history is not a guided effort of man, without any telos or subject⁶. Thus, man is not the consciousness navigating history. Likewise, influenced by Freud's idea of eternal unconscious, his conception of ideology as the relation between subject and structure is also that of an eternal, omni-historical category present in the same form throughout history⁷

Structural Causality

The position of the subject in the structure can more precisely be pointed out through the concept of structural causality. Althusserian structuralism gives the conception of a structural whole, namely the mode of production itself, or the synchronic system of social relations and the conditions of existence⁸. The whole, however, is not defined by its essence; it is a process and not an objective entity defined prior to the subjects. Rather, subjects are constitutive of the whole as they are the 'effects' and 'supports' of the whole simultaneously⁹. This refers to how different elements in structure condition each other. "The whole existence of the structure consists of its effects, in short, that the structure, which is merely a specific combination of its peculiar elements, is nothing outside its effects"¹⁰. This is the notion of absent causality, that the totality is both present and absent to the subject, present because it determines the conditions of existence and space of the subject in the world, and absent because it is nowhere empirically present¹¹. It is this dual nature of the relation of the subject with totality referred to in the question statement, and is explained by the concept of 'ideology', that is the 'imaginary' relation of the subject with his conditions of existence.

² John Sanbonmatsu, "The French Ideology" in John Sanbonmatsu, *The Postmodern Prince: Critical Theory, Left Strategy, And The Making Of A New Political Subject* (Monthly Review Press 2004) 105

³ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 165-66

⁴ This phrase can be interpreted as referring to the idea of an individual capable of changing the entirety of his social conditions. It is too widely accepted within the Althusserian Studies discourse to warrant a citation.

⁵ Louis Althusser, Is It Simple to Be a Marxist in Philosophy? in Grahame Locke tr, *Essays in Self-Criticism* (New Left Press 1976) 196

⁶ Fredric Jameson, "On Interpretation: Literature as a socially symbolic act" in Fredric Jameson, *The Political Unconscious*. London (Routledge 2002) 9

⁷ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 161

⁸ Jameson, On Interpretation: Literature as a socially symbolic act (n 7) 21

⁹ Paul Hirst, "Problems and Advances in the Theory of Ideology" in Terry Eagleton (ed), *Ideology* (Longman 1994) 120

¹⁰ Jameson, On Interpretation: Literature as a socially symbolic act (n 7) 9

¹¹ Hirst (n 10) 120

Ideology: the imaginary relation

The duality of the subject's relation to the world is also represented by the dual nature of their imaginary relationship that they live. Ideology is an illusion which alludes to reality; it provides men certain knowledge (*connaissance*) of reality, which is both recognition (*reconnaissance*) and misrecognition (*meconnaissance*) at the same time¹². This duality is inherent to the process of interpellation of subjects by ideology¹³, in which the subjects are made to recognize themselves as free, independent and conscious (of their own existence) individuals¹⁴, and at the same time are subjected to an already existing absent whole which they cannot recognize¹⁵. Hence, the very process of the constitution of a subject through ideology consists of two different instances (of recognition and misrecognition) which function together to make the subject 'live' his relation with the world.

Interpellation of the subject: A double constitution

Through recognition and misrecognition, respectively, ideology makes an individual 'free' and 'subjected' at the same time. Ideology makes people believe that they are free subjects within complex systems¹⁶. So, ideology constructs an individual as an "I", as a subject, who recognizes his/her independent existence¹⁷. But to do so, ideology gives an already existing subject as a model or exemplar (for example, God in Christianity) to individuals. So, the individuals are subjected to a Subject¹⁸, in order to be made subjects. That is the duality of the "subject" as being free and subjected at the same time¹⁹. In subjecting to the Subject, the individuals are made to believe that they are free, but in fact, all they are free to do is to choose to submit to the already existing Subject (absent) freely. So, they submit by their own free will. The dilemma of freedom and submission is that both must be enacted to construct a subject. While freely accepting to be subjected, the subject takes the action "all by himself", so the ideology is all by the subjects²⁰

Imaginary misperception of both the self and the world is inherent to human beings²¹; it is a part of the very structure of human subjectivity, and it is indispensable for human society to function. This misrecognition represents the Lacanian 'Desire'. Through interpellation, this will to fill the 'emptiness' is seen in the process of identification of the subject with the absent and Absolute Subject (God in Christianity) to which the subject is subjected²². Hence, the subjects are constituted in the form of mirror representations of the Subject, and vice versa, which according to Althusser is the 'doubly specular': the double 'mirror connexion [*sic*]'²³ between the subjects and the Subject in which "each subject can contemplate its own image"²⁴. The duplicate mirror-structure of ideology ensures that the subjects recognize themselves as 'subjects', recognize the 'Subject' they are being subjected to, and recognize that it is by and through their free will, that is, "all by themselves"²⁵. Hence, ideology

¹² Althusser, *Ideology and Ideological State Apparatuses* (n 1) 162

¹³ *ibid* 164

¹⁴ *ibid* 169

¹⁵ Hirst (n 10) 120

¹⁶ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 162-63

¹⁷ Luke Ferretter, *Louis Althusser* (Routledge 2006) 89

¹⁸ A word of caution: The Subject (with a Capital s) is not to be confused with subject (with a small s). The most obvious justification of the distinction between the two comes, of course, from Althusser's own account in *Ideology and Ideological State Apparatuses*, where he states,

"It is convenient to designate this new and remarkable Subject by writing Subject with a capital S to distinguish it from ordinary subjects, with a small s. It then emerges that the interpellation of individuals as subjects presupposes the 'existence' of a Unique and central Other Subject, in whose Name the... ideology interpellates all individuals as subjects" [Althusser (n 1) 178].

¹⁹ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 169

²⁰ *ibid* 169

²¹ Louis Althusser, 'Marxism and Humanism' in Ben Brewster tr, "For Marx" (The Penguin Press 1969) 233

²² Althusser, *Ideology and Ideological State Apparatuses* (n 1) 179

²³ *ibid* 180

²⁴ *ibid* 180

²⁵ *ibid* 181

is nothing but its function to interpellate individuals as subjects, that is, *it is 'for' the subjects*, and at the same time *there is no ideology except 'by' the subjects* because they recognize it as their free will.

This process of interpellation of the subjects through the double constitution does not take place in the realm of the ideal or spiritual world, but in concrete practices and rituals that make up the ideological apparatuses²⁶. Thus, the subject acts in all its consciousness and 'belief' to conform to the particular rituals and practices set up by ideological systems that are prior to the individuals (for example, religion)²⁷. Hence, Althusser argues that "there is no practice except by and in an ideology" and "there is no ideology except by the subject and for subjects". These statements refer to the dialectical relationship between ideology and subject, as already discussed, the "category of the subject is the constitutive of all ideology", and ideology functions to constitute "concrete individuals as subjects"²⁸. To sum up, it is important to mention that according to Althusser, the process of interpellation and the double constitution is such that all individuals are "always-already" interpellated as subjects (recognized, irreplaceable and obvious) as well as subjected to the ideological configuration of the conditions they are born in²⁹.

This double constitution is more clearly explained by Paul Hirst, in the following way. Since subjects cannot experience their real conditions of existence and they experience them only in the imaginary form^{30,31}, Ideology is the second-degree relation between them and the world, operating at an unconscious level. It is their (subjects') 'lived' relationship to their conditions of existence³². What is important to note is that subjects 'live' their imaginary relation to the world 'as if' they are 'Subjects' (authors of their own life). Thus, they are constitutive and non-constitutive of ideology (the imaginary relation) at the same time; they do not constitute their social relations which are prior to them and are given to them at birth, but they 'live' as if they constituted these relations as well as themselves. This relation, defined by 'as if', is the ideology they live. So, essentially, "they are subjects because they are constituted 'as if' they constituted themselves"³³. Ideology constitutes the subject as it is the stream of discourses which are given to us, in which we are born, live and act. It is prior to us, and is primary obviousness, taken for granted. Both epistemologically and ontologically it is constitutive of our entire Weltanschauung. It provides an unconscious conceptual framework with which we understand our world³⁴. Thus, we can see that the ideology is by the subjects in so much that they live 'as if' they constitute it and for the subjects as they are constituted by their social relations through ideology that they 'live'.

Examples of the subject in the real world

The process explained so far can further be illustrated by taking the example of Catherine Belsay's discussion in *Critical Practice* (1980)³⁵. Belsay describes how realist novels of the 19th Century perform the ideological function of interpellating individuals as subjects. The reader is made to believe that she is the origin of all her actions, thoughts and emotions, by making her identify with the subject (character) of the novel who is the author of her own destiny. Hence, the reader is constructed as a subject, and made to recognize herself as the independent author of her life³⁶. Such a conception obscures her position in the wider system or an absent structure (of economic relations of exploitation) to which she is subjected in reality. The ideological function of realist novels is located within the operation of Ideological State Apparatuses. Hence, the ideology in the form of literature constructs the subjects, making them believe in their subjectivity, and subjecting them to the absent

²⁶ *ibid* 168

²⁷ *ibid* 170

²⁸ *ibid* 171

²⁹ *ibid* 177

³⁰ The reference to *real* and *imaginary* here is in Lacanian Psychoanalytic terms.

³¹ Hirst (n 10) 120

³² Althusser, *Ideology and Ideological State Apparatuses* (n 1) 162

³³ Hirst (n 10) 121

³⁴ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 212

³⁵ Catherine Belsay, *Critical Practice* (Routledge 1980)

³⁶ *ibid*

Subject. The subjects are thus subjects in the philosophical sense (as free individuals) as well as in the political sense (subjected to exploitation)³⁷.

Belsay's account serves as a good example of Althusser's theory since it highlights the stakes ideology has for the subjects. Identifying stakes implies that 'Ideology is by the subject and for the Subject' since subjects subscribe to ideologies because they see a motive in doing so. This motive is expressed in the 'Imaginary relation' subjects have with reality. This concept of 'Imaginary' comes from Lacan's writings where, in the mirror stage a child misrecognizes his image for his real self³⁸. This is important to mention here, because this is what subjects do in ideology, i.e. They confuse their image with their real selves. Thus, for instance, the motive for subscribing to luxury brands like Nike and Harrods is because these goods carry an image of how consumers/subjects want to be seen as 'posh, wealthy and classy'. This explains that ideology is *by the subject* since individuals consciously, wilfully subscribe to the brand image of Harrods and perpetuate it. However, they do not only want to be perceived in that image, but actually think of themselves in those terms. This explains how ideology is *for the subject* since they misrecognize the aspect of capitalist exploitation, and this misrecognition (coming from unconscious structures like language we speak, our social positioning, etc.) keeps the entire system of the global political economy running and only serves none bar the subject in the first and the last instance.

Section 2

Part 1: Divide between History and Structure

In Althusserian theory has generated strong criticism from both within and outside the Marxist circles. Larraín argues that Althusser's interpellation highlights the 'irreconcilable opposition between structuralism and historicism'³⁹.

Larraín's argument can be denied through the following argument in steps:

- (a) Althusser describes the possibility of the category of science existing in opposition to the ideology⁴⁰.
- (b) Since ideology is structural category science may be seen as its antithesis.
- (c) Ideologies constitute an imaginary relation by alluding indirectly to the subject's real conditions⁴¹.
- (d) Scientific knowledge derives from hermeneutic methodology called symptomatic reading.
- (e) This method brings to light contradictions which ideologies try to mask.
- (f) Since symptomatic reading is always done retrospectively; it always requires viewing texts/any ideological discourse in an historic on text.
- (g) Since ideology is Omni-historical (eternal), the possibility of science also exists indefinitely, thus history and historical change are always important for objective knowledge.
- (h) Thus, historical analysis appears like a synthesis between the scientific process and the contradictions within ideology.

The Omni-historical nature of ideology⁴² discussed in step (g) above may lead to three important ramifications, which will be discussed in the following parts of this paper:

1. Does Althusser's anti-humanist & structural position lend itself to denying human agency⁴³?
[To be dealt in part2]

³⁷ Ferretter, *Louis Althusser* (n 18) 91-94

³⁸ Warren Montag, "A Process without a Subject or Goal(s)" in Antonio Callari, Stephen Cullenberg and Carole Biewener (eds), *Marxism in the Postmodern Age: Confronting the New World Order* (The Guildford Press 1995) 62

³⁹ Jorge Larraín, *Marxism and Ideology* (Gregg Revivals 2007) 1

⁴⁰ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 175

⁴¹ *ibid* 162

⁴² *ibid* 161

⁴³ Gregory Elliot, *Althusser: The Detour of Theory* (Verso 1987) 181

- 2 Does Althusser categorically deny any account of social change from outside? [To be dealt in Part 4]

Moreover, by denying an end to ideology, does Althusser offer a pessimistic outlook regarding the concept of subject? [To be dealt in Section 3]

Part 2: The Problem of Agency

One potentially stumbling block in Althusser's conception of the subject is his alleged failing to account for the notion of agency. Referring to Althusser's notion of the subject, Eagleton remarks that 'there is something chronically askew about human beings, a kind of original sin by which all perception includes misperception, all action involves incapacity, all cognition is inseparable from error'⁴⁴, or Thompson remarks that in Althusser's jurisprudence, '*men and women are not agents in their own history, but Träger-carriers of structures, vectors of process*'⁴⁵. However, as will be seen this issue is not as simple as Eagleton & Thompson suggest and, thus, it can't be endorsed or brushed aside, outrightly or at once defended outright via a theoretical outflanking. Before moving on with the nature of this problem, it must be noted that its onus does not lie totally upon Althusser, since he extends upon the Marxist problematic, where Marx argues for the material conditions constraining the vicissitudes of individual lives. For instance, Marx himself acknowledges that 'in the social production of their life, men enter into definite relations that are indispensable and independent of their will'⁴⁶. Similarly, elsewhere, he remarks that '*Men make their own history, but they do not make it just as they please... but under circumstances directly encountered, given, and transmitted from the past*'⁴⁷ Althusser maintains precisely this stance of the semi-autonomous nature of the individual, and presents it in a structural explanation. For instance, his concept of overdetermination points to the complexity in determining the final outcome of any agent's choice: though an agent's actions are independent, they are still constrained by his given material conditions. To continue examining the sophistication of this problem, it is pertinent to identify the issue of 'agency' at two levels (a) macro: socio-historical and (b) micro: the individual. Regarding the former, Althusser denies any possibility of a Subject of history; any teleological steering of its course by a conscious willful God or a force of history. Regarding the latter, he does not deal with the motives and agency of individual actions except insofar that they act collectively to constitute a structure. It is the trans-individual mechanism of how individuals relate to a system that seems to concern him.

Moreover, from Althusser's perspective, the question of agency may appear as stemming from a naive idealist standpoint. This is because; we may ask whose agency are we referring to? If the answer is individual, Althusser rejects that man is the subject of history; it is not the man but masses which make history⁴⁸. Moreover, at the individual level, he acknowledges the possibility of agency when he discusses the possibility of resistance and dominated ideologies which contest in the political domain, for supremacy. Thus, an individual can choose to resist. For instance, a man like Martin Luther can resist being interpellated, however, to do so would require subscription to another counter-discourse: another set of ideology. Thus, we see, at the individual level, the freedom of an individual is not compromised. If the referent of the above question is social (macro level), one needs to distinguish between the dual meaning of the term 'ideology' referred to by Larraín: (a) the negative concept: denoting ideology as misrecognition or imaginary relation to reality, and (b) a positive implication: referring to ideology as the totality of social consciousness⁴⁹. Thus, Althusser refers to (this positive concept of) ideology as the general condition of human perception and the formation of

⁴⁴ Terry Eagleton, "Introduction" in Terry Eagleton (ed), *Ideology* (Longman 1994) 16

⁴⁵ Edward Palmer Thompson, *The Poverty of Theory, or An Orrery of Errors* (New York University Press 1978) 122

⁴⁶ Karl Marx, "Preface to a Critique of Political Economy" in David Mc Lellan (ed), *Selected Writings: Karl Marx* (first published 1860, Oxford University Press 2000) 425

⁴⁷ Karl Marx, *The 18th Brumaire of Louis Bonaparte*, (first published 1852, Wildside Press LLC 2008) 15

⁴⁸ Louis Althusser, "Reply to John Lewis" in Louis Althusser, *Essays on Ideology* (Verso 1984) 93

⁴⁹ Larraín (n 40) 91-92

'consciousness' from which there is no escape⁵⁰. As the positive conception of ideology refers broadly to total social consciousness, the negative concept, in contrast, builds chiefly upon the discourse of the unconscious. Althusser moves away from explanations centering on idealist notions which had placed undue reliance upon 'consciousness.' Such theories had offered an overtly simplistic and naive representation of a false interpretation of religion or any dominant class oppressing the dominated classes⁵¹. On the other hand, with the psychoanalytic emphasis on the unconscious, Althusser is able to argue for the discovery of another level of explanation and present interpellation as an alternative perspective to the dichotomy of freewill vs. predetermination.

Pertinently, Butler casts a sceptical glance on this concept of interpellation raising a question as to how interpellation can subject individuals while simultaneously qualifying them for conscious social action⁵². We may remark that Butler is missing the dynamics of the unconscious here. Althusser in his work identifies how a subject's positioning is determined even before he is born, yet he chooses to actively submit to it, later⁵³. Thus, this is not a contradiction since it involves these two levels (conscious and unconscious) corresponding to individuals. In other words, freedom of choice is not merely a conscious choice, but an unconscious one as well, since the ideology generated by an individual's immediate material conditions orients him/her by providing him/her with the epistemological categories to think and define its ontological reality.

Thus, the notion of agency now falls under a new set of questions concerning the aspects of misrecognition and unconscious. However, before moving to examine these issues, we can discuss Thompson's critique who accuses Althusser of overlooking the 'dialogue between social being and social consciousness' implying a passive view of the subject⁵⁴. Correspondingly, Douzinas interprets this passivity more fatalistically by characterizing it as a form of nomophilia⁵⁵: '*Hearing the word of Law, juris-diction brings us to identity.... This acoustic economy is the main characteristic of the modernity's nomophilia*'⁵⁶. Such criticism is further qualified by Larraín who contends that Althusser (has misread Das Capital) and is deviating from Marx's original formulation where Marx acknowledges the individual's capacity to change the external reality through his practice⁵⁷.

Contestably, such criticisms are simplistic in that they ignore the basic premise of duality of the subject, that is, to be subjected; the individual has to be a Subject. Moreover, the material existence of ideology shows how ideology is lived by individuals (and such ideology is not mechanically imposed upon them) who become subjects by their very actions. For instance, in the example given by Althusser himself, by the act of turning around when the policeman hails him the man in the street constitutes himself as the subject. For further clarification, one can highlight why the argument of passivity of the subject is flawed: (a) Individuals who subject themselves to Ideology have a benefit to derive from conforming (for instance, as discussed previously, shoppers construct their selves and a certain image of their personality by buying branded luxury goods) and (b) The notion of structural causality highlights that the system itself has no independent existence and is kept alive by the subject [for instance, Althusser, in *Ideology and Ideological State Apparatuses*⁵⁸, speaks of how the concept of a deity requires believers to sustain itself]. Thus, the

⁵⁰ *ibid* 4

⁵¹ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 163

⁵² Noela Davis, "Subjected Subjects? On Judith Butler's Paradox of Interpellation" [2012] *Hypatia: A Journal of Feminist Philosophy* 882-896

⁵³ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 176

⁵⁴ Thompson (n 46) 12

⁵⁵ For a more detailed exposition of nomophilia see Costas Douzinas' s own account (particularly the section on Sovereignty and Justice) in [Costas Douzinas, "Speaking Law: on bare theological and cosmopolitan sovereignty" in Anne Orford (ed), *International Law and its Others* (Cambridge University Press 2006) 35-56]. Also see, Emmanuel Melissaris, "Perspective, Critique and Pluralism in Legal Theory" in Emmanuel Melissaris, *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism* (Ashgate 2009) 7-24.

⁵⁶ Costas Douzinas, "The Metaphysics of Jurisdiction" in Shaun Mcveigh (eds), *Jurisprudence of Jurisdiction* (Routledge 2007) 28-29

⁵⁷ Larraín, (n 40) 97

⁵⁸ Althusser, *Ideology and Ideological State Apparatuses* (n 1)

recognition of the structural nature of social actions does not indicate passivity rather it shows how various processes are linked to each other and stand relationally.

Part 3: Problems with Psychoanalytic Terminology

Among others, the theory of interpellation is heavily influenced by Freudian notions of the unconscious and the Lacanian idea of misrecognition⁵⁹. It may be argued that the borrowing of the idea of *Lack* both adds to and invalidates his theory. On the positive side, it helps him explain the motivation and incentive for subjecting to Subject in a structural sense. On the other hand, this confirms the allegation levied by Larraín of him (Althusser) confusing between the negative and positive concept of ideology: Lack implies an infinite chain of regression where individuals can never come out of the deception and would always be caught in epistemological dislocation (confusing signifier for their Desire). Thus, this misrecognition means that there is no end to ideology.

Likewise, Althusser is accused of confusing the usage of Lacan's imaginary and symbolic⁶⁰. For Lacan, Imaginary is the world of illusions that lasts before the mirror stage when the child identifies with his/her image in the mirror. From then on, the subject is drawn into the social world⁶². However, Althusser conflates the notions of both these stages in that he uses imaginary in a way that (a) refers to how an individual forms an opinion of himself in a social interaction and (b) how that opinion is deceptive. Thus, it is this mixed concept which constitutes a subject's identity, whereas for Lacan, the divisions between these stages are clear. Another example of misapplication of concepts becomes evident when we see how in Lacanian psychoanalysis, *Real* can never be represented⁶³. Assuming that Althusser juxtaposed and applied these concepts in his framework faithfully, doesn't it contradict the possibility of existence of science which seeks to uncover the objective reality?

Part 4: The Problem of the Objectivity of Knowledge: Science, Ideology and Empiricism

This question of objectivity of knowledge has often been raised by numerous critics. To put it simply, if ideology is a misrepresentation and comprises the *total social prestation* (borrowing Marcel Mauss' anthropological term), then it suggests/implies that humans always necessarily live in delusion. The first response that I can think of is that, in the spirit of Lacan, Althusser may find the conception of 'delusion' incorrect. Why? Because, it misses the point about ideology's discursive nature, of it being a 'lived' experience, and altogether ignores the importance of this experiential dimension, namely that of meaning and signification. However, even if this answer is uncontroversial (which it is not) we would still be running round in circles since the standard of this critique is immanent to the Psychoanalysis itself and evidently it fails to even acknowledge (let alone consider) any critique external to it⁶⁴.

⁵⁹ Warren Montag, *Louis Althusser* (Palgrave Macmillan 2003) 62

⁶⁰ Although Lacan himself, in his later works, has been suggested to have abolished such strict divisions between imaginary, real and symbolic orders. See for instance, [Philip Derbyshire, "Lacan and Ethics: The End of Analysis and the Production of Subject" in Christian Kerslake and Ray Brassier (eds), *Origins and Ends of the Mind: Philosophical Essays on Psychoanalysis* (Leuven University Press 2007) 87-99] and the chapter by Kerslake in the same book, [Christian Kerslake, "Paradoxes of Normativity in Lacanian Psychoanalysis" in Christian Kerslake and Ray Brassier (eds), *Origins and Ends of the Mind: Philosophical Essays on Psychoanalysis* (Leuven University Press 2007) 59-86. However, the use of these categories in Althusser's theory remains an important point of departure for his (Althusser's) critics.

⁶¹ Terry Lovell, "The Social Relations of Cultural Production: Absent Centre of a New Discourse" in Terry Lovell, *One-dimensional Marxism: Althusser and the Politics of Culture* (Allison and Busby 1980) 201-206

⁶² Dylan Evans, "Imaginary" in Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis* (Routledge 1996) 84.

⁶³ Dylan Evans, "Real" in Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis* (Routledge 1996) 162-163.

⁶⁴ Perhaps it is useful to think of this problem through a literary allusion to Lewis Carroll's classic, *Alice in the Wonderland*. Ideology can be likened to Alice's wonderland. It is a structure that imposes an order upon everything within it, and that which can only be come to terms with through a self-referential, self-contained view of the world unto itself. A view that, to the uninitiated, becomes a source of bewilderment as it gets '*curiouser and curiouser*'- to use Carroll's phrase (i.e. becoming increasingly bizarre as it unfolds) unless the observer becomes a participant and in doing so submits to the rules of the Wonderland, and in the process suspending her disbelief brought about by any source of knowledge outside the structure.

As a second response, -and a more forceful one at that- Althusser would refer to his concept of Science and the conditions of acquiring such knowledge. However, Resch argues that Althusser confuses the concept of science with ideology⁶⁵. Althusser's confusion stems from his description that those within ideology are unable to see themselves as being in ideology⁶⁶. This suggests that there is no way to find if the knowledge one possesses is scientific or ideological. Such scepticism is confirmed when Althusser remarks that there exists a "distinction between the real object and the object of knowledge"⁶⁷. To offer a way out, Althusser asserts that only science can differentiate ideological from non-ideological since science would be non-ideological as the 'obviousness of obviousness cannot be acknowledged within the ideology'⁶⁸.

However, the problem, as critics have pointed out, lies in the difficulty of determining the validity of what can be termed eligible as science?⁶⁹ Furthermore, one may contemplate, who is to assume the vantage point from where such pronouncements can be made? Here, Althusser's methodology of symptomatic reading may provide a partial defense, since Althusser is able to demonstrate (at least in his theoretical endeavours) how it may be possible to read a text systematically⁷⁰ in way which reveals its hidden layers of meaning- that are apparently invisible due to its ideological convictions⁷¹. However, arguably, this epistemological mode of inquiry remains underdeveloped in his works with more recent efforts [such as Zhang's (2014)]⁷² at reconstructing such an enterprise being limited at best.

On this point, Colin Davis notes that apart from such an allegedly (unclear or) unsystematic treatment of concepts, Althusser's several attempts at revising and erasing his original formulations over various essays⁷³, and his several re-readings of Marx⁷⁴ (with each subsequent one being more daring and in contradiction to Althusser's earlier set of ideas), further complicates the matter and hinders any attempt at a coherent comprehension of his ideas. Moreover, he has been criticized for denying the possibility of empirical relations (direct experience of reality) or 'spontaneous' interactions of the individual by assuming that all social interaction takes place at imaginary level. Due to Althusser's bitter opposition to empiricism⁷⁵ and his declaration of it as an 'impossible epistemology'⁷⁶, his theory runs the risk of being discarded as a kind of truism. This is because he defines for his theory, his own standards, and refuses his works to be read by any traditionally defined criteria bar his own. Similarly, his affiliation with the psychoanalytic approach conveys that there is no single exhaustive (and objective) interpretation and that all readings are rooted in the readers' socio-historic anchorage. Such a multivocal and deconstructivist approach poses a threat to the validity of all social theories.

⁶⁵ Robert Paul Resch, *Althusser and the Renewal of Marxist Social Theory* (University of California Press 1992) 159

⁶⁶ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 175-76

⁶⁷ Louis Althusser, "From Capital to Marx's Philosophy" in Étienne Balibar and Louis Althusser, *Reading Capital* (New Left Press 1970) 47

⁶⁸ Louis Althusser, "Louis Althusser: Selected Texts" in Terry Eagleton (ed), *Ideology* (Longman 1994) 106-107

⁶⁹ Larraín, (n 40) 86

⁷⁰ This is also valid, mutatis mutandis for any social practice, as well-established by political theorists such as Žižek in Slavoj Žižek, *The Sublime Object of Ideology* (Verso 2008).

⁷¹ Samuel Solomon, "L'espacement de la lecture: Althusser, Derrida, and the Theory of Reading" (2014) 1(2) *Décalages: An Althusser Studies Journal* 1

⁷² Yibing Zhang, *Althusser Revisited. Problematic, Symptomatic Reading, ISA and History of Marxism* (Canut International Publishers 2014)

⁷³ Colin Davis, 'Althusser on Reading and Self-reading' [2010] 15 *Textual Practice* 299-316

⁷⁴ Kyle McGee, "Aleatory Materialism and Speculative Jurisprudence (II): For a new logic of right" in Laurent DeSutter (ed) *Althusser and Law* (Routledge 2013) 139-156

⁷⁵ Gregory Elliot, "Althusser's Liberation of Marxian Theory" in Ann Kaplan and Michael Sprinker (eds), *The Althusserian Legacy* (Verso 1993) 24

⁷⁶ Hirst (n 10) 116

Section 3

Final Remarks: The End of Ideology?

One may ask here, 'what then is the parameter to check the validity of theory, if not empiricism and scientificity', which he combated, vehemently. Is Althusser's work 'an idealist philosophy of history'?⁷⁷. These questions are important if one is to analyse the concept of the subject he provides. By making fundamental claims about the deceptive nature of human beings, isn't he falling into the essentialism which he accuses humanists to have encountered? With such questions, Althusser's theory raises more doubt and suspicion than providing concrete answers. By challenging the obviousness of what is apparent⁷⁸, we can argue that Althusser refashions a new understanding of power and hence makes explicit the stakes of struggle and freedom, which essentially define the question of the value of the subjects' lives. By declaring that ideology is for the subject and by the subject, he, at once, displaces the importance of individual as the centre of his world⁷⁹ while placing it in a new nexus where an individual appears to be anchored in his material history, so overwhelming that Althusser can't predict its trajectory in the future? One may ask, what is the pragmatic utility of interpellation if it can't be used to predict the future forms of culture? However, one may remark that the question is ill-posed since it is not the subjects: the individuals that which fascinates him; rather it's the masses which concern him. Althusser's subject thus appears liminal, in interpellation, and thus always a semi-autonomous entity.

It is apposite to remark here that what shall concern us here is not precisely the validity of his structural thesis, rather, more importantly, its ramifications for perceiving the concept of self and for envisioning emancipation: Althusser's dismal dream. True to the Marxist spirit, he shows what keeps the society going. As Marx declares, 'Death appears as the harsh victory of the species over the particular individual, and seemingly contradicts their unity; but the particular individual is only a *particular species-being*, and, as such, mortal'⁸⁰, Althusser shows how society survives, though the interpellation might grip the individuals in its jaw of subservience. This reference to death is pertinent here since it helps us see how interpellation (like death) is an inevitable process of human lives, yet death (or interpellation) does not invalidate the meaning of freedom and 'lived' human experience. Rather, by contrasting with natural constraints, it revisits the value and prospect for human independence in an unprecedented manner. Thus, with Althusser's preference of the masses (who make history) over individuals, one may now discern that his view of agency is not as sombre for the society as it is argued to be. Moreover, the significance of his theory can be seen from his concept of absent causality: a phenomenological move of great worth, since the intrigue of absence can explain and give meaning to the apparent contradictions of human behaviour across a remarkable range of complex human activity.

Admittedly, in this paper, it has not been fully possible to appraise properly the import of Althusser's theory, which requires a more exhaustive and wider comparative analysis capable of situating his perspective among other social and legal theorists. Nonetheless, an attempt was made to examine some of Althusser's concepts along with identifying certain relevant strands of criticism. Is Althusser's concept itself an ideology by his very own set criterion? Does he allow us to do a symptomatic reading of his work, if there is no outside of ideology? And, is he claiming that ideology has taken over the widest possible *problematic* if it is the totality of social consciousness, one may ask what new questions does his work generate? These among others may be the troubling spots of his thesis whose satisfactory answer lies beyond the scope of this paper.

⁷⁷ Resch (n 66) 158

⁷⁸ Jan Mieszkowski, *Labors of Imagination: Aesthetics and Political Economy from Kant to Althusser* (Fordham University Press 2006) 161

⁷⁹ Althusser, *Is It Simple to Be a Marxist in Philosophy?* (n 6) 196

⁸⁰ Marx (n 47) 99

Some of his critics, particularly Cotterrell (1996)⁸¹, have highlighted theoretical deficiencies such as things about the ideological nature of the legal system which his jurisprudence left unexplained. However, I think (although this is not in any way a defense of his approach) that part of it is because he was writing in response to the political conditions of his time which limits what he could have said otherwise. Secondly, he did not have all the satisfactory answers (a claim he never even made to begin with), as he acknowledged the inconclusiveness of his approach, since, 'a scientific theory... exists only in order to discover, in the very solution of problems, as many, if not more, problems than it resolves'⁸². More significantly, Althusser's theory proposes a new understanding of the self and the other. By challenging the 'bourgeois' distinction of private and public⁸³, he reconfigures the boundaries between an individual and the society. This approach deconstructs the self as a monolithic entity and highlights the contradictory tendencies within the subjects' selves. This approach owes itself to the psychoanalytic share of Althusser's theory, whereby a harmony is maintained by the indirect relation of unconscious to conscious. This internal split between the two different modalities of the subject's imaginary relationship has drawn a lot of debate from critics who consider this illogical. For instance, Balibar calls Althusser's vision of politics as tragic since the masses simultaneously exhibit contradictory tendencies of subjection to ISAs and feelings of revolt⁸⁴.

However, I believe that those who criticize only the conclusion of a subject having a dual nature are ignoring the complexity of Althusser's wider historic-philosophical enterprise. His theory, though, takes its intellectual provenance from the grand narrative of Modernity⁸⁵, in a way brings back the premodern idea of ambiguity as an aspect of theory- not as some phenomenon to be condemned or sidetracked, but concepts which are at the very heart of the human condition, and links contradictory things in a structure, so that the importance of one can't be gauged while ignoring that of the other(s). In doing so- regardless of the alleged theoretical problems of his gestalt- he points out to the inseparability of discourses. Thus, by doing so (if) he doesn't provide solutions, he at least raises new problems by relating the various phenomena in a new configuration/constellation and thus reduces the 'Lack' of social theory and its absurdity as Levinas would say, '*Absurdity consists not in non-sense, but in the isolation of innumerable meanings, in the absence of a sense that orients them*'⁸⁶.

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⁸¹ Roger Cotterrell, "Law, Ideology and Power: The Marxist Tradition" in Roger Cotterrell, *Law's Community: Legal Theory in Sociological Perspective* (Clarendon Press 1996) 113-33.

⁸² Louis Althusser, "On Theoretical Work: Difficulties and Resources" in Louis Althusser, *Philosophy and the Spontaneous Philosophy of the Scientists: & Other Essays* (Verso 1990) 59.

⁸³ Althusser, *Ideology and Ideological State Apparatuses* (n 1) 148

⁸⁴ Etienne Balibar, "The Non-Contemporaneity of Althusser" in Ann Kaplan and Michael Sprinker (eds), *The Althusserian Legacy* (Verso 1993) 13

⁸⁵ Some such features of Althusser's Modern approach include his focus on individual, his attitude of reforming Marxist thinking by going to its roots; his denial of the immediate philosophical background of idealism; his focus on logic and scientificity, and his concern with one exclusive causal explanation (of subject's relation with law) irreducible to historical contingencies. This last feature-being a common concern of Kelsen's and Althusser's jurisprudence- has generated renewed interest and have become a focus of recent debates in Legal positivism and Critical Theory. See for instance, the chapter by Montag [Warren Montag, "Althusser's Reflection on Law" in Laurent De Sutter (ed) in *Althusser and Law* (Routledge 2013) 15-32] and chapter by Tedesco [Francescomaria Tedesco, "Individual Sovereignty: From Kelsen to the Increase in the Sources of the Law" in Peter Langford, Ian Bryan and John McGarry (eds), *Kelsenian Legal Science and the Nature of Law* (Springer Link Publishers 2017) 213-239].

⁸⁶ Emmanuel Lévinas, *Basic Philosophical Writings* (Indiana University Press 1996) 47