

IDEOLOGY

Ideology is deep within us: it is the unseen hand which shapes the opinions and behaviour of large numbers of individuals by causing them to share reactions to shared experience, it is a form of conditioning which may either make social cohesion possible or which may be a tool of political control. The role of ideology is the basis of most linguistic philosophy – in effect that language eats deep into our minds and so controls us at many levels without us being consciously aware of its control – and it informs much epistemic theory.

What is ideology?

An ideology is a system of ideas: that is, a group of ideas which cohere. An ideology may operate unconsciously on a person or, equally significantly, on a group of people. Thus religious belief may be an ideology, political belief may be an ideology, and even a collection of ideas which decry rigid ideologies may be constitute an ideology (a paradox into which Tony Blair fell frequently in his early days as Labour Party leader).

Now, the validity of such ideologies may be questioned such that we may, through deconstructing them, doubt whether or not systems of ideas in the form of ideologies actually have any truth which they can communicate. Instead their component messages may be taken apart and their roots – which may be denied on the surface of the ideology itself – exposed by analysis. Nevertheless, it is clear that ideologies are still of great importance in the world: religious and political fundamentalisms have led directly to war in the Middle East in 2004 (to take just one obvious example). Therefore, just because we may doubt the validity or epistemic possibility of coherent ideologies this does not mean that ideologies do not exist or that they are not centrally important.

As I have discussed elsewhere ([postmodernism](#)) it has become less possible to have beliefs – whether religious, political or otherwise – in a culture in which all truths are doubted and all who speak of certainties and truths are portrayed either as liars or as being somehow unstable. Instead we live in a comfortable cynicism in western culture: “comfortable” in that it is easier to scorn every truth which is presented to us than to work out in which truths we do believe and to which truths we are prepared to commit ourselves.

Notice, for example, our media’s obsession with icons and celebrity. These celebrities – who are compulsorily obsolescent (that is, they can be disposed of without anyone caring and replaced with other, equally replaceable celebrities) – are presented to us to meet that essential human need to have symbols and people with whom they can relate on a grand scale. While we are not allowed to believe in abstract concepts, we are given these

placebos instead. So, manufactured boy-bands, this month's film starlet and so on, are reeled out week-on-week for our delectation and delight.

From Gramsci to the New Britain

Antonio Gramsci's *Prison Notebooks* are a centrally important in the Marxist understanding of ideology as a tool of political power. Gramsci understood that social control did not need to be military or based on the exercise of force: rather, control can be cultural such that the imposition of a dominant ideology would control the behaviour of the subjected classes without the need for physical action. For Gramsci the Marxist revolution could be achieved by the displacement of the bourgeois culture or the feudal culture with a new culture of a proletarian revolution. In the jargon, one hegemony is replaced with another hegemony.

What has escaped much public attention is the importance of Gramsci's work in the New Labour project. It was something which a number of the speech writers and policy wonks found quite delicious when putting together a programme for grasping political power which involved borrowing from the canon of Marxism into a populist centrism. Tony Blair's "New Labour, New Britain" speech to the Labour Party conference in advance of the 1997 landslide General Election victory talked explicitly of forging a new Britain through a new language of non-ideological centrism, newness and modernity. So, the language of Thatcherism was displaced by the Panglossian mantra of throwing out the tired sleaze of the Tory administrations and replacing it with something "modern", "new" and something ferociously marketed through an assault on the tabloid press. Each policy was reduced to bite-sized chunks which could be easily pitched at tabloid journalists and each myth of Labour "tax and spend" was met by a series of policy pledges which were printed on millions of credit card size "pledge cards". This strategy was all about displacing an ideology of right-wing greed with centre-left renewal. Unfortunately, it was only a short-term strategy in intellectual terms although it was incredibly successful in destroying the opposition which has still (at the time of writing in summer 2005) failed to construct a competing, simply ideology of sufficient ostensible weight.

Chomsky: necessary illusions & the manufacture of consent

[... yet to come.]

Law and ideologies [from a piece written for a leftist political pamphlet in 1990].

Once an ideology becomes law it is treated with a kind of veneration. Thus it seems odd to say that "law is an ideology" because our society holds the law (its own self-image) up as being somehow above the grimy world of politics and ideologies. Lawyers tend to dissociate law, the essence of their work, from ideology. Law quite simply "is" and should be dealt with on that level. Or so the say. That is an assertion I question. Lawyers, being the

"qualified experts" in the field, are able to control the discussion about law. Therefore, if they exclude any reference to politics when talking about law or when going about their daily practices (more importantly), discourse about law is automatically excluded from discourse about politics and thus the myth of legal neutrality is born.

The post-structuralists have difficulties with talk of ideology. The most eloquent proponent of their position is Foucault. Foucault's complaint is threefold. First, ideology is alleged to stand in virtual opposition to something which is supposed to represent truth. In other words a theory of ideology on Eagleton's model alleges a schema of discourse about something which operates as a de facto false consciousness. It is always said that any ideology must at least appear to be credible or offer something which is considered to be so vital by members of a society that they will accept its truth with little complaint. The need for a legal system which operates both fairly and efficiently is just such an attractive proposition. We are told that the law is doing its job properly - usually by lawyers - and we accept the need for its existence. Thus ideology can stand alongside, and in some sense be reflected in, the truth whose space it is alleged to occupy. Ideology is just another shade of truth. A little lipstick and a smile and something that we wish to be true beguiles us with its charms.

The second difficulty is that ideology is said to be a superstructure acting so as to service the economic base of our society. If we accept that this is true, the argument is that that base would need to be capable of identification. In Marxist theory, the means of production were supported for the benefit of capital and the on-looking workforce by an ideology of promised riches. With reference to the ideology that supports law, the base that is worked upon is the whole of society. There is no need to define that base because it encompasses every facet of the private and public state: no one individual is supposed to be above the law. What is important to see is that ideological views of society give birth to political power and thus allow the construction of the base. Therefore ideology comes before as well as with the base. In our society, the ideology of an apolitical legal system allows the perpetual creation of law that is respected and obeyed.

The third objection Foucault has is that ideology and power are used always in pejorative terms: as tools of oppression and repression whereas in fact power is a productive energy. But, what is offered by the ideology of our legal system is so attractive that it can seem both positive and creative while being essentially delusory. Law works, in real life, for the benefit of those who can afford it and understand it. The idea that it will protect and help us all is one that is so cherished by democratic nations that it blinds the populace to many of the defects of the system. There is a cultural logic to our late legalism, this article is hardly a first step to showing how the tools of postmodernism can show its deceptive charms in their true light.

The categorisation of ideology in law

There is a first type of shared belief which is an example of the most sanitised form of ideology: that which is purely "descriptive". For the purposes of the remainder of this

section I shall select as descriptive of a social ideology the idea that the law is politically neutral and that the decisions that judges make are beyond the thrall of politics. There is no value judgement involved at this stage: I have simply identified a popularly-held and supported belief.

Alternatively, it can be said that ideologies are "pejorative". That is to say that they work for the protection of a section of the community, often to the detriment of the whole. This could be classified as "propaganda which has worked". The flip-side of this is "positive" ideology, on which a revolutionary movement might seek to base its agenda for a better country. An example of the former would be the delusion of the Soviet people by the Stalin regime that it was working for the good of the Union and its people by hunting down subversive influences and fighting the forces of global capitalism. Whereas an example of the latter would be the ideas promulgated by Lenin before the October revolution in 1917 on which he intended to replace the oppression of the Tsars with government of the people by the people.

I intend to focus on the manifestation of pejorative ideologies within the general framework of institutional politics and particularly on the notion that the law is politically neutral. There are four basic elements to ideology which operate negatively in this way:

1. At the first level the notion held by society is empirically unprovable. That is to say that there is no way of proving the statement to be true. It is popularly believed that the law is neutral but there is no way of measuring neutrality nor, therefore, of declaring that the law is in fact neutral according to any scale.
2. There is an "objectification mistake" in thinking that the idea has a status normally reserved for those statements which are empirically provable. Therefore, despite the fact that the statement "the law is neutral" is empirically unprovable, people presume that it is true. The doctrine of the separation of powers in the UK demands that constitution only works where the judges are able to act in a way which is wholly unfettered by the machinations of politics. This is quite simply because, as stated already, the only political power which the individual can wield is by operation of her legal rights. The society that they inhabit depends upon the neutrality of the law to such an extent that they must treat it as an objectively existent fact if that society is to function efficiently.
3. This mistake must then have an adverse effect on a group within society. It must be said that if the doctrine of the separation of powers were to fall and the judiciary were to be shown to be making openly political decisions, the legal rights of every citizen in the UK would be adversely affected.
4. The statements by the originator of the idea, the institution that is making the statements about its own neutrality as part of legal discourse, will be self-fulfilling if they are part of a pejorative ideology. In the case of the law institution and its assumed political neutrality, it bolsters the law's public standing if this is perceived to be neutral because that perception enables it to exercise its power unfettered.

Were it to be put about that the law does not in fact operate in a neutral way, then it could not justify the authority which it grants to judges to make decisions in cases of morality or politics. Still less would the legal profession be able to continue its monopoly of the access to justice if the nation thought that it too were acting in a way which supported the functioning of a political institution.

While it could be said, and should be said, in my view, that the continuation of respect for the law is necessary if society is to retain its stability, this fosters a culture of acquiescence to the legal institution (and to other institutions in similar positions of power) which enables it to perpetuate its inadequacies unabated. To criticise, though, is not to destroy. By identifying objectionable traits in the law, one opens the way to reform and better access to justice and not the floodgates to anarchy.

The most important facet of a pejorative ideology is that it supports an institution to the detriment of the rest of society or to a particular group within that society. What is noticeable is that it causes frustration. Ethnic minorities in the UK's inner cities perceive the law as an instrument of repression. There is statistical evidence to support a feeling amongst blacks that the power to stop and search in the street is used disproportionately but eh police against blacks. By enforcing such laws the courts are perceived as both reinforcing and lending legitimacy to racism. Therefore for lacks the courts do not act to protect their legal rights as citizens, rather they support a police state. If it could be shown that the law did operate in this way it would not be politically neutral and therefore the original idea would be functioning as part of a pejorative ideology.

In conjunction with the first half of my examination of the elements of institutional power, the idea must be a part of a claim to legitimacy by the institution. As I have shown, this of itself tends to support an institution because a claim to legitimacy is the device which enables institutions to wield their power without censure. What is more pernicious than simply strengthening this claim, is that it will tend to lead to the domination of one institution in society over another. Where the courts make political decisions they are enforcing the supremacy of one group in society over another expressly. Litigation occurs when there is a dispute between two interests which cannot be reconciled by lawyers outside the courts. There fore the opposing sides come before a judge who will decide which, claim, according to legal principle, policy and so forth is the superior. This is necessarily a choice between groups. When the case is political in character, that decision cannot help but be political in itself. This is pejorative where that domination is more than can be said to be justifiable by the needs of society to keep down the legions of force and fraud. If the courts are making political decisions it erodes one of the fundamental principles upon which society is founded and therefore must be said to be operating in excess of the needs of society or of any group therein.

The last balancing act that might need to be performed is that of deciding between the interests of the ideologue and the believer. The interests of the law institution have already been examined. Its legitimacy and therefore its power rest on the acceptance of its related ideologies by society. I have only dealt with the interests of the believer briefly because her

interests can be stated briefly: they are best served by an institution which delivers justice on an impartial basis.

The culture of acquiescence in the UK encourages us to think that we can rest comfortably in our beds because the rule of law protects us against force and fraud. This is the double-edged element of the myth of neutrality. But it is only of comfort to the lay person to think that the rule of law will work in her favour until she attempts to enforce her legal rights and discovers that she may not be able to protect herself in exactly the way she had wished because, for example, the Royal Prerogative allows agents of the Crown to enter her house and read her correspondence, or that the law of contract protects her employer when she is sacked from part-time work 2 weeks before she is scheduled to come under the protection of the employment legislation.

This is not to say that lawyers and judges are all evil people who want to use society as their pawn. Most lawyers probably believe that they act in the best interests of their clients. It is comforting for them to know that the law is politically neutral. However, the reason why they believe in the neutrality of the law is that they have been trained to believe in it. They have been assimilated into a culture of discourse in which the law is presented as politically neutral.

This ideology has two faces then. The first is the external ideology of the law institution: the face that is presented to the public. Anyone who has a dispute with another can bring it before the courts. Anyone who has performed an act contrary to the morality of society can be punished for it. In all this, the law acts as the objective arbiter and the lawyers act as impartial aids for the parties.

The second is the internal ideology of the law, with which I am more concerned here. This is the belief held by the lawyers themselves that the law is all that its ideology holds it up to be. More importantly than that, the lawyers believe all this because that is the way in which they have been taught law. The law comes to them as an established package of principles and rules which they apply and play with, without any need on their part to examine those rules any further. I shall deal with the education process in more detail later but its link with the ideology surrounding the law should be exposed now.

The state of the law institution can be represented in the following way. The education institution selects students according to its own criteria and assimilates them to the culture of legal discourse. The students are then brought to believe in the ideology of the law institution. Once they have shown that they have mastered the techniques required by the institution they are appraised by employers within that institution. These three stages (access; education; and careers) prune the available pool of talent and reduce it to those people who are most likely to fit the mould and thus perpetuate the system. In the meantime, those not suited or not interested will move on to other things. This need not be a pre-conceived process: it has become automatic. Consequently, the interface between the education and law institutions carries with it a great deal of power.

Despite the lawyers apolitical view of themselves, it is true to say that with legitimacy and a supportive, pejorative ideology comes power for the institution and for its agents. It is the most potent form of power: the power for the lawyers to act without being challenged because it is accepted that they are right in all that they do simply because it is they (rather than anyone else) doing it.