

LAW AND
SOCIAL
THEORY

FOUCAULT and LAW

Towards a Sociology of Law
as Governance

ALAN HUNT and GARY WICKHAM



Foucault And Law Foucault And Law

Alan Hunt, Gary Wickham



Foucault And Law Foucault And Law:

Foucault's Law Ben Golder, Peter Fitzpatrick, 2009-02-26 Provocative and unorthodox this is the first book in twenty years to address Foucault's position on law Engaging with neglected texts as well as considering his relationship to other continental thinkers the authors examine the claim the law was expelled from Foucault's analysis of modernity **Foucault and Law** Peter Fitzpatrick, 2017-07-05 Few thinkers can have had a more diverse or a more contested impact on theorizing law than Michel Foucault This diversity is reflected in the wide range of Foucault's work and of the intellectual fields it has so conspicuously influenced Such diversity informs the present collection and is signalled in the headings of its four sections Epistemologies archaeology discourse Orientalism Political philosophy discipline governmentality and the genealogy of law Embodiment difference sexuality and the law The subject of rights and ethics Whilst the published work selected for this collection amply accommodates this diversity it also draws together strands in Foucault's work that coalesce in seemingly conflicting theories of law Yet the editors are also committed to showing how that very conflict goes to constitute for Foucault an integral and radical theory of law This theory ranges not just beyond the restrained and diminished conceptions of law usually derived from Foucault but also beyond the characteristic concern in Jurisprudence and Legal Philosophy to constitute law in its difference and separation from other socio-political forms **Re-reading Foucault** Ben

Golder, 2012-11-12 Law Rights and Power Re-Reading Foucault is the first collection in English to fully address the relevance of Foucault's thought for law Michel Foucault is the best known and most cited of the late twentieth century's theory academics His work continues to animate a range of different critical work across intellectual disciplines in the arts humanities and social sciences There has however been relatively little examination of the legal implications and applications of Foucault's work This book fills that gap providing an in-depth analysis of Foucault's thought as it pertains to the crucial questions of law government and rights This collection engages with key legal themes as they emerge both in Foucault's work and in the contemporary scholarship that surrounds it These include the opposition between law and the juridical legal ways of organising and processing knowledge sovereignty punishment bio-politics and governmentality security resistance and judgment Including contributions from acknowledged experts on Foucault's work as well as pieces by younger scholars Law Rights and Power Re-Reading Foucault will be of considerable interest across a range of disciplines including law sociology criminology international relations political theory and philosophy *Foucault and Law* Alan Hunt, Gary Wickham, 1994-11-15 The first work to introduce Foucault's ideas on law to both graduates and undergraduates

Re-reading Foucault Ben Golder, 2013 This title provides a collection which fully addresses the relevance of Foucault's thought for law The book provides an in-depth analysis of Foucault's thought as it pertains to the crucial questions of law government and rights **Foucault's Monsters and the Challenge of Law** Alex Sharpe, 2009-12-16 In contrast to other figures generated within social theory for thinking about outsiders such as Rene Girard's scapegoat and Zygmunt Bauman's

stranger Foucault's *Monsters and the Challenge of Law* suggests that the figure of the monster offers greater analytical precision and explanatory power in relation to understanding the processes whereby outsiders are constituted. The book draws on Michel Foucault's theoretical and historical treatment of the category of the monster in which the monster is regarded as the effect of a double breach of law and nature. For Foucault, the monster does not simply refer to a particular kind of morphological or psychological irregularity for the body or psyche in question; it must also pose a threat to the categorical structure of law. In chronological terms, Foucault moves from a preoccupation with the bestial human in the Middle Ages to a concern over Siamese or conjoined twins in the Renaissance period and ultimately to a focus on the hermaphrodite in the Classical Age. But although Foucault's theoretical framework for understanding the monster is affirmed here, this book's study of an English legal history of the category monster challenges some of Foucault's historical claims. In addition to considering this legal history, the book also addresses the contemporary relevance of Foucault's theoretical framework. Structured around Foucault's archetypes and the category crises they represent—admixed embryos, conjoined twins, and transsexuals—the book analyses their challenge to current distinctions between human and animal, male and female, and the idea of the proper legal subject as a single embodied mind. These contemporary figures like the monsters of old are shown to threaten the rigidity and binary structure of a law that still struggles to accommodate them.

Foucault, Buddhism and Disciplinary Rules Malcolm Voyce, 2016-12-01 This book suggests that previous critiques of the rules of Buddhist monks (Vinaya) may now be reconsidered in order to deal with some of the assumptions concerning the legal nature of these rules and to provide a focus on how Vinaya texts may have actually operated in practice. Malcolm Voyce utilizes the work of Foucault and his notions of power and subjectivity in three ways. First, he examines The Buddha's role as a lawmaker to show how Buddhist texts were a form of lawmaking that had a diffused and lateral conception of authority. While lawmakers in some religious groups may be seen as authoritative in the sense that leaders or founders were coercive or charismatic, the Buddhist concept of authority allows for a degree of freedom for the individual to shape or form themselves. Second, he shows that the confession ritual acted as a disciplinary measure to develop a unique sense of collective governance based on self-regulation, self-governance, and self-discipline. Third, he argues that while the Vinaya has been seen by some as a code or form of regulation that required obedience, the Vinaya had a double nature in that its rules could be transgressed and that offenders could be dealt with appropriately in particular situations. Voyce shows that the Vinaya was not an independent legal system but that it was dependent on the Dharma (śāstra) for some of its jurisprudential needs and that it was not a form of customary law in the strict sense but a wider system of jurisprudence linked to Dharma (śāstra) principles and precepts.

The Cambridge Foucault Lexicon Leonard Lawlor, John Nale, 2014-04-21 The Cambridge Foucault Lexicon is a reference tool that provides clear and incisive definitions and descriptions of all of Foucault's major terms and influences, including history, knowledge, language, philosophy, and power. It also includes entries on philosophers about whom Foucault wrote and who

influenced Foucault's thinking such as Deleuze, Heidegger, Nietzsche, and Canguilhem. The entries are written by scholars of Foucault from a variety of disciplines such as philosophy, gender studies, political science, and history. Together they shed light on concepts key to Foucault and to ongoing discussions of his work today.

Foucault and Family Relations Malcolm Voyce, 2019-05-14. *Foucault and Family Relations: Governing from a Distance in Australia* analyzes how notions of property ownership were instrumental in maintaining family stability and continuity in rural Australia, outlining how inheritance and divorce laws functioned to govern the internal relationships of families to assist the state to rule from a distance. Using a selection of Foucault's ideas on the family, sexuality, race, space, and economics, this book shows how property operated as a disciplinary device which was underpinned by technical ideas such as surveying and cartography. This book uses legal judgments as a form of ethnography to show how property as a socio-technical device allowed a degree of local freedom for owners. This aspect of property allowed the state to stimulate ideas of local freedom to assist in ruling from a distance, demonstrating how the rural family as a domestic unit became a key field of intervention for the state as the family represented a bridge to larger relationships of power.

A Foucauldian Approach to International Law Leonard M. Hammer, 2016-03-23. Foucault's challenging view of power and knowledge as the basis for interpreting the international system forms the central themes of this book. As the application of international law expands and develops, this book considers how Foucault's approach may create a viable framework that is not beset by ontological issues. With international law essentially stuck within an older framework of outmoded statist approaches and overly broad understanding of the significance of external actors such as international organizations, current interpretations are either rooted in a narrow attempt to demonstrate a functioning normative structure or interpret developments as reflective of some emerging and somewhat unwieldy ethical order. This book therefore aims to ameliorate the approaches of a number of different schools within the disciplines of international law and international relations without being wedded to a single concept. Current scholarship in international law tends to favour an unresolved critique, a utopian vision, or to refer to other disciplines like international relations without fully explaining the significance or importance of taking such a step. This book analyses a variety of problems and issues that have surfaced within the international system and provides a framework for consideration of these issues with a view towards accounting for ongoing developments in the international arena.

Matthew, Paul, and the Anthropology of Law David A. Kaden, 2016-09-30. Drawing from Michel Foucault's understanding of power, David A. Kaden explores how relations of power are instrumental in forming law as an object of discourse in the Gospel of Matthew and in the Letters of Paul. This is a comparative project in that the author examines the role that power relations play in generating discussions of law in the first-century context and in several ethnographies from the field of the anthropology of law from Indonesia, Mexico, the Philippines, and colonial-era Hawaii. Discussions of law proliferate in situations where the relations of power within social groups come into contact with social forces outside the group. David A. Kaden's interdisciplinary approach

reframes how law is studied in Christian Origins scholarship especially Pauline and Matthean scholarship by focusing on what makes discourses on law possible For this he relies heavily on cross cultural ethnographic materials from legal anthropology

Postmodern Philosophy and Law Douglas E. Litowitz, 1997 The author presents a two tiered analysis that views postmodern legal thought as both a collective intellectual movement and as the work of particular theorists notably Friedrich Nietzsche Michel Foucault Jacques Derrida Francois Lyotard and Richard Rorty He concludes that even though postmodern thought does not give rise to a normative theory of right that can be used as a framework for deciding cases it can focus attention on genealogy and discourse and can empower those who have been denied a voice in the legal system

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Michel Foucault and Power Today Alain Beaulieu, David Gabbard, 2006-01-01 Few thinkers have left such an influence across such a diverse range of studies as Michel Foucault has This book pays homage to that diversity by presenting a multidisciplinary series of analyses dedicated to the question of power today

[The Power of Human Rights/The Human Rights of Power](#) Louiza Odysseos, Anna Selmeczi, 2018-10-11 The contributions to this volume eschew the long held approach of either dismissing human rights as politically compromised or glorifying them as a priori progressive in enabling resistance Drawing on plural social theoretic and philosophical literatures and a multiplicity of empirical domains they illuminate the multi layered and intricate relationship of human rights and power They highlight human rights incitement of new subjects and modes of political action marked by an often unnoticed duality and indeterminacy Epistemologically distancing themselves from purely deductive theory driven approaches the contributors explore these linkages through historically specific rights struggles This in turn substantiates the commitment to avoid reifying the Third World as merely the terrain of fieldwork proposing it instead as a legitimate and necessary site of theorising This book was originally published as a special issue of Third World Quarterly

Homosexuality and the European Court of Human Rights Paul Johnson, 2013-09-05 Homosexuality and the European Court of Human Rights is the first book length study of the Court s jurisprudence in respect of sexual orientation It offers a socio legal analysis of the substantial number of decisions and judgments of the Strasbourg organs on the wide range of complaints brought by gay men and lesbians under the European Convention on Human Rights Providing a systematic analysis of Strasbourg case law since 1955 and examining decades of decisions that have hitherto remained obscure the book considers the evolution of the Court s interpretation of the Convention and how this has fashioned lesbian and gay rights in Europe Going beyond doctrinal analysis by employing a nuanced sociological consideration of Strasbourg jurisprudence Paul Johnson shows how the Court is a site at which homosexuality is both socially constructed and regulated He argues that although the Convention is conceived as a living instrument to be interpreted in the light of present day conditions the Court s judgments have frequently forged and advanced new social conditions in respect of homosexuality Johnson argues that the Court s jurisprudence has an extra legal importance because it provides an authoritative and powerful discursive resource that can be mobilized by lesbians and

gay men to challenge homophobic and heteronormative social relations in contemporary societies As such the book considers how the Court s interpretation of the Convention might be evolved in the future to better protect lesbian and gay rights and lives

Routledge International Handbook of Contemporary Social and Political Theory Gerard Delanty,Stephen P. Turner,2021-09-20 The triangular relationship between the social the political and the cultural has opened up social and political theory to new challenges The social can no longer be reduced to the category of society and the political extends beyond the traditional concerns of the nature of the state and political authority This Handbook will address a range of issues that have recently emerged from the disciplines of social and political theory focusing on key themes as opposed to schools of thought or major theorists It is divided into three sections which address the most influential theoretical traditions that have emerged from the legacy of the twentieth century the most important new and emerging frameworks of analysis today the major theoretical problems in recent social and political theory The Second edition is an enlarged revised and updated version of the first edition which was published in 2011 and comprised 42 chapters The new edition consists of 50 chapters of which seventeen are entirely new chapters covering topics that have become increasingly prominent in social and political theory in recent years such as populism the new materialism postcolonialism Deleuzean theory post humanism post capitalism as well as older topics that were not covered in the first edition such as Arendt the gift critical realism anarchism All chapters retained from the first edition have been thoroughly revised and updated The Routledge International Handbook of Contemporary Social and Political Theory encompasses the most up to date developments in contemporary social and political theory and as such is an essential research tool for both undergraduate and postgraduate students as well as researchers working in the fields of political theory social and political philosophy contemporary social theory and cultural theory

Governmentality in EU External Trade and Environment Policy Jessica Lawrence,2018-02-07

Governmentality and EU External Trade and Environment Policy applies theories drawn from Foucauldian governmentality studies to investigate the ideological and political roots of the European Union EU s external trade and environmental policy and their effects on the transnational legal landscape The EU s desire to spread environmental norms abroad is viewed in the book as a significant feature of contemporary EU trade policy The EU s activities in this area have not been uncontroversial for other transnational legal actors States individuals and organizations have challenged the EU s various trade and environment policies arguing that they are coercive unfair over reaching or inefficient Meanwhile these policies have also raised a number of questions from the perspective of legality and political theory This book considers what the practice of EU external trade and environment policy and international resistance to it tells us about the way the EU perceives the role and limits of transnational government the means and ends of politics and the drivers of human and institutional behavior Jessica Lawrence examines the legal and political discourse of the EU and those affected by its policies By studying legal cases statements by officials legislative texts press releases and other representative documents the book identifies the

rationalities technologies and subjectivities that underlie contemporary EU activity in this area The overall effect paints a more complicated and nuanced picture of the EU's vision of itself and its goals one that ultimately seeks to provide a better understanding of the functioning of power in this area

States of Exception Costas Douzinas, 2023-12-11 Considering the major crises Europe has faced over the last three decades this unique book offers a multidisciplinary examination of the ways in which law human rights and politics have evolved and were affected by recent emergencies

Indigenous Peoples, Consent and Rights Stephen Young, 2019-11-19 Analysing how Indigenous Peoples come to be identifiable as bearers of human rights this book considers how individuals and communities claim the right of free prior and informed consent FPIC as Indigenous peoples The basic notion of FPIC is that states should seek Indigenous peoples consent before taking actions that will have an impact on them their territories or their livelihoods FPIC is an important development for Indigenous peoples their advocates and supporters because one might assume that where states recognize it Indigenous peoples will have the ability to control how non Indigenous laws and actions will affect them But who exactly are the Indigenous peoples that are the subjects of this discourse This book argues that the subject status of Indigenous peoples emerged out of international law in the late 1970s and early 1980s Then through a series of case studies it considers how self identifying Indigenous peoples scholars UN institutions and non government organizations NGOs dispersed that subject status and associated rights discourse through international and national legal contexts It shows that those who claim international human rights as Indigenous peoples performatively become identifiable subjects of international law but further demonstrates that this does not however provide them with control over or emancipation from a state based legal system Maintaining that the discourse on Indigenous peoples and international law itself needs to be theoretically and critically re appraised this book problematises the subject status of those who claim Indigenous peoples rights and the role of scholars institutions NGOs and others in producing that subject status Squarely addressing the limitations of international human rights law it nevertheless goes on to provide a conceptual framework for rethinking the promise and power of Indigenous peoples rights Original and sophisticated the book will appeal to scholars activists and lawyers involved with indigenous rights as well as those with more general interests in the operation of international law

Foucauldian Interpretation of Modern Law Jacopo Martire, 2017-07-07 An outline for a Foucauldian interpretation of Modern law A genealogy of Modern Law I the political truth of the individual A genealogy of Modern law II the political truth of society The normalising complex and the challenges of virtualisation Conclusions

The book delves into Foucault And Law Foucault And Law. Foucault And Law Foucault And Law is a vital topic that must be grasped by everyone, from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Foucault And Law Foucault And Law, encompassing both the fundamentals and more intricate discussions.

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6. In chapter 5, the author will draw a conclusion about Foucault And Law Foucault And Law. The final chapter will summarize the key points that have been discussed throughout the book.

This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of Foucault And Law Foucault And Law.

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