Abstract

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How do minorities, defined as non-ruling communities, use as well as evade using state law, legal ideology and communal law for achievement of their political aims in democracies? What relations hold between violent, and non-violent means as hermeneutics, litigation, and legal mobilization? What is a communal legal culture, and what is its relevance for relations between state and society in the midst of globalization? How do non-liberal communal legal cultures interact with transnational American-led liberalism, and what are the ramifications of such interactions on relations between individuals, communities and states? Is current liberalism, with its emphasis on individual rights, litigation and adjudication sufficient to protect pluralism and multiculturalism? What is the communal meaning of violence in the context of communal legal cultures and state-society relations? Why should democracies encourage the collective rights of non-ruling communities and protect non-liberal communal cultures in principle and in practice?

This book confronts these important global questions by advancing a critical communitarian theoretical approach for understanding law, society, state, and violence. It examines non-ruling communities and their identity practices under state domination in the midst of globalization by looking at six main sociopolitical dimensions of community — nationality, social stratification, gender, religion, ethnicity, and legal consciousness. Each is examined in relation to the others within the communitarian context and through their respective legal cultures.

The book is written according to five narratives. First, theoretical debates about the embedded self and the importance of non-ruling communities as a potential point of departure for sociopolitical studies and jurisprudence. Second, critical communitarianism as a theoretical approach to the study of state-society relations. Third, communal legal cultures as sets of identity practices that generate *inter alia* litigation, legal mobilization and violence. Fourth, interactions between non-ruling communities, state ideology, state law, legal ideology and globalization. Fifth, comprehension of non-ruling communities through their own voices, texts and hermeneutics. The book looks at Arab-Palestinians, feminists, and ultra-Orthodox Jews in Israel as examples of the types of communities discussed. Hence, the book enables the readers a much better comprehension and suggests solutions to the severe tensions between democracies and challenging non-ruling communities as religious fundamentalists and national minorities.