

## **Dialectics of Modern Law: Perspectives and Strategies of Resistance from the Margins**

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**Abstract :** "No human being is illegal" has become a dictum strongly upheld in the context of global immigration and migration, highlighting the ethical and moral dimensions of how societies and governments treat individuals and communities who have crossed political borders or are living in a country without legal authorization. It seeks to shift the focus from categorizing human beings as illegal immigrants to recognizing their inherent human rights and the complexities of their circumstances. As a complex social phenomenon, law has been a crucial instrument in shaping, regulating and governing human societies and vice versa. The law has now become a humongous political project of the modern majoritarian regimes to democratically illegitimize and illegalize the unpopular sections and minorities. Drawing from the theoretical frameworks of dialectics, the paper explores the philosophical underpinnings of the historical evolution and dynamic nature of modern law. The paper employs a phenomenological approach to analyze the dialectical relations between individuals, societies, and legal systems, aiming to shed light on the ethical and political implications of these interactions. By examining the historical essence of law, its relationship with social and cultural norms, and the role of power dynamics, this article argues for constantly maintaining the dialectics of law—the dynamic interplay between legal norms, social practices, cultural values, and historical contexts through a philosophical and phenomenological lens, in order to bridge the gap between universal principles and particular contexts. The paper will shed light to the dialectics of the law in the context of instances of the legal persecutions of the modern secular democracies such as Citizenship Amendment Act-2019, India.

**Keywords :** phenomenology, dialectic, modern law, politics, resistance, margins

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