

# Comparing Modernism to Postmodernism

## Legal Theory- Rule of Law

### Modernism

- Having society governed by law is better than having it governed by men because law is created and modified by the will of the majority
- It is also stable, fair and not capricious compared to human rulers

### Postmodernism

- Society is never governed by law, because people have to interpret laws and enforce them
- Since people can interpret laws any way they want, these people, not the laws, are the real rulers
- Law is no more stable than its latest interpretation or application
- "Fairness" is a rhetorical tool used by majority culture to describe their view of what should happen

# Postmodernism And Law

**Robert L. Hayman, Nancy Levit, Richard  
Delgado**



## **Postmodernism And Law:**

*Postmodernism and Law* Helen Stacy, 2001 This discussion asserts that legal theory is being transformed by postmodern and critical social theory The author argues for a familiarity with postmodern legal and social theory as postmodernism could potentially fundamentally alter the legal meaning of agency rationality and intention Postmodernism and Law Helen M. Stacy, 2017 This title was first published in 2001 This discussion asserts that legal theory is being transformed by postmodern and critical social theory The aim of the text is three fold Firstly it sets out the work of four particular scholars of critical social theory all of them Continental Europeans Jurgen Habermas Michel Foucault Jacques Derrida and Jacques Lacan Secondly it seeks to demonstrate that although the work of Foucault Derrida and Lacan is often juxtaposed to that of the arch neo liberal social theorist Habermas all four scholars of this small corpus share similar philosophical roots To this end it particularly refers to the original formation of critical theory by the early Frankfurt School of Critical Theory Thirdly it analyzes with respect to Derrida and Habermas the two issues that opponents of the postmodern approach argues to be the Achilles heel of postmodernism does postmodernism introduce a pernicious relativism to judgement making ethics and values a performative impossibility Provided by publisher **Postmodernism and Law** Dennis Michael Patterson, 1994 Part of a series on law and legal theory this volume argues that postmodernist jurisprudence offers a new concept of legal justification It considers that while legal practices may look similar to those of 50 years ago the grounds for these practices have in fact changed *Postmodernism and Law* Helen M. Stacy, 2017-12-15 This title was first published in 2001 This discussion asserts that legal theory is being transformed by postmodern and critical social theory The aim of the text is three fold Firstly it sets out the work of four particular scholars of critical social theory all of them Continental Europeans Jurgen Habermas Michel Foucault Jacques Derrida and Jacques Lacan Secondly it seeks to demonstrate that although the work of Foucault Derrida and Lacan is often juxtaposed to that of the arch neo liberal social theorist Habermas all four scholars of this small corpus share similar philosophical roots To this end it particularly refers to the original formation of critical theory by the early Frankfurt School of Critical Theory Thirdly it analyzes with respect to Derrida and Habermas the two issues that opponents of the postmodern approach argues to be the Achilles heel of postmodernism does postmodernism introduce a pernicious relativism to judgement making ethics and values a performative impossibility *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 Annotation copyrighted by Book News Inc Portland OR **American Legal Thought from Premodernism to Postmodernism** Stephen M. Feldman, 2000-01-20

The intellectual development of American legal thought has progressed remarkably quickly from the nation's founding through today. Stephen Feldman traces this development through the lens of broader intellectual movements and in this work applies the concepts of premodernism, modernism, and postmodernism to legal thought using examples or significant cases from Supreme Court history. Comprehensive and accessible, this single volume provides an overview of the evolution of American legal thought up to the present. **American Legal Thought from Premodernism to Postmodernism** Stephen M. Feldman, 2000. American legal thought has progressed remarkably quickly from premodernism to modernism and into postmodernism in little over 200 years. This text tells the story of this mercurial journey of jurisprudence by showing the development of legal thought through these three intellectual periods. **Postmodern Jurisprudence** Costas Douzinas, Ronnie Warrington, Shaun McVeigh, 1993. *Beginning Postmodernism* Tim Woods, 1999-08-20. Postmodernism has become the buzzword of contemporary society. Yet it remains baffling in its variety of definitions, contexts, and associations. *Beginning Postmodernism* aims to offer clear, accessible, and step-by-step introductions to postmodernism across a wide range of subjects. It encourages readers to explore how the debates about postmodernism have emerged from basic philosophical and cultural ideas. With its emphasis firmly on postmodernism in practice, the book contains exercises and questions designed to help readers understand and reflect upon a variety of positions in the following areas of contemporary culture: philosophy and cultural theory, architecture and concepts of space, visual art, sculpture, and the design arts, popular culture, and music, film, video, and television culture, and the social sciences. **Postmodernism and Law** Jennifer Wicke, University of Colorado Boulder, School of Law, 1991. **Postmodern Criminology** Dragan Milovanovic, 2019-03-11. Originally published in 1997, the use of postmodern criminology's conceptual tools offers the potential for the development of a better understanding of the various configurations of repressive forces and directions for social change. This excellent text introduces the reader to the core ideas concerning subjectivity as it is related to discourses and how the discursive construction of social reality takes place. It discusses some of the key themes dealing with both theoretical integrative work, applications, and recent developments in studying postmodern criminology. It is intended for students as well as those who are more familiar with the subject. This book is composed of twelve essays organized into three parts; this important work contributes to the big discussion among criminologists about the postmodern aspects of crime. **Postmodern Legal Feminism** Mary Joe Frug, 2014-02-04. Mary Joe Frug charts a course for future feminist thinking about law. She identifies the political and theoretical limitations of earlier strands of legal feminism and demonstrates why postmodernism offers more hope for women in law. **Politics, Postmodernity and Critical Legal Studies** Costas Douzinas, Peter Goodrich, Yifat Hachamovitch, 2005-08-02. This timely and assured book provides a unique guide to critical legal studies, which is one of the most exciting developments within contemporary jurisprudence. It is the first book to systematically apply a critical philosophy to the substance of common law. The book develops a coruscating and interdisciplinary overview of the politics

and cultural significance of the institutions of the law      *Differences that Matter* Sara Ahmed, 1998-11-26 *Differences That Matter* challenges existing ways of theorising the relationship between feminism and postmodernism which ask is or should feminism be modern or postmodern Sara Ahmed suggests that postmodernism has been allowed to dictate feminist debates and calls instead for feminist theorists to speak back to postmodernism rather than simply speak on their relationship to it Such a speaking back involves a refusal to position postmodernism as a generalisable condition of the world and requires closer readings of what postmodernism is actually doing in a variety of disciplinary contexts Sara Ahmed hence examines constructions of postmodernism in relation to rights ethics subjectivity authorship meta fiction and film      **Feminism and Postmodern Theory** Joan Nordquist, 1996      **Judicial Power, Democracy and Legal Positivism** Tom D. Campbell, Jeffrey Goldsworthy, 2017-03-02 In this book a distinguished international group of legal theorists re examine legal positivism as a prescriptive political theory and consider its implications for the constitutionally defined roles of legislatures and courts The issues are illustrated with recent developments in Australian constitutional law      Postmodern Legal Movements Gary Minda, 1996-05-01 A wide ranging and comprehensive survey of modern legal scholarship and the evolution of law in America What do Catharine MacKinnon the legacy of *Brown v Board of Education* and Lani Guinier have in common All have in recent years become flashpoints for different approaches to legal reform In the last quarter century the study and practice of law have been profoundly influenced by a number of powerful new movements academics and activists alike are rethinking the interaction between law and society focusing more on the tangible effects of law on human lives than on its procedural elements In this wide ranging and comprehensive volume Gary Minda surveys the current state of legal scholarship and activism providing an indispensable guide to the evolution of law in America      **Delimiting the Law** Margaret Davies, 1996-08-15 Most modern legal theorists seek to limit their enquiries to a particular sort of law on the assumption that law is necessarily restricted in its interactions with other social practices Margaret Davies deliberately and provocatively questions the usefulness of such positivist dogmas asserting that the law can and should be seen as multi dimensional Davies argues that the law is everywhere in metaphysics the social environment language and the psyche In a persuasive meeting of postmodern discourse deconstruction feminism and legal theory Davies creates new ways of thinking about the law by creating links with other practices and disciplines where none previously existed This is a powerful critique of the ideology and theory of law in the West providing a much needed link between conventional legal philosophy and modern movements in legal theory From back cover      **Postmodernist and Post-Structuralist Theories of Crime** Dragan Milovanovic, 2017-07-05 This volume presents the rich and provocative historical theoretical methodological and applied developments within affirmative postmodern and post structural criminology This includes the evolution of thought that embraces the linguistic turn in crime law justice and social change Previously published articles authored by key thinkers are included throughout the book s five substantive sections Collectively they represent important reflections on the current

criminological landscape in which symbolic linguistic material and cultural realms of analyses are featured     *Jurisprudence*  
Robert L. Hayman, Nancy Levit, Richard Delgado, 2002 This text presents cutting edge contemporary materials as well as new  
chapters on Natural Law Positivism Gay Legal Rights and Critical Lawyering The book offers comprehensive coverage of  
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