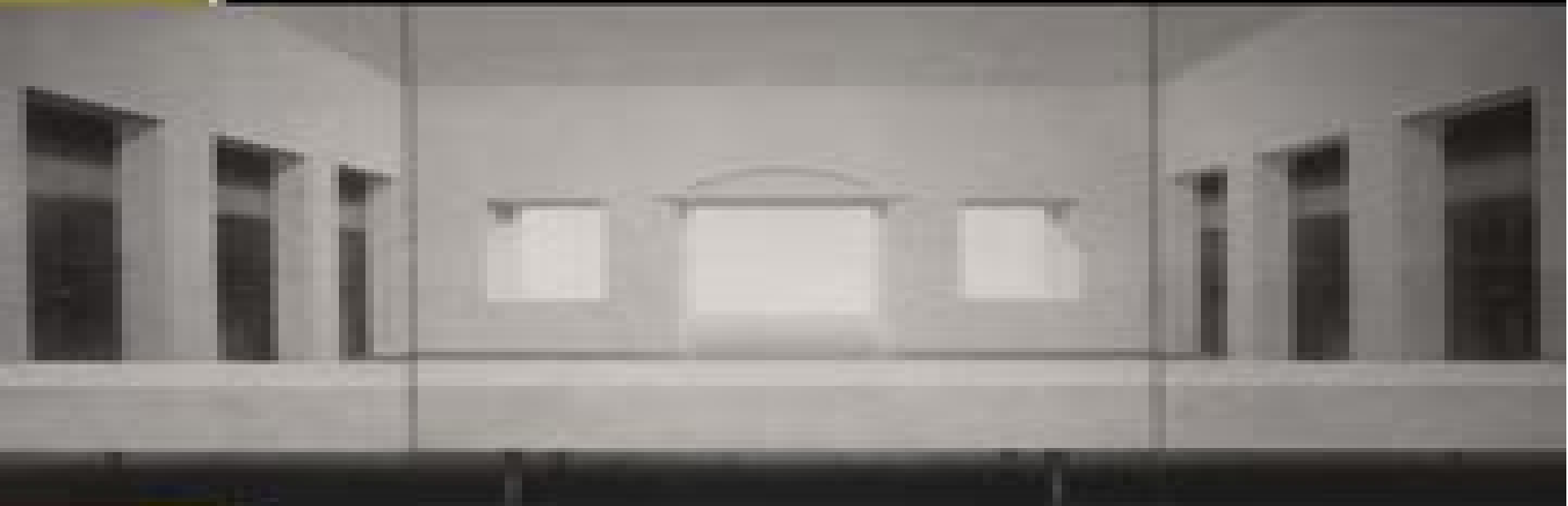


MODERNISM AND THE GROUNDS OF LAW



Peter Fitzpatrick

Modernism And The Grounds Of Law

Ashk Dahlen



Modernism And The Grounds Of Law:

Modernism and the Grounds of Law Peter Fitzpatrick, 2001-05-02 Existing approaches to the relation of law and society have for a long time seen law as either autonomous or grounded in society Drawing on untapped resources in social theory Fitzpatrick finds law pivotally placed in and beyond modernity Being itself of the modern law takes impetus and identity from modern society and through incorporating pre modern elements of savagery and the sacred it comes to constitute that very society When placing law in such a crucial position for modernity Fitzpatrick ranges widely from the colonizations of the Americas through the thought of the European Enlightenment and engages finally with contemporary arrogations of the global By extending his previous work on the origins of modernity this book makes a significant contribution to continuing developments in law and society legal philosophy and jurisprudence **Reading Modern Law** Ruth Buchanan, Stewart Motha, Sundhya Pahuja, 2012-05-31 Reading Modern Law identifies and elaborates upon key critical methodologies for reading and writing about law in modernity The force of law rests on determinate and localizable authorizations as well as an expansive capacity to encompass what has not been pre figured by an order of rules The key question this dynamic of law raises is how legal forms might be deployed to confront and disrupt injustice The urgency of this question must not eclipse the care its complexity demands This book offers a critical methodology for addressing the many challenges thrown up by that question whilst testifying to its complexity The essays in this volume engagements direct or oblique with the work of Peter Fitzpatrick chart a mode of resisting the proliferation of social scientific methods as much as geo political empire The authors elaborate a critical and interdisciplinary treatment of law and modernity and outline the pivotal role of sovereignty in contemporary formations of power both national and international From various overlapping vantage points therefore Reading Modern Law interrogates law s relationship to power as well as its relationship to the critical work of reading and writing about law in modernity *The Ashgate Research Companion to Migration Law, Theory and Policy* Satvinder S. Juss, 2016-03-23 The Ashgate Research Companion to Migration Law Theory and Policy complements the already successful Ashgate series Law Migration established in 2006 which now has a number of well regarded monographs to its credit The purpose of this Companion is to augment that Series by taking stock of the current state of literature on migration law theory and policy and to sketch out the contours of its future long term development in what is now a vastly expanded research agenda The Companion provides readers with a definitive and dependable state of art review of current research in each of the chosen areas that is all embracing and all inclusive of its subject matter The chapters focus on the regional and the sub regional as well as the national and the global In so doing they aim to give a snap shot that is contextual coherent and comprehensive The contributors are both world renowned scholars and newer voices and include scholars practitioners former judges and researchers and policy makers who are currently working for international organisations **Empire's New Clothes** Paul Andrew Passavant, Jodi Dean, 2004 First published in 2004 Routledge is an

imprint of Taylor Francis an informa company **Law, Modernity, Postmodernity** Brendan Edgeworth, 2019-07-30 This title was first published in 2003 This book examines the interrelationship between the unravelling of the post war welfare state and legal change By reference to theorists of postmodernity such as Zygmunt Bauman Scott Lash and John Urry and David Harvey the principal argument is that contemporary law and legal institutions can be best understood as having changed in ways that mirror the recent transformation of the interventionist welfare state and its Fordist Keynesian economic infrastructure The key changes identified in the legal field include the shift toward marketized regulatory structures as reflected in privatization and deregulation the attenuation of welfare rights the privatization of justice legal polycentricity the reconfiguration of the welfare state s social citizenship and the globalization of law Empirical evidence from a number of jurisdictions is adduced to indicate the general direction of change *The Oxford Handbook of Law and Humanities* Simon Stern, Maksymilian Del Mar, Bernadette Meyler, 2020 How might law matter to the humanities How might the humanities matter to law In its approach to both of these questions The Oxford Handbook of Law and Humanities shows how rich a resource the law is for humanistic study as well as how and why the humanities are vital for understanding law Tackling questions of method key themes and concepts and a variety of genres and areas of the law this collection of essays by leading scholars from a variety of disciplines illuminates new questions and articulates an exciting new agenda for scholarship in law and humanities *Routledge Handbook of International Law and the Humanities* Shane Chalmers, Sundhya Pahuja, 2021-05-19 This Handbook brings together 40 of the world s leading scholars and rising stars who study international law from disciplines in the humanities from history to literature philosophy to the visual arts to showcase the distinctive contributions that this field has made to the study of international law over the past two decades Including authors from Australia Canada Europe India South Africa the UK and the USA all the contributors engage the question of what is distinctive and critical about the work that has been done and that continues to be done in the field of international law and the humanities For many of these authors answering this question involves reflecting on the work they themselves have been contributing to this path breaking field since its inception at the end of the twentieth century For others it involves offering models of the new work they are carrying out or else reflecting on the future directions of a field that has now taken its place as one of the most important sites for the study of international legal practice and theory Each of the book s six parts foregrounds a different element or cluster of elements of international law and the humanities from an attention to the office conduct and training of the jurist and jurisprudent Part 1 to scholarly craft and technique Part 2 to questions of authority and responsibility Part 3 history and historiography Part 4 plurality and community Part 5 as well as the challenge of thinking and rethinking international legal concepts for our times Part 6 Outlining new ways of imagining and doing international law at a moment in time when original critical thought and practice is more necessary than ever this Handbook will be essential for scholars students and practitioners in international law international relations as well as in law and the

humanities more generally A Theory of Law and Literature Angela Condello, Tiziano Toracca, 2020-11-16 In the present work a legal philosopher Angela Condello and a literary scholar Tiziano Toracca develop the idea that a comparison between law and literature must be framed starting from the modes in which law and literature function In this sense they read law and literature as arts of compromising characterized by an analogous and yet at the same time profoundly different structure Both in fact mediate conflicts between norms and transgressions and more precisely between a principle of normativity repression on the one hand and a principle of counternormativity repressed on the other hand Through a progression in three steps aimed at clarifying some peculiarities of law 1 and literature 2 by referring to examples of their interaction 3 the authors finally sketch some relevant hypotheses on why a placement across these two arts of compromising suggests some theoretical itineraries on their threshold *Kangaroo Courts and the Rule of Law* Desmond Manderson, 2012 Annotation This volume addresses the legacy of contemporary critiques of language for the concept of the rule of law Can the rule of law be re configured in light of the critical turn of the past several years in legal theory rather than being steadfastly opposed to it Law and Cultural Studies John Erni, 2018-12-07 New and unremitting violence linked to state inter state and private actors has precipitated a renewal of social movements many of which act in concert with human rights ethos and legal conceptions Yet cultural studies has so far had little engagement or institutional connection with these movements How can cultural studies as a progressive discipline think with and make space for rights inflected legal and humanitarian practices This book considers the ways in which cultural humanism and the critical approach to rights and more broadly between culture and law can be brought together to open a new intellectual space to allow cultural studies to better engage with the current challenges presented by social and political struggles worldwide It lays out the central theses essential for constructing a critical view of human rights and then advances a distinctive critical model of analysis that incorporates insights of postcolonial legal theorists and jurists from the Global South and important cultural theorists from the North while rethinking law rights and social movements as something constituted by multiple legal modernities Through case studies covering questions relating to sovereignty citizenship refugee displacement human rights defenders and gender and sexual rights Law and Cultural Studies develops a means by which the practice of cultural studies can be reinvigorated around the legal spaces institutions and movements tied to human rights struggles As such it will appeal to scholars of cultural and media studies critical legal studies political theory postcolonial studies and human rights *Liberia and the Dialectic of Law* Shane Chalmers, 2018-05-16 It is the condition of modernity that an institution cannot depend on a god tradition or any other transcendental source to secure its foundations which thereby come to rest upon or rather in and through its subjects Never wholly separated from its subjects and yet never identical with them this contradictory condition provides a way of seeing how modern law gives form to life and how law takes form enlivened by its subjects By driving Theodor Adorno's dialectical philosophy into the concept of law the book shows how this contradictory condition enables law

to become instituted in ways that are hostile to its subjects but also how law remains open to its subjects and thus disposed towards transformation To flesh out an understanding of this contradiction the book examines the making and remaking of Liberia from its conception as an idea of liberty at the beginning of the nineteenth century to its reconstruction at the beginning of the twenty first with the assistance of an international intervention to establish a state based on the rule of law In so doing the book shows how law is at the epicentre of a colonising power in Liberia that renders subjects as mere objects but at the same time the book exposes the instability of this power by showing how law is also enlivened by its subjects as it takes form in and through their lives and interactions It is this fundamentally contradictory condition of law that ultimately denies power any absolute hold leaving law open to the self expression of its subjects

Dilemmas of Modernity Mark Goodale, 2008-10-29 Dilemmas of Modernity provides an innovative approach to the study of contemporary Bolivia moving telescopically between social political legal and discursive analyses and drawing from a range of disciplinary traditions Based on a decade of research it offers an account of local encounters with law and liberalism Mark Goodale presents through a series of finely grained readings a window into the lives of people in rural areas of Latin America who are playing a crucial role in the emergence of postcolonial states The book contends that the contemporary Bolivian experience is best understood by examining historical patterns of intention as they emerge from everyday practices It provides a compelling case study of the appropriation and reconstruction of transnational law at the local level and gives key insights into this important South American country

Islam and Modernity Muhammad Khalid Masud, 2009-08-18 Recent events have focused attention on the perceived differences and tensions between the Muslim world and the modern West As a major strand of Western public discourse has it Islam appears resistant to internal development and remains inherently pre modern However Muslim societies have experienced most of the same structural changes that have impacted upon all societies massive urbanisation mass education dramatically increased communication the emergence of new types of institutions and associations some measure of political mobilisation and major transformations of the economy These developments are accompanied by a wide range of social movements and by complex and varied religious and ideological debates This textbook is a pioneering study providing an introduction to and overview of the debates and questions that have emerged regarding Islam and modernity Key issues are selected to give readers an understanding of the complexity of the phenomenon from a variety of disciplinary perspectives The various manifestations of modernity in Muslim life discussed include social change and the transformation of political and religious institutions gender politics changing legal regimes devotional practices and forms of religious association shifts in religious authority and modern developments in Muslim religious thought

Drawing the Line Carrol Clarkson, 2013-11-11 Drawing the Line examines the ways in which cultural political and legal lines are imagined drawn crossed erased and redrawn in post apartheid South Africa through literary texts artworks and other forms of cultural production Under the rubric of a philosophy of the limit and with reference to a range of signifying acts and events this book

asks what it takes to recalibrate a sociopolitical scene shifting perceptions of what counts and what matters of what can be seen and heard of what can be valued or regarded as meaningful The book thus argues for an aesthetics of transitional justice and makes an appeal for a postapartheid aesthetic inquiry as opposed to simply a political or a legal one Each chapter brings a South African artwork text speech building or social encounter into conversation with debates in critical theory and continental philosophy asking What challenge do these South African acts of signification and resignification pose to current literary philosophical debates

Justice and Reconciliation in Post-Apartheid South Africa François Du Bois (jurist.), Antje du Bois-Pedain, 2008 An assessment of the transitional processes aimed at creating a stable and just society in South Africa

Freedom of Religion and Constitutional Law Amit Bindal, 2025-06-27 This book investigates the intersection of religion and modern law It explores how secular courts encounter the religious or mythical question which is disavowed by modern institutions It questions the private public dichotomy of liberal constitutionalism which relegates religion to the private sphere It argues that in ex colonial societies like India which are foundationally and diversely religious the courts need to work through and engage with the difficulties and complexities posed by their continual encounter with the question of religion rather than re affirming the myth of separation of law and myth state and religion This work demonstrates that any other approach leads to its repression and resultant reemergence in various forms Such an approach of working through religious categories will be effective in the struggle against religious fanaticism that has seen a resurgence in contemporary times The book will be a valuable resource for students and academics working in law religious studies history and political science

African Legal Theory and Contemporary Problems Oche Onazi, 2013-11-26 The book is a collection of essays which aim to situate African legal theory in the context of the myriad of contemporary global challenges from the prevalence of war to the misery of poverty and disease to the crises of the environment Apart from being problems that have an indelible African mark on them a common theme that runs throughout the essays in this book is that African legal theory has been excluded under explored or under theorised in the search for solutions to such contemporary problems The essays make a modest attempt to reverse this trend The contributors investigate and introduce readers to the key issues questions concepts impulses and problems that underpin the idea of African legal theory They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non African societies alike

Singing the Law Peter Leman, 2020-04-18 Singing the Law is about the legal lives and afterlives of oral cultures in East Africa particularly as they appear within the pages of written literatures during the colonial and postcolonial periods In examining these cultures this book begins with an analysis of the cultural narratives of time and modernity that formed the foundations of British colonial law Recognizing the contradictory nature of these narratives i e both promoting and retreating from the Euro centric ideal of temporal progress enables us to make sense

of the many representations of and experiments with non linear open ended and otherwise experimental temporalities that we find in works of East African literature that take colonial law as a subject or point of critique Many of these works furthermore consciously appropriate orature as an expressive form with legal authority This affords them the capacity to challenge the narrative foundations of colonial law and its postcolonial residues and offer alternative models of temporality and modernity that give rise in turn to alternative forms of legality East Africa s oral jurisprudence ultimately has implications not only for our understanding of law and literature in colonial and postcolonial contexts but more broadly for our understanding of how the global south has shaped modern law as we know and experience it today *Islamic Law, Epistemology and Modernity* Ashk Dahlen,2004-03-01 This study analyses the major intellectual positions in the philosophical debate on Islamic law that is occurring in contemporary Iran As the characteristic features of traditional epistemic considerations have a direct bearing on the modern development of Islamic legal thought the contemporary positions are initially set against the established normative repertory of Islamic tradition It is within this broad examination of a living legacy of interpretation that the context for the concretizations of traditional as well as modern Islamic learning are enclosed

Revolutionary Approach to International Law Eric Yong Joong Lee,2023-06-02 This book brings together critical legal analyses of ongoing global issues in the digital age by international lawyers in Asia Digital revolution is the key to understanding the contemporary human society In this book the authors critically redefine the mainstream thinking and ideas of contemporary international legal issues that the global community is facing Given the rapidly shifting global legal landscape and framework they shed light on the theoretical and practical questions in international law and reexamine their global context Such independent and forward looking approach suggests the ideas to shaping the global common good in the future human society In both theory and practice this book is a useful guide to Asian law politics economy and business providing a fair and balanced point of view

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