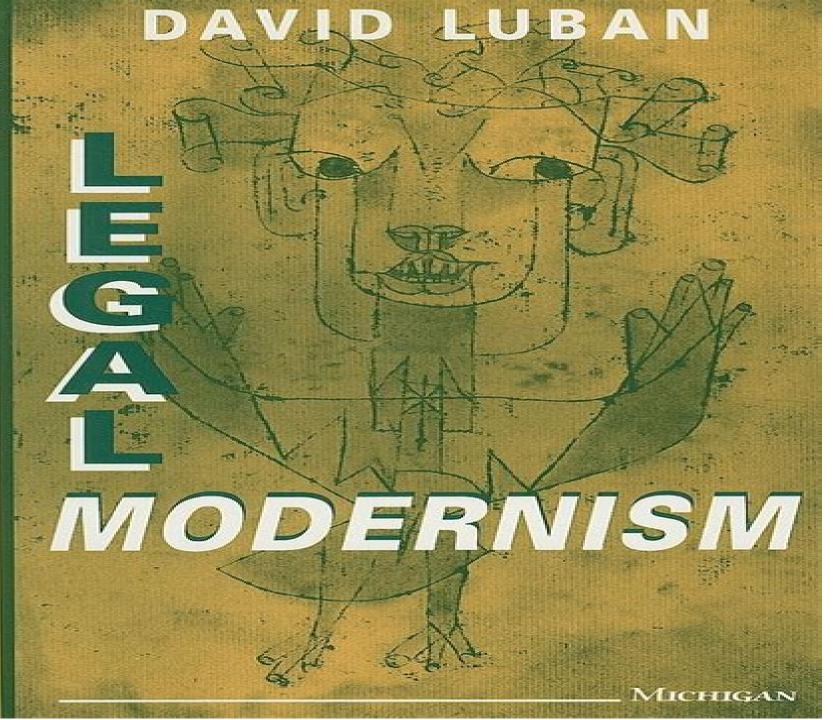
LAW, MEANING, AND VIOLENCE



# **Legal Modernism**

the late Bernard Schwartz

# **Legal Modernism:**

Legal Modernism David Luban, 2010-05-06 Modernism in legal theory is no different from modernism in the arts both respond to a cultural crisis a sense that institutions and traditions have lost their validity Some doubt the importance of the rule of law others question the objectivity of legal reasoning We have lost confidence in the justice of our legal institutions and even in our very capacity to identify justice Legal philosopher David Luban argues that we cannot escape the modernist predicament Accusing contemporary legal theorists of evading rather than confronting the challenge of modernity he offers important and original objections to pragmatism traditionalism and nihilism He argues that only by weaving together the broken narrative and forgotten voices of history s victims can we come to appreciate the nature of justice in modern society Calling a trial the embodiment of the law's self criticism Luban demonstrates the centrality of narrative by analyzing the trial of Martin Luther King the Nuremberg trials and trial scenes in Homer Hesiod and Aeschylus With these examples Luban explores several of the tensions that motivate much more contemporary legal theory order versus justice obedience versus resistance statism versus communitarianism an illuminating account of how contemporary legal theory can be understood as an expression of the modernist predicament by exploring the analogy between modernism in the arts and modernism in law politics and philosophy a valuable critical discussion of modern legal theory Choice David Luban is Morton and Sophia Macht Professor of Law at the University of Maryland and Research Scholar at the Institute for Philosophy and Public Policy His other books include Lawyers and Justice An Ethical Study Legal Modernism David Luban, 1997-09-26 A critique and defense of modern legal theory Rethinking Islamic Legal Modernism Ron Shaham, 2018-07-10 In Rethinking Islamic Legal Modernism Ron Shaham challenges the common opinion that Islamic legal modernism as represented by Rashid Rida d 1935 is of poor intellectual quality and should not be considered an authentic development within Islamic law The book focuses on the celebrated Sunni jurist Yusuf al Qaradawi b 1926 whom Shaham perceives as a close follower of Rida By studying the coherence of Qaradawi s Wasati theory of ijtihad and the consistency of its application in his legal opinions fatwas Shaham argues that Qaradawi by means of eclecticism and synthesis conducts a bold dialogue with the Islamic juristic heritage and brings it to bear on modern developments in particular the institutional framework of the nation state

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 Legal Modernism in Iraq Fatima Agha Al-Hayani,1993 Evolution and Revolution in Theories of Legal Reasoning Scott Brewer,1998 Available individually by volume 1 Logic Probability and Presumption in Legal Reasoning 0 8153 2655 6 416 pages 2 Precedents Statutes and Analysis of Legal Concepts 0 8153 2656 4 400 pages 3 Moral Theory and Legal Reasoning 0 8153 2657 2 408 pages 4 Evolution and Revolution in Theories of Legal Reasoning 0

8153 2658 0 400 pages 5 Scientific Models of Legal Reasoning 0 8153 2757 9 424 pages Postmodern Legal Movements Gary Minda, 1996-05-01 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 History and Theory of Legal Practice in China Philip C.C. Huang, Kathryn Bernhardt, 2014-09-03 The History and Theory of Legal Practice in China Toward a Historical Social Jurisprudence goes beyond the either or dichotomy of Chinese vs Western law tradition vs modernity and the substantive practical vs the formal It does so by proceeding not from abstract legal texts but from the realities of legal practice Whatever the declared intent of a law it must in actual application adapt to social realities It is the two dimensions of representation and practice and law and society that together make up the entirety of a legal system The assembled articles by the editors and a new generation of Chinese scholars illustrate a new historical social jurisprudence and explore the possible conceptual underpinnings of a modern Chinese legal system that would both accommodate and integrate the unavoidable paradoxes of contemporary China The Warren Court: A Retrospective the late Bernard Schwartz, 1996-10-10 A judge made revolution The very term seems an oxymoron yet this is exactly what the Supreme Court under Chief Justice Earl Warren achieved In Bernard Schwartzs latest work based on a conference at the University of Tulsa College of Law we get the first retrospective on the Warren Court a detailed analysis of the Courts accomplishments including original pieces by well known judges professors lawyers popular writers such as Anthony Lewis David Halberstam David J Garrow and a rare personal remembrance by Justice William J Brennan Jr The Warren Court A Retrospective begins with an examination of the Courts decisions in a variety of different fields such as equal protection freedom of speech freedom of the press and criminal law The work continues with The Justices an intimate look at the principal protagonists in the Courts operation Then in A Broader Perspective the book looks at the Court from an historical perspective demonstrating its impact on the legal profession and jurisprudence its international impact and its legacy Both readable and informative The Warren Court A Retrospective provides an invaluable source for anyone interested in the Court Figured Worlds Professor John Clammer, J. R. Clammer, Sylvie Poirier, Eric that did so much to change America Schwimmer, 2004-01-01 World Visions can conceive of everything except alternative world visions If this pronouncement by Umberto Eco is right how can any ethnic group conceive of living with another group on the same territory in Canada or elsewhere if their world visions are incompatible Can we sidestep incompatible world visions or should we try to understand them Figured Worlds explores the possibilities of equilibrium between commitments to mutual understanding and the

framing of strategies of negotiation This collection begins its rich analytical investigation by describing how people Australian Aborigines New Zealand Maori Japanese and Africans first learn the figured worlds of their own culture made up of sensations affirmations and will prophecy revelation myth dream and metamorphoses It then sets out how diverse figured worlds within a given social system are related and concludes by offering insightful mappings of the dynamics of these relations perceived in both their existential ontological aspects as well as their material practical means Comprising scholarship that is half Canadian and half British this work offers important foundational perspectives into the thought worlds of cultures found within other cultures **Legal Pluralism in Indonesia** Ratno Lukito, 2013 With the revival of Islamic law and adat customary law in the country this book investigates the history and phenomenon of legal pluralism in Indonesia It looks at how the ideal of modernity in Indonesia has been characterized by a state driven effort in the post colonial era to make the institution of law an inseparable part of national development Focusing on the aspects of political and conflictual domains of legal pluralism in Indonesia the book discusses the understanding of the state s attitude and behaviour towards the three largest legal traditions currently operative in the society adat law Islamic law and civil law The first aspect is addressed by looking at how the state specifically deals with Islamic law and adat law while the second is analysed in terms of actual cases of private interpersonal law such as interfaith marriage interfaith inheritance and gendered inheritance The book goes on to look at how socio political factors have influenced the relations between state and non state laws and how the state s strategy of accommodation of legal pluralism has in fact largely depended on the extent to which those legal traditions have been able to conform to national ideology It is a useful contribution for students and scholars of Asian Studies and Law Everyday Practices and Trouble Cases Austin Sarat, 1998 Everyday Practices and Trouble Cases asks how law helps to constitute the worlds in which we live every day and how law responds to disruptions and disputes that arise in various realms Leading scholars explore the dichotomy between everyday practices and trouble cases and the way various kinds of research have addressed that dichotomy illuminating the pervasive role of law in social life as well as the capacity of law to respond to social conflict Bora Laskin Philip Girard, 2015-01-15 In any account of twentieth century Canadian law Bora Laskin 1912 1984 looms large Born in northern Ontario to Russian Jewish immigrant parents Laskin became a prominent human rights activist university professor and labour arbitrator before embarking on his accidental career as a judge on the Ontario Court of Appeal 1965 and later Chief Justice of Canada 1973 1984 Throughout his professional career he used the law to make Canada a better place for workers racial and ethnic minorities and the disadvantaged As a judge he sought to make the judiciary more responsive to modern Canadian expectations of justice and fundamental rights In Bora Laskin Bringing Law to Life Philip Girard chronicles the life of a man who at all points of his life was a fighter for a better Canada he fought antisemitism corporate capital omnipotent university boards the Law Society of Upper Canada and his own judicial colleagues in an effort to modernize institutions and re shape Canadian law Girard

exploits a wealth of previously untapped archival sources to provide in vivid detail a critical assessment of a restless man on an important mission Passion and Ambivalence Nathaniel Berman, 2011-12-23 Ethnic nationalist and religious conflicts and debates about international intervention have been central global preoccupations of the past hundred years Such debates this volume argues were first framed in their modern form during the interwar period when a Modernist break akin to that in literature philosophy and the arts transformed the way such conflicts were viewed Internationalists began to cast identity based claims whether those of anti colonialists or European separatists not only as mortal dangers to international order but as indispensable to its revitalization Drawing on cultural studies postcolonial theory and psychoanalysis with case studies ranging from 1930s Ethiopia to 1990s Jerusalem this volume looks at both the origins and legacy of these debates offering a radical reinterpretation of modern internationalism Muslim Reformism - A Critical History Mohamed Haddad, 2020-02-28 This book examines the evolution of Islam in our modern world The renowned Tunisian scholar Mohamed Haddad traces the history of the reformist movement and explains recent events related to the Islamic religion in Muslim countries and among Muslim minorities across the world In scholarly terms he evaluates the benefits and drawbacks of theological political renovation neo reformism legal reformism mystical reformism radical criticism comprehensive history and new approaches within the study of Islam The book brings to life the various historical sociological political and theological challenges and debates that have divided Muslims since the 19th century The first two chapters address failed reforms in the past and introduce the reader to classical reformism and to Mohammed Abduh Haddad ultimately proposes a non confessional definition of religious reform reinterpreting and adjusting a religious tradition to modern requirements The second part of the book explores perspectives on contemporary Islam the legacy of classical reformism and new paths forward It suggests that the fundamentalism embodied in Wahhabism and Muslim Brotherhood has failed Traditional Islam no longer attracts either youth or the elites Mohamed Haddad shows how this paves the way for a new reformist departure that synthesizes modernism and core Islamic values Advanced Introduction to Legal Research Methods Ernst H. Ballin, 2020-10-30 Written by Ernst Hirsch Ballin this original Advanced Introduction uncovers the foundations of legal research methods an area of legal scholarship distinctly lacking in standardisation The author shows how such methods differ along critical empirical and fundamental lines and how our understanding of these is crucial to overcoming crises and restoring trust in the law Key topics include a consideration of law as a normative language and an examination of the common objects of legal research Law and Moral Action in World Politics Cecelia Lynch, Michael Maurice Loriaux, 2000 Defined by custom and treaty and now increasingly embodied in charters regulations and resolutions of international organizations does the existence of international law point to progress in humankind's capacity for moral conduct Or does the lack of a discernible ethical foundation in either law or political action make progress impossible to define In Law and Moral Action in World Politics the authors activists and scholars of international law and international relations pose these

questions in new ways Some adhere to a progressive reading of the law others adopt a critical stance Topics included the function and historical evolution of the law the cultural and intellectual assumptions of influential legal texts and the experiences of legal activists in using law to pursue moral ends including the rights of indigenous people and the protection of international law itself After Identity Dan Danielsen, Karen Engle, 2013-10-11 Authored by the leading voices in critical legal studies feminist legal theory critical race theory and gueer legal theory After Identity explores the importance of sexual national and other identities in people's lived experiences while simultaneously challenging the limits of legal strategies focused on traditional identity groups These new ways of thinking about cultural identity have implications for strategies for legal reform as well as for progressive thinking generally about theory culture and politics **Legal Stagings** Kjell Å Modéer, Martin Sunnqvist, 2012 In this book a group of lawyers and legal historians help to identify the new Nordic legal map which is under construction This book is a collection of papers addressing legal staging and most of the articles combine theoretical approaches to the visuality of law with practical experiences and effects The texts show that law is so much more than law in action and law in books law is also part of a visual culture It contributes to that culture and is in turn analyzed maintained and criticized by that culture At the same time the cultural manifestations of law change the way we understand law and thus change law itself Progress in International Law Miller, Rebecca M. Bratspies, 2008-06-30 Progress in International Law is a comprehensive accounting of international law for our times Forty leading international law theorists analyze the most significant current issues in international law and their critical assessments draw diverse conclusions about the current state and future prospects of international law The material is grouped under the headings The History and Theory of International Law The Sources of International Law and Their Application in the United States International Actors International Jurisdiction and International Jurisprudence The Use of Force and the World's Peace and The Challenge of Protecting the Environment and Human Rights The book draws its inspiration from a similar survey undertaken in 1932 by Harvard Law Professor and PCIJ Judge Manley O Hudson In his book Progress in International Organization Hudson sought to demonstrate that what he perceived as an emerging international infrastructure and as moves toward the rule of law in international affairs were sure signs of human progress towards peace and cooperation Progress in International Law critically engages with that claim as a normative matter and at the same time presents the evidence by which a judgment about our own progress towards peace and cooperation might be judged

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