

MODERNISM AND POST MODERNISM

Medievalism – Humans should take everything on face value, don't question faith, this philosophy worked well with religious institutions.

Modernism was a reaction to Medievalism, it **focused on objective truth**. It is a product of intellectual revolution in Europe in the 17th Century. Modernity was an attempt to create a **just society of organized and transparent structure**- a world of coherent practices organized around rules

Post Modernism was a reaction to Modernism, the claim of post modernists was that there is no objective truth, every person has different experiences so everyone has their own truth. The human society is getting complex in every aspect. Fragmentation and pluralism dominate the human society nowadays, that is the reason post-modernist theorists reject the modernist theory which advocates ONE objective truth for all.

Jean Francois Lyotard (French philosopher, sociologist and literary theorist) in his book 'The Post-Modern Conditions' coined the term 'postmodern' in 1984.

The terms 'modern' and 'postmodern' were first used in the world of art and architecture, only later influencing philosophy, social theory, history, politics and ethics. Postmodernist jurisprudence, came into picture in late 1980s.

Radical changes have occurred in social order in recent years. These changes are labelled as 'the post-industrial society', 'the globalised society', 'the post-capitalist information order', 'the society of advanced world capitalism', 'the consumer society' and lately, 'post-modernism'.

According to postmodernist thinkers, law cannot be seen any longer as a coherent, closed collection of rules.

Post Modernism theories suggest that the positivist paradigm of law has become outdated - it could not solve the main problems of society which we started facing from the late 20th century;

Postmodernists criticize modernist scientism and naturalism. They question the formalist understanding of law and the submission of a judge's decisions to texts of law only. According to Post modernists law should also adhere to moral reasons and political correctness

Feminist Jurisprudence can be an example of Post-modernist school of thought, some feminist schools claim that the experiences of women are very different from men, so the formalism which Modernists advocate is not apt nowadays.

The most prominent Postmodern philosophers are French philosophers **Jacques Derrida** (1930) and **Michel Foucault** (1926-1984)

Derrida claimed that there is no single or fixed meaning of a text, so because there is no fixed meaning of text then everyone is influenced differently and understands everything differently depending upon the culture and society he/she lives in.

Foucault challenged the assumptions which we now assume to be permanent truths but which have changed over time. He revealed that the evolution of concepts such as reason, responsibility, punishment, power etc the attitudes and the assumptions what we have today seem natural or even inevitable, but they all are historical phenomena dependent upon time and place. He claimed that these ideas today apparently look as human and liberal as products of enlightenment period, but in reality they are coercive and destructive.

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