

THEORETICAL BACKGROUND'S OF CLS

Against idea that exist such a types of social structures based on specific legal structure (to every system belong specific legal rules)

Inspired by Karl Marx and Max Weber: law and jurisprudence reflect and consolidate social differences and hierarchies typical for specific type of social organization.



Criticism of the dominant style of legal doctrine. They refuse attempts to accuse industrial society, human nature of moral order of current social arrangements.

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beginnings of cls



- 1976/1977: 1st CLS conference
- the critique of formalism and **objectivism**
- formalism: method of legal justification that is the opposite of unending discussions about fundamental conditions of social life. The opposite of such a procedures that can be called ideological, philosophical and visionary.
- **objectivism**: *faith in authoritative legal nature expressing and - at the same time - maintaining appropriate patterns of human society.*



Marcel Duchamp – Fountain (1917)

early ideas

Critique of idea that exist specific social structures that are based on specific legal structure: to every system belong specific rules.

ORDERED FREEDOM

Legal order is not incapable of offering united version of democracy and concepts and phenomenons related to it. On the other side, indications of opinions other than dominant are unadvanced.

The legal doctrine is only arbitrary restriction of methods of justification of legal system and subjugation of the critique of dominant vocabulary.

CLS is not the school, it is the politics!

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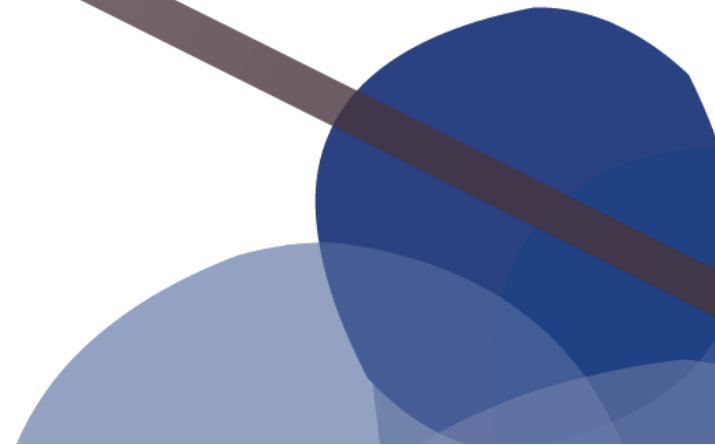
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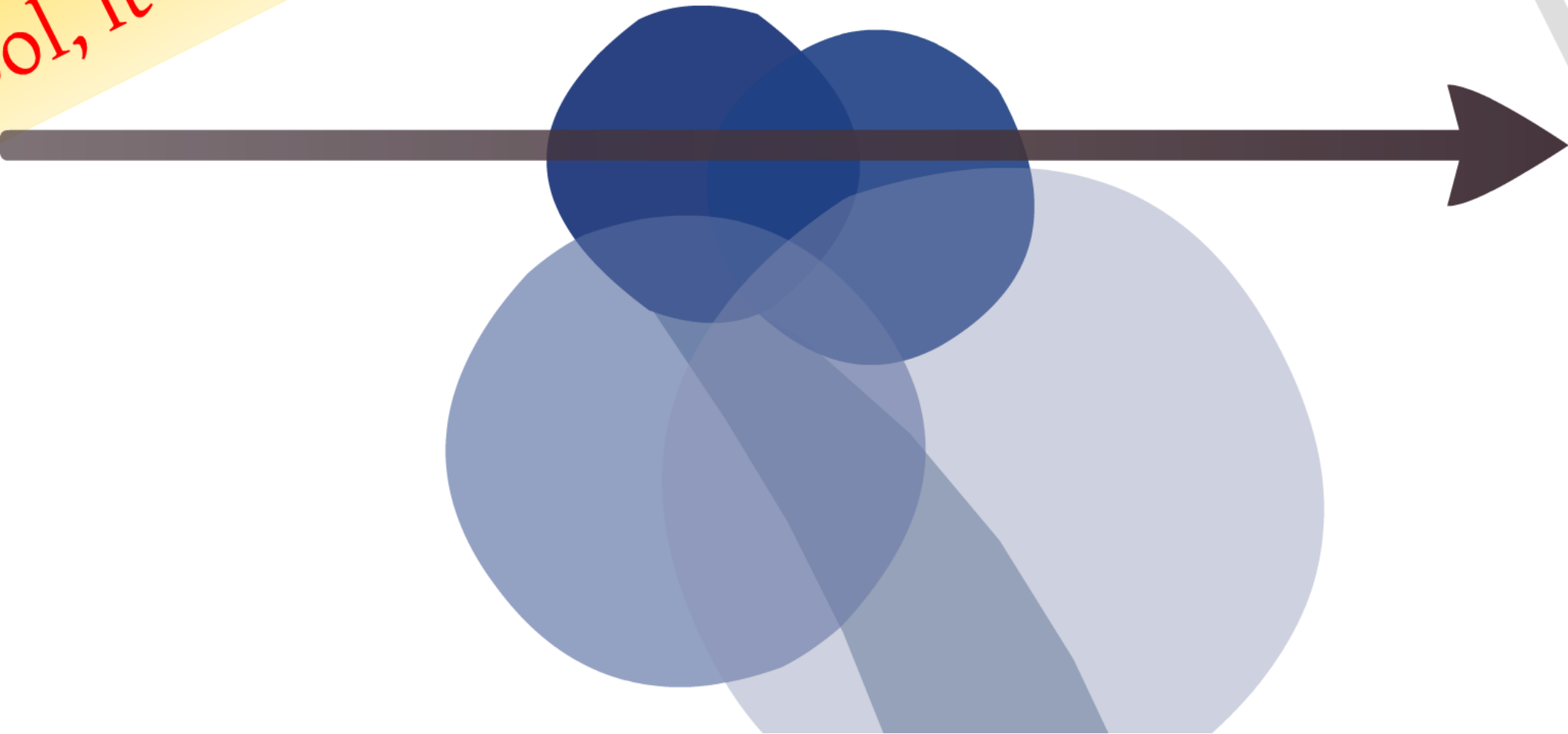
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CLS is not the school, it is the politics!



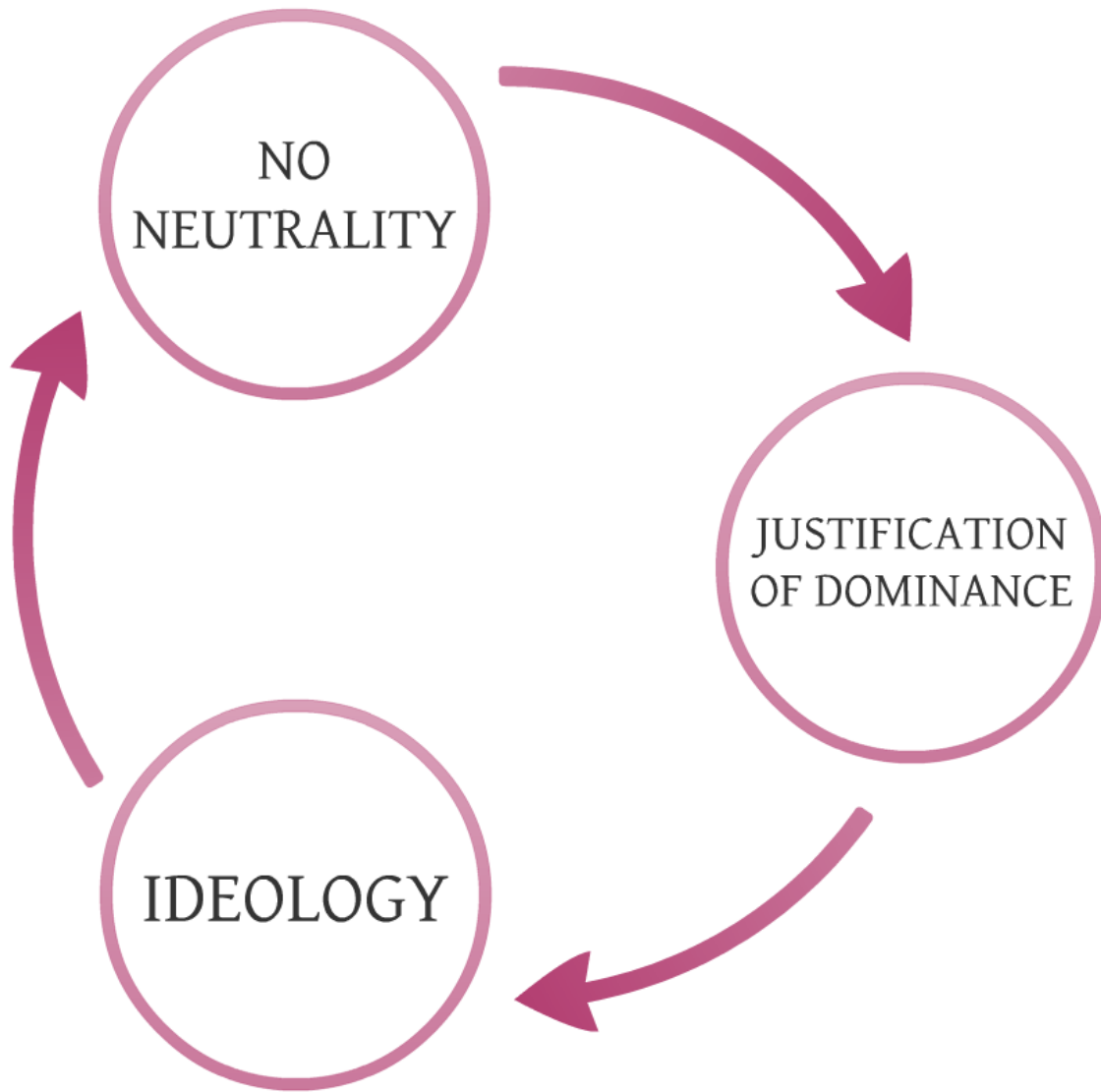
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LAW IS POLITICS

LEGAL LANGUAGE IS A FALSE
DISCOURSE: IT HELPS TO CONSERVE
CURRENT HIERARCHIES





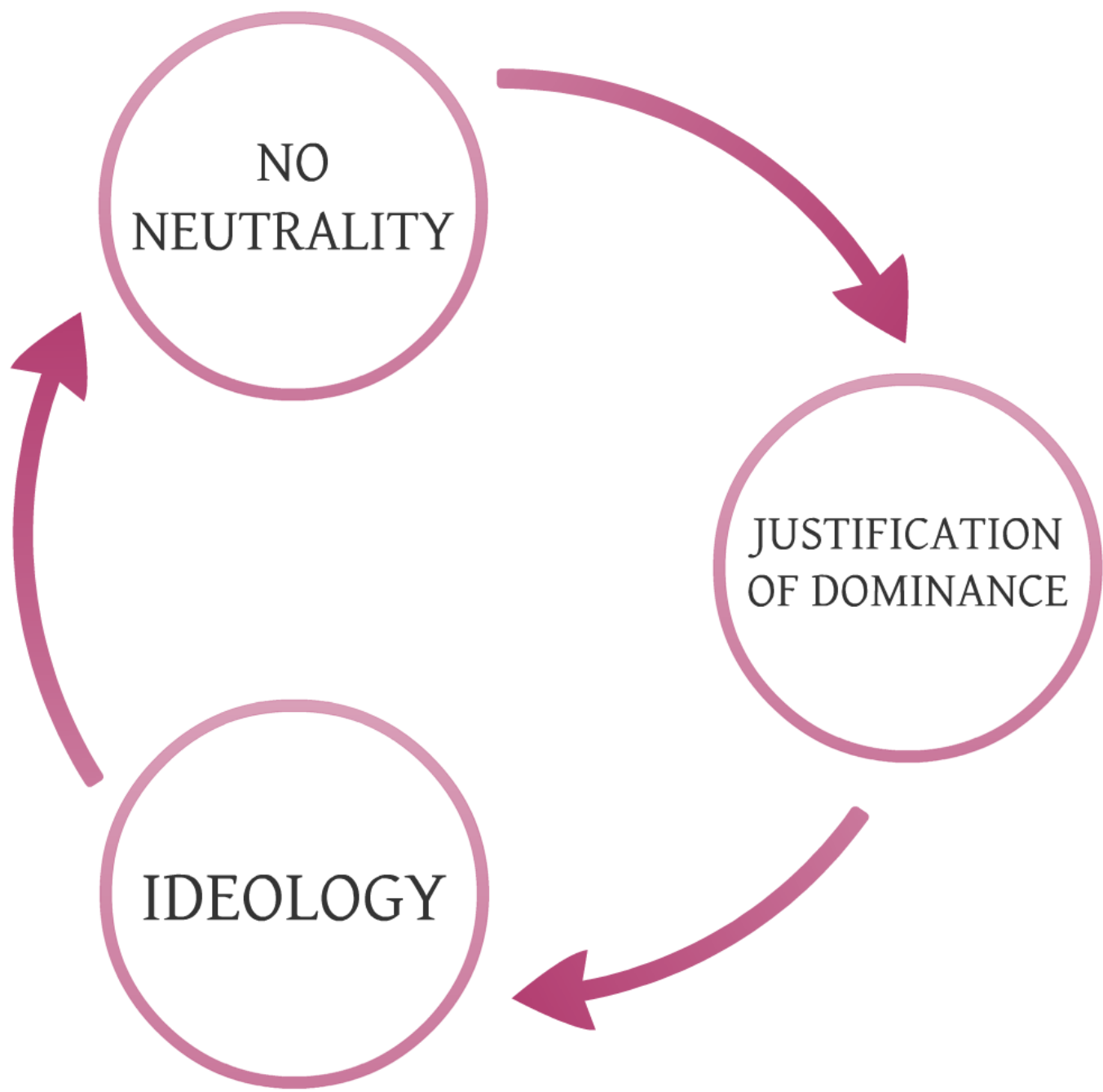
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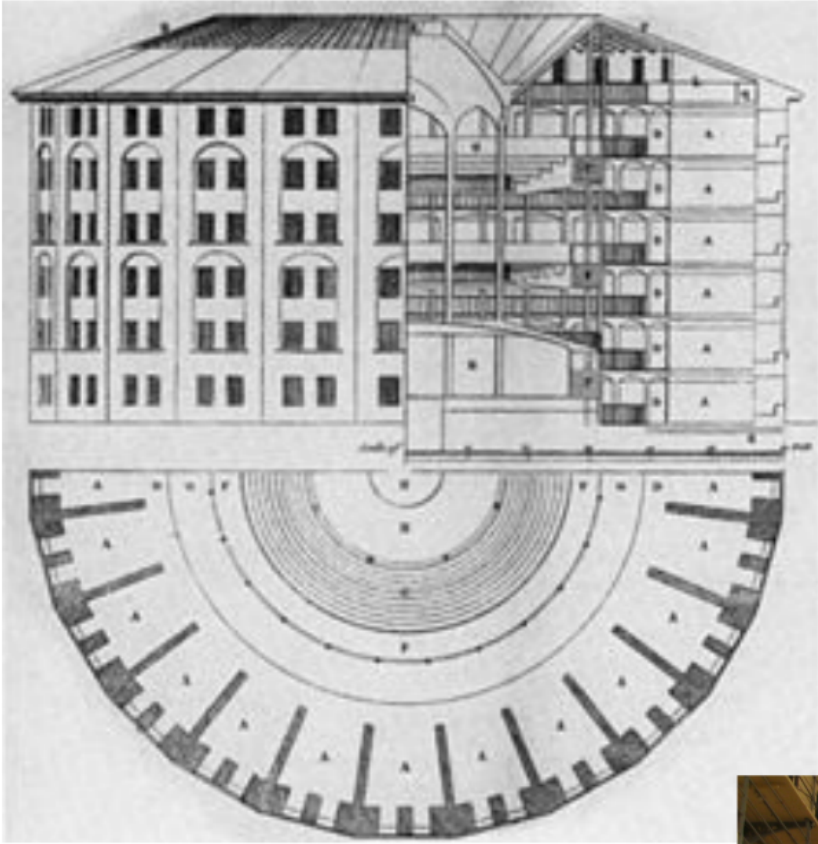


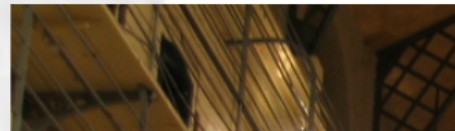
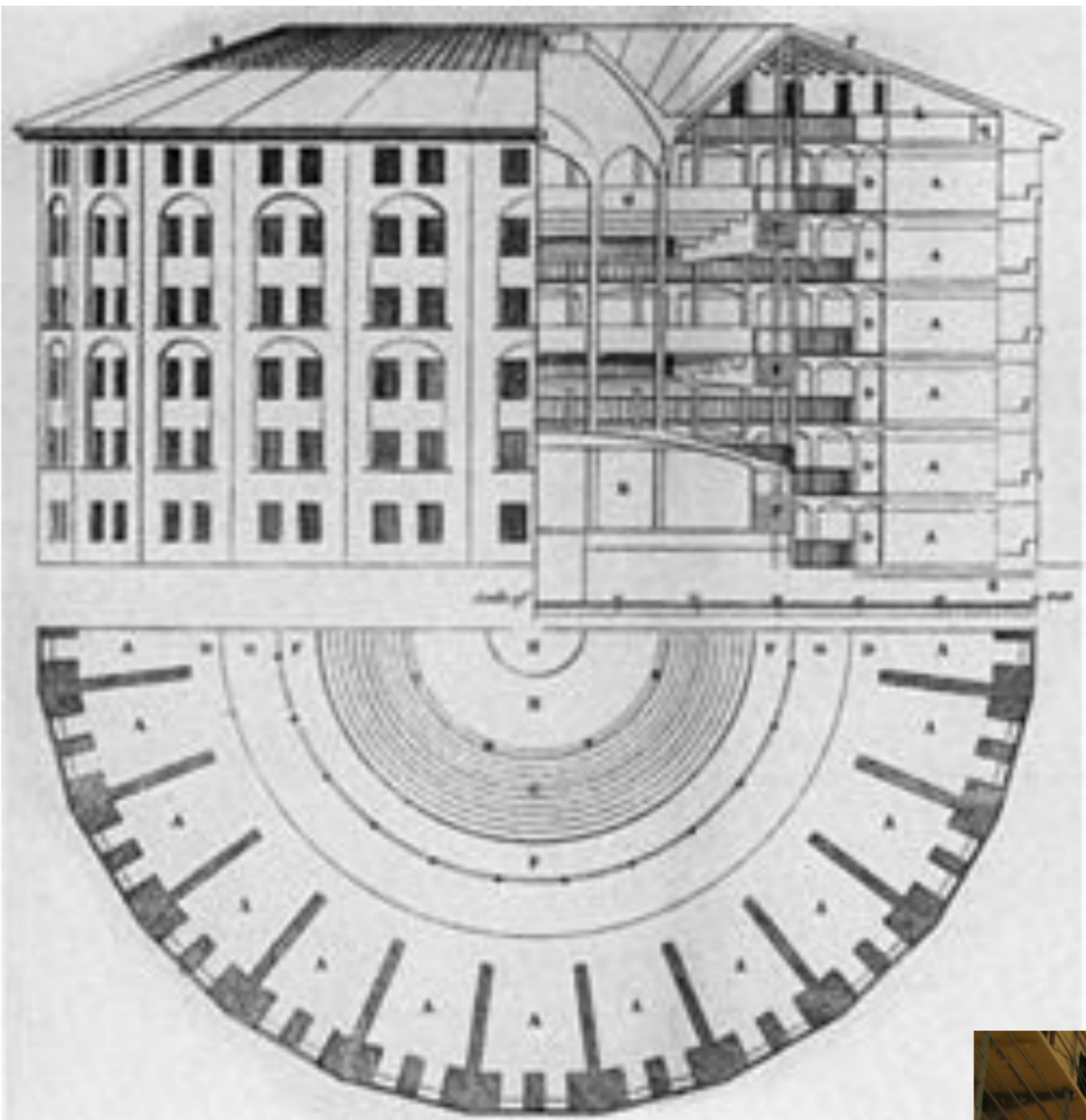
JUSTIFICATION
OF DOMINANCE



IDEOLOGY











theoretical orientation of CLS

against LAW AND ECONOMICS and RIGHTS AND PRINCIPLES:

These theories are an attempt to restore objectivism and formalism

Both of these schools make a pretense of discovery of canonical forms of social life and personality, that will never be reworked and re-introduced, despite the possibility of their decomposition or resurgence.

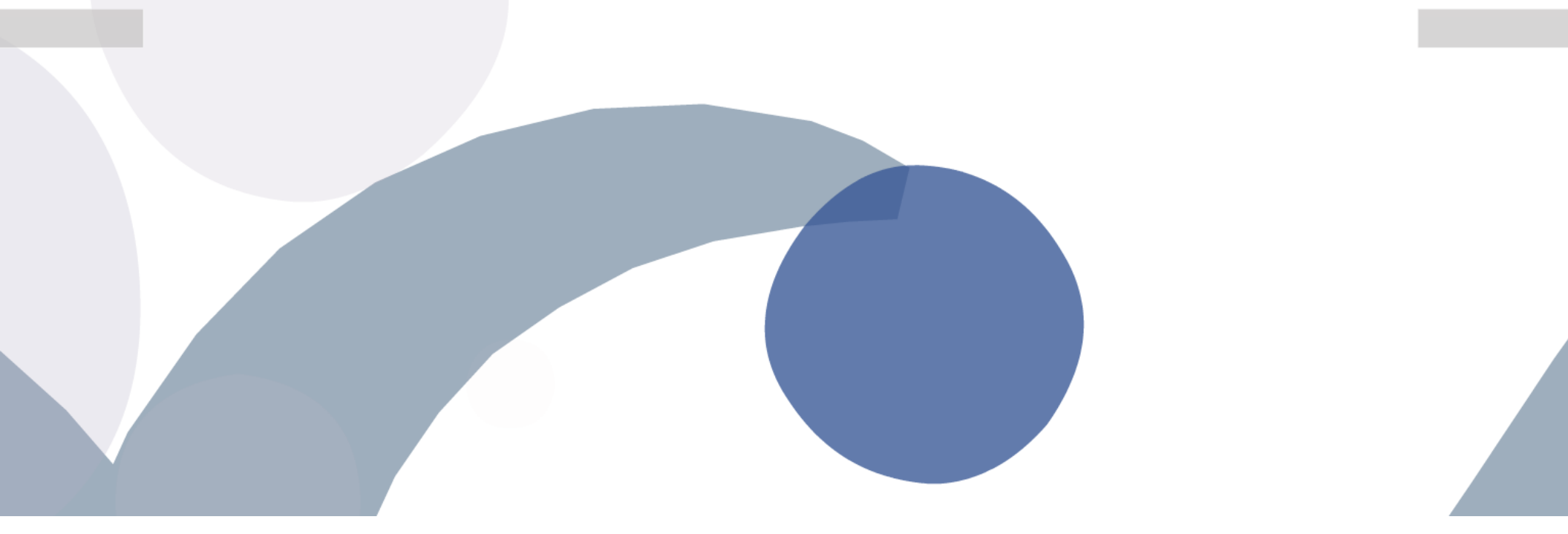
Result is apparent political neutrality and objectivity of liberal legal state.

LAW IS IDEOLOGICAL IMPLEMENT TO RESOLVE SOCIAL CONFLICTS

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methodological fundamentals of cls

- follows legal realism
- criticism of Marxism (acceptance of methodology)
- political imagination
- skills to reveal pathological phenomena in law
- to provoke

The description of legal system as a form that reflects and at the same time creates political culture, which knows how to persuade people to accept legitimacy and inevitability of existing hierarchical arrangements.

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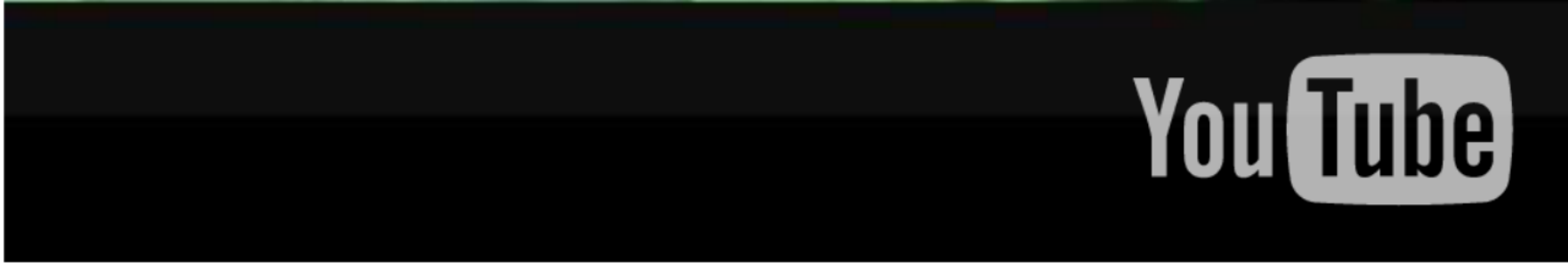
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reform of legal practice and legal schools

- Lawyers are not only technical experts: they have to know **moral** and **political** impacts of their work.
 - They have to follow interests of their clients and not to follow their own.
- Law fails in resolving particular social problems.
- Education:
 - new critical approach to law - based on personal (or imaginative) experience
 - personal experience with discrimination



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cls 2.0

middle eighties of 20th century

emphasis on interpretation: law is
nothing more than a story (narrative)
the audience have to interpret

attempt to free reader from
author (DECONSTRUCTION
AND NEOSTRUCTURALISM)

LOGOCENTRISM

- The problem of CONTEXT: there is not only one universally obligatory text influencing and creating the whole context (Stanley Fish).
- The authority is the TEXT and not the author or the reader.
- Law is not coherent, illogical and not contradictory system. It is system attempting to implement conditions of social justice/injustice. (Duncan Kennedy)

CRITICAL LEGAL STUDIES



feminist
theory

critical race
theory

postmodernism -
literary theory

political
economy

cultural
radicalism



feminist
theory

political

theory

theory



political
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