

# POST-MODERNISM JURISPRUDENCE

(LEGAL THEORY-1)

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## Post- modernism Jurisprudence

### INTRODUCTION

Critical legal studies movement and feminist jurisprudence both had by the end of the 1980s submerged into post-modernism.

Meaning of Post-modernism:

Categorization of periodisations may be made as 'pre-modern', 'modern' and 'post-modern' in time space. Pre-modern is as ancient one and is traditionally derived with orthodox reasoning with tribalist characteristics. Modern is a system of thought and regime of knowledge. Modernity refers back and claims to overcome a historical period. Modernity was an attempt to create a just society of organized and transparent structure- a world of coherent practices organized around rules, where the rules themselves took their legitimation from a belief in some underlying structure or their inherent functionality, or in terms of their purity. Modernism is a cultural and artistic movement. Modernism is a range against existing order. It is said to exalt 'the attack on form, the belief that an ability to go beyond, to transcend, to break through, is the *raison d'etre* of art and perhaps of life.

Since postmodernism is postmodern, it seems it comes after the modern, but it is a culmination of modernity. Postmodernism is the realization that there is 'no beyond', 'outside of the forms'. And modernism can be celebrated as an 'exhilarating moment' of rapture for it defies the system, suspects all total single thought and homogeneity and opens space for the marginal, the different

and the 'other'. It stands for 'flux', dispersal, plurality and localism'. There is a cluster of styles, strategies, preoccupations, texts, readings, objects and performances.

The postmodern condition is ushered in with the growing realization of the lack of deep structure. The main stream of politics in the post-modern condition sees the desperate attempt to avoid ideas and return political speech to common sense.

Radical changes have occurred in social order over the last thirty years. These changes are labeled 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'. Jean francois Lyotard (1984)<sup>1</sup> in his book 'the post-modern conditions' coined the term 'post-modern'. According to him it reflects changes in the level of science and technology, in particular the development of computers, mass communication and increasing emphasis upon language in social and cultural studies. For other, post-modernity is characterized by a feeling of extreme ambivalence to the hopes and social structures of the last two hundred years, a mood of nostalgia, cultural relativism, moral conventionalism, scepticism and pragmatism, a dialectic of localism amidst globalism; ambivalence towards organized,

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<sup>1</sup> Jean-François Lyotard (10 August 1924 – 21 April 1998) was a French philosopher, sociologist, and literary theorist. He is well known for his articulation of postmodernism after the late 1970s and the analysis of the impact of postmodernity on the human condition. He was co-founder of the International College of Philosophy with Jacques Derrida, François Châtelet, and Gilles Deleuze.

principled political activity; and a distrust of all strong forms of ethical or anthropological foundations. But according to Eugleton<sup>2</sup> (1996), postmodern is a feeling of failure and deep confusion where next to go, either personally, or in terms of striving to create social aiming a just society.

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 jurisprudent, however, used in late 1980s.

Postmodernism can be seen as a strategy for liberating suppressed narratives and voices drowned out by uni-vocal projections of master narratives. A major theme in postmodernism is subversion, the commitment to undermine dominant discourse. Postmodernists believe that the potential for subversive struggle is particularly propitious given the discrediting of Marxism, the instabilities of late capitalism and the contradictions of the bureaucratic welfare state. These faults and fissures are seen as a source of resistance and freedom. Postmodernists look to new forms of politics that go beyond emancipation because the 'enemies', if they exist at all, are no longer the bourgeoisie or the boss so much as the bureaucracy, centralized government and ' democratically elected' representatives.<sup>3</sup>

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<sup>2</sup> A leading theorist in Marxist criticism in England.

<sup>3</sup> Dr.SR.Mynemi, Juriprudence(legal theory), page 571-572

## POST MODERNIST THEORY OF LAW

The word 'postmodernism' in literal sense means 'after modernism'. It was originally a reaction to modernism (the word "post" is not in the sense 'after'). Post modernism is mostly influenced by the western European disillusionment induced by World War II. In general, postmodernism is an attack on modernist claim about the existence of truth and value – which has been emerged from the European enlightenment of the 18<sup>th</sup> century. Post-modernist, therefore, disputes about the past assumptions particularly with respect to modernist assumption that truth or an objective reality can be possibly known.

The modernist have accepted certain truth such as liberalism, capitalism, society's natural structure, and history is a process of evolution towards that truth- these all are accepted ideals of modernism. Fukuyama claimed that history has come to an end now, since the entire world had converted to free market capitalism and liberal democracy. These assertions are rejected by post-modernists. Post-modernists characterize modernity as "an iron cage of bureaucratization, centralization and the infinite manipulation of psyche by the culture industry and the disciplinary machines of power and knowledge'. They believe that modernity's structures, its laws, its literature, its architecture, its arts, or any of its products are subject to deconstruction, a process which reveals

a number of alternatives. They do not believe that society contains any objective truth or natural laws upon which it can be grounded.

This allows that reality may exist, but that definite knowledge of it is untenable. The language is capable of objective description. Some post-modernist assert that we live in a “prison house of language”. The postmodernism in their historical, cultural, artistic, and philosophical discourses, propagate that every statement necessarily be tentative, fragmentary, time-bound and inherently ‘open’ to contestation.

The term was used as early as 1914 in an article in the Hibbert journal written by J.M. Thompson. In this context it was used to describe fundamental changes in attitudes and beliefs within Christian society of the time. It was re-coined in 1949 to describe dissatisfaction with modern architecture, leading to the post-modern architecture movement. Later the term was applied to several movements, including in art, music and literature that reacted against modern movements and are typically marked by revival of traditional elements and techniques.

In its broadest context, postmodernism can be seen as a world view. For instance, Walter Truett Anderson identifies postmodernism as one of four world views. These four worldviews are the post-modernist, which sees truth as socially constructed, the scientific-rational in which is ‘found’ through methodical, disciplined inquiry, the social- traditional in which truth is found in the heritage of American and western civilisation and the neo-romantic in which

truth is found either through attaining harmony with nature and spiritual exploration of the inner self.

There many scholars who propagates the post-modern theories in different disciplines, the most important are French philosophers Jacques derrida ( 1930) and Michel Foucault (1926-1984) and psychoanalyst Jacques Lacan. They realised that the language is inadequate as a mode of communication. Derrida, therefore originated the philosophical method of deconstruction, a system of analysis that assumes a text has no single or fixed meaning. It because of the inadequacy of language to express the author's original intention and because a reader's understanding of the text is culturally conditioned that is influenced by the culture in which the reader lives. Thus texts have many possible legitimate interpretations brought about by the play of language. His method of deconstruction when applied to text of law and jurisprudence brought into picture many conflicting forces within the text and that highlight the devices the text use to claim legitimacy and the truth for itself, many of which may lie beyond the intension of its author. These ideas about language resemble with views held by the analytic philosophers Wittgenstein and Quine.

Foucault provided a critique of the ideals of the enlightenment such as reason and truth. Foucault also challenged the assumptions which assume to be permanent truths but 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 further claimed

that these ideas today apparently look as human and liberal as products of enlightenment period, but in reality they are coercive and destructive.

The origins of post-modernist thoughts in law find in the basic tenets of legal realism that law is an instrument of policy and the critical legal studies viewed that all law is politics. The main plank of post – modern legal theory is its rejection of the structured, logical and internally consistent picture of society, and the law which we find in Hart's theory of law as a union of primary and secondary rules, and in Kelsen's pyramid of norms. Post-modernist writings are trying to offer an alternative to the rigid, arbitrary, normative structure of the liberal legal system. Under the influence of the writings of Michael Foucault and Jacques Derrida post-modernist scholars engaged with the study which emphasizes on the 'shifting relationships between self and other'. The 'other' appears to be the individual who is outside the system who is disadvantaged by it. The 'other' cannot assert that the law is on their side within the current situations since the system alienates them. Post modernism recognises that they have an equal claim to consideration since their assertions are no less valid than those who are advantaged by the system or no less valid than even the views of lawyers, judges, or politicians. Post-modernist concern with the 'other' has definitely helped to give an impetus to the claims of disadvantaged groups like women, blacks, and tribal within law. However, to what extent and in what manner the law should seek to accommodate their claims is not clearly brought out in post-modernist writings.

Derrida's deconstruction, through basically applied to language, had a profound influence on legal theory. Modernist used to claim that the function of language as mainly representational it depicts the way things are. In other words, language discloses the relationship between the words and the world. In language, some statements are statements of truth or statements of fact (e.g., this is a chair) and some statements are statements of opinion for example chair is beautiful. Derrida says language is a complex web of signs and metaphorical. Therefore they do not accept the division of language into fact and opinion but hold that all statements are opinions. This is because language is inherently indeterminate. Even a statement of fact, the postmodernists would argue, is a statement of opinion, because there is no true meaning to the concept of chair. Even what appears to be a factual statement is, thus, open to debate and deconstruction.<sup>4</sup>

The exercises of deconstruction are very much relevant to understand the law. Language is as abstraction of a reality. Take for instance, the concepts of family and property. In law they are removed from the reality, and all debates revolve around them. If the reality is removed, then there is no relevance to the discussions of the things which are not real today. Post modernists see all statements in law assertions; an individual will favour those which clash least with everything else that he takes to be true. Individuals agree with the right legal propositions because they fit into the legal system which is presumed to be right. The whole system is based on dominant assertions which must ultimately

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<sup>4</sup> N.K jayakumar, lectures in Jurisprudence, second edition

be built on pure ideology or power. The law and the legal system thus become self-perpetuating hierarchies.

Post-modernism is criticized on the ground of deconstruction which has focuses on the negative, the uncertainties and ambiguities of existence. In order to counter this criticism, there has been a version called affirmative post-modernism as developed by post modernist scholars including J M Balkin, who states that deconstruction of legal concepts is not nihilistic.

Deconstruction is not a denial of the legitimacy of rules and principles, it is an affirmation of human possibilities that have been overlooked or forgotten in the privileging of particular legal ideas. By recalling the elements of human life relegated to a margin in a given social theory, deconstructive readings challenge us to remake the dominant conceptions of our society.<sup>5</sup>

Balkin also poses the question as to why do we want to deconstruct law or legal doctrine? He answers that this has mainly to do with the pursuit of justice. We might want to demonstrate that the law or some part of it is unjust. The failure of law to adequately deal with some aspect of social life may lead to injustice. A critical use of deconstruction involves pointing out that something is wrong and arguing that it could and should be made better. Balkin asserts that law is always to some extent and to some degree unjust. The only way of articulating a person's conception of justice is through imperfect laws. Such laws lead to deconstruction and modified law. This is a continuous process.

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<sup>5</sup> Deconstruction Practice and Legal theory (1987) 96 Yale Law Journal 743, p 763.

It is interesting to examine how post-modernists view the deconstructive technique to de-justify or de-legitimate the liberal constitution. Modernist legal theories are built on the idea of constitutionalism, the idea of a society governed by the rule of law with the supremacy of law or the constitution at the top of the pyramid of laws. The recognition of law as the key to the exercise of power facilitates the legitimation of the exercise of such political power. P Schlag who calls the practice of liberal justification, a popular constitutional mythology, explains it thus:

The popular narrative recounts the story of a sovereign people who in a foundational moment established their own state by setting forth in a written constitution the powers and limitations of their government. The very identity, content and character of this government is established by the constitution itself. In turn, the authority of this Constitution stems from the consent of the governed-their acquiescence in a limited surrender of their sovereign power in return for the benefits of a limited, representative government.<sup>6</sup>

Schlag questions the concept of the consent of people as the basis of the legitimacy of the constitution. Once this concept is accepted, nobody asks the question, as to what gave the generation of 1787 (the year in which the American constitution was adopted) the authority to delimit freedom for all subsequent generations. Everyone tends to forget that in reality people had not been consulted despite the mythology of consent. Another weakness of the consent theory is that the individual has to either choose the whole system or

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<sup>6</sup> The Empty circles of liberal Justification (1997) 96(1) Michigan Law Review 1, p3.

nothing. Once consent to the paramount norm is established, this necessarily entails consent to a whole series of institutions and practices that are authorised by the paramount norm. Schlag concludes that liberalism is not a rational choice, but only an emotional choice and therefore, does not have any superior claim to acceptance by deconstructing the language of liberal constitutionalism. Schlag reveals it as a legitimating of a political choice that has been made certain individual's centuries ago.

There is also new trend among post-modernists from mere deconstruction to reconstruction which is visible in the writings of Santos. He realizes that merely 'to criticize the dominant paradigm- an important and difficult task. Santos recognises that 'modern men and women are configuration or networks of different subjectivities. He depicts six prevalent structural subjectivities arising out of six dominant structural places found in contemporary capitalist society. They are the household place, workplace, citizen place, world place, market place and community place. These structural places are the loci of major power forms circulating in our society. In the household place, the contradiction or competition is between the dominant paradigm of patriarchal family and the emergent paradigm of the co-operative domestic community. In the workplace the competition is between the dominant paradigm of capitalist expansionism and the emergent paradigm of eco-socialist sustainability which involves free associations of producers geared towards the democratic production of use-values without degrading nature. In the citizen place, competition is between authoritarian and radical democracy. In radical democracy, the democratic

process is furthered by the transformation of the relations of power into relations of shared authority, despotic law into democratic law and regulatory commonsense into emancipator common sense. The contradiction in the market place is between the paradigm of individualistic consumerism and the paradigm of human needs. In the community place, the competition is between fortress communities and amoeba community. In the world place, the competition is between the paradigm of unequal development and exclusive sovereignty and the paradigm of democratically sustainable development and reciprocally permeable sovereignty. Santos is optimistic that the emergent paradigm will result in the emergence of a new system of international and transnational relations guided by the principles of cosmopolitanism and common heritage of mankind. Santos has used opposing paradigms of the structures of modernity which certainly provides an insight into a better alternative.

## POSTMODERN STATE AND LAW

Postmodernism is a response to the 'legitimate crises' of the society. It is argued that the modern bureaucratic state has become dysfunctional, either because it has 'colonized other life-worlds', or because it has inappropriately interfered with the functioning of other subsystems. The result has been inefficiencies in managing economic and social problems and the distortion of human relations.

By way of contrast, the postmodern state is minimalist because radical democracy depends on the proliferation of public spaces where social agents become increasingly capable of self-management.

One important postmodernist theme invokes the instability or indeterminate of the 'subject'. First, traditional social categories (women, gays, blacks etc.) live in different worlds simultaneously, and the social identity is fractured-there is no scope for reconciliation. Secondly, there is a difference of psyche of the individual. Thus there is fragmentation and differences rather than unity and universality. The one is, however, clearly in tension with the other.

The result of postmodernist jurisprudence is to shift the focus of jurisprudence from a study of the legal system and its properties (order, coherence, determinacy etc.) to the 'nature of the legal subject' who apprehends the legal system and judges it to have these properties. Thus, 'the nature of legal understanding' becomes central to 'jurisprudential enquiry'. Since the legal subject is socially constructed, the ways this social construction has led the

legal subject to understand the legal system also becomes crucial. And equally, jurisprudence makes 'the subjects' contribution to the legal system invisible.

Balkin points to three dimensions of jurisprudence. First, subjects bring 'purposes' to their understanding of law. Legal understanding is a purposive activity of subjects. Secondly, judgments about the law rest on the 'nature of the self' and thirdly, subjectivity is important to the study of law because 'legal understanding' is also a source of power over the legal subject. Legal understanding thus makes the legal subject a locus of ideological power.

The post alternative converts the state into an 'absent structure' and makes possible 'autonomy of law as a system of social regulation'. There is a new emphasis on legal pluralism. The state is not the only source of rules of law. We live in families, we work in offices and factories, we buy goods as consumers in the market, and we may accept religious affiliations.

The considerations of law reflect the ambiguities, hopes, confusions and fears of the post-modern condition. Santos argues that the modern idea of global rationality has disintegrated into a multitude of uncontrollable, irrationalities. What is required is to reinvent this mini-rationalism so that they form a new totality. Politics and the law in the postmodern transition is 'the emergence of a new legal minimalism and of micro-revolutionary practices.'

The political agenda will emphasise redistribution of economic resources, as well as the distribution of 'post materialist goods' such as better environment and peace and greater democratization. It will lead to the empowering of

victimized groups. And law will be 'decanalized' as it proves ineffective, opening a gap in social imagination. Social change will follow as 'autonomous subjectivities, free themselves from the prejudices of legal fetishism'.

As James Boyd White, a prominent of an emerging 'law and humanities movement', states that law cannot help but partake of the radical uncertainty of postmodern life, and its multivocal structure renders it implicated in many contrasting accounts and languages. Law's flexibility ensures it in the postmodern dialectic of multi-directionality against directionless preformivity.<sup>7</sup>

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<sup>7</sup> Dr.SR.Mynemi, Juriprudence(legal theory) P 572-574

## ELEMENTS OF POST MODERNITY

Temptations for jurisprudence in post modernity

Law is the sword of the sovereign who is to watch over the subjects and within whose domination the subjects can pursue their legitimate desires. In time the idea of social progress was joined with law so that law was seen as an instrument to guide us to that land and time of their happiness. Law was to be the guarantor of modernity, the instrument of rational power. In post modernity many carry swords, but only to brandish them; law seemed to have lost its rationality. The coherence be created through historical struggles and the granting of legal rights, of a modern subject which was being incorporated by a process of assimilation into the modernity. Instead, however, of contentment and reasoned satisfaction relates feeling of personal suspension and ambiguity. In postmodernism the subjects is forced to live a situation of contingency and choice, longing for a life of relative peace and contentment within a socially just and acceptable social order, the subject finds only a rapidly moving where there are few places to rest and insufficient time to attain certainty. The subjects become increasingly confused as they attempt to ascertain the truth of their social context and the essence of the institutions. In this uncertain world, neither the law nor their cultural heritage offer certainty. The following temptations arise to face such postmodernism.

1. **To accept radical relativism:** the modern person has to assume or has to be told, that perfection truth is a realistic, albeit futurist, possibility. In

that way the struggle for justice, the political commitment to justice, the march into the future and out of the past, is provided with some sort of meaning and purpose. By contrast, post modernity is the growing awareness that linkage is absurd. Thus postmodernism is the realization that there can be no utopia of the just society the voyage is doomed and by implication, we are at the destination, the problem is that the destination is no conclusion. There is no end.

2. **Abandoning the search for the wisdom of law in favor of**

**Preformivity:** the critical legal studies movement wished to return social organization to human concerns, to less alienated forms of social life and human interaction. Conversely, proponents of law and economics tend to ask jurisprudence to speak only in the language understood by economic power-money. Economics is the language most computer friendly, most minimalist in its claims concerning human nature. The discourse of the law and economics movement speaks a postmodern language. Scientific knowledge is not however self-sustainable. It exists in competition and conflict with other forms of knowledge which Lyotard labels as narrative and which dominated in traditional societies. While modernity waged war on narratives, narrative survived bestowing legitimacy upon the social institutions and providing positive and negative forms of integration into established institution. Thus we witness the growing law and humanities movements and the narrative style of feminism – but their power base is ambiguous.

### 3 **To abandon modernity for dialectic of tribalism and rampant**

**subjectivity:** social and cultural modernism has come under attack from diverse quarters throughout the developed world. From the right, conservatives argue that modernism has undercut the values of everyday life and common sense. Hedonism, lack of social identification, lack of obedience, self-love, the withdrawal of defence from authority, are seen not as features of successful modernization, but of a social and cultural modernity which has lost its way. Conversely, for those on the left, the post modern problems, is that of the incomplete modernization of the world. When Lyotard claims that in post-modern condition the grand narratives have lost their credibility at the same time as we keep on playing the games that were formerly legitimated by those grand narratives, and do so at a greater level of performivity. Jamerson defines postmodernism as nostalgia for the past where, at the same time, we seem to lose our ability to locate ourselves historically. We became incapable of embedding ourselves in a time-space contingent that makes sense. Post modernity denotes a feeling of loss, in that we can no longer grasp what is going on in society, or indeed the globe as a whole, yet at the same time we need to know what is going on at this level of totality in order that we can say that it is no longer possible to say what is going on. Thus whilst it is fashionable to say that there is no single theoretical discourse, which is going to offer us explanations of all forms of social relations and make possible legitimate modes of political practice and

legal intervention, this itself is, reflexively, a theoretical understanding of totality.

- 4 **To misunderstand the nature of deconstruction:** along with realization of contingency and the dreams of dynamic flexibility, the post modern cultural consciousness is obsessed with the process of deconstruction. Deconstruction enters jurisprudence first through the law's textual nature and secondly through the modernist (functional) linkage of law with social structure. By asking a continual series of questions, deconstruction seeks to sap the strength of a social structure whose substance; lies in the prohibition of asking.

For derrida(1992) deconstruction is a form of humanism, deconstruction's uncovering of the infinite regress of truth's being is not a denial of the task of enlightenment, but a call to remember that the task of philosophy is not to capture truth but to enable us to live in the spirit of truth. To live amidst the process of deconstruction is the fate of the modern person who retains both a critical distance from acquiescing in the power of the sword of law and who seeks to unpack the normalizing process of everyday discipline.

- 5 **To refuse the burden of deconstruction by retreating into gamesmanship:** In postmodernism where everything can be doubted, where justice is authenticity-rather than guarantee-burden of existence moves, inescapably upon our shoulders. Postmodern life is a life on the run in conditions of great preformability.

Through everyday academic and professional legal practitioners play the game of rational reconstruction doctrine is developed sometimes new kinds of law are won- such as 'restitution law' – out of the battles of legal language games. The games of life, the games of law respond to the need for recognition. Jurisprudence as the search for the truth of law is the desire for wisdom. That humanities follow desire, rather than instinct, is the source both of our power and our existential problems. Through speech, desires one articulates the ideas of dignity and the sacred, the language games of contemporary jurisprudence speak to the multi-facused nature and sources of these desires. Desire becomes mobile, transitory, unfocussed or to put it more correctly, moves in a continual state of focusing.

The games of the post modern are not self-sustaining or a historical. In the games of post-modernity, it matters what the position of the games in the social order is. In the post-modern condition, we must acknowledge the impossibility of escaping from our existential inadequacy. The challenge of the postmodern is to continually ask the meaning of being human, in full consciousness of the fact that any answer offered, and any social order thereby constructed, is only a temporary respite, an embodiment of some of desires, solace to our fears.<sup>8</sup>

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<sup>8</sup> Dr.SR.Mynemi, Juriprudence(legal theory) P 574-576

## LEADING FIGURES

**Jean-Francois Lyotard**- “The Postmodern would be that which in the modern invokes the unrepresentable in presentation itself, that which refuses the consolation of correct forms, refuses the consensus of taste permitting a common experience of nostalgia for the impossible, and inquires into new presentations--not to take pleasure in them, but to better produce the feeling that there is something unrepresentable.” Lyotard attacks many of the modern age traditions, such as the "Grand" Narrative or what Lyotard termed the Meta(master) narrative. In contrast to the ethnographies written by anthropologists in the first half of the 20th Century, Lyotard states that an all encompassing account of a culture cannot be accomplished.

**Jean Baudrillard** - is a sociologist who began his career exploring the Marxist critique of capitalism. During this phase of his work he argued that, “consumer objects constitute a system of signs that differentiate the population” . Eventually, however, Baudrillard felt that Marxist tenets did not effectively evaluate commodities, so he turned to postmodernism. Rosenau labels Baudrillard as a skeptical postmodernist because of statements like, “everything has already happened....nothing new can occur, “ or “there is no real world”. Baudrillard breaks down modernity and postmodernity in an effort to explain the world as a set of models. He identifies early modernity as the period between the Renaissance and the Industrial Revolution, modernity as the period at the start of the Industrial Revolution, and postmodernity as the period of mass media (cinema and photography). Baudrillard states that we live in a world of images but images that are only simulations. Baudrillard implies that many people fail to understand this concept that, “we have now moved into an epoch...where

truth is entirely a product of consensus values, and where ‘science’ itself is just the name we attach to certain modes of explanation.”.

**Jacques Derrida** (15 July 1930 - 9 October 2004) was a French philosopher. He was born in El Biar, French Algeria into a Sephardic Jewish family originally from Toledo, Spain. He died of pancreatic cancer in a Paris hospital. Derrida is identified as a poststructuralist and a skeptical postmodernist. Much of his writing is concerned with the deconstruction<sup>9</sup> of texts and probing the relationship of meaning between texts. He observes that “a text employs its own strategems against it, producing a force of dislocation that spreads itself through an entire system.” Derrida directly attacks Western philosophy's understanding of reason. He sees reason as dominated by “a metaphysics of presence.” Derrida agrees with structuralism's insight, that meaning is not inherent in signs, but he proposes that it is incorrect to infer that anything reasoned can be used as a stable and timeless model. “He tries to problematize the grounds of reason, truth, and knowledge...he questions the highest point by demanding reasoning for reasoning itself.

**Michel Foucault** (1926- 1984) Foucault was a French philosopher who attempted to show that what most people think of as the permanent truths of human nature and society actually change throughout the course of history. While challenging the influences of Marx and Freud, Foucault postulated that everyday practices enabled people to define their identities and systemize knowledge. Foucault’s study of power and its shifting patterns is one of the foundations of postmodernism. Foucault is considered a postmodern theorist precisely because his work upsets the conventional understanding of history as a chronology of

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<sup>9</sup> Method of philosophical and literary analysis, derived mainly from the work of Jacques Derrida, that questions the fundamental conceptual distinctions, or “oppositions,” in Western philosophy through a close examination of the language and logic of philosophical and literary texts.

inevitable facts. Alternatively, he depicts history as underlayers of suppressed and unconscious knowledge in and throughout history. These underlayers are the codes and assumptions of order, the structures of exclusion, that legitimate the episteme by which societies achieve identities.

**Nancy Scheper-Hughes** (1944-) She is a professor of Anthropology at the University of California, Berkeley. In her work "Primacy of the Ethical" Scheper-Hughes argues that, "If we cannot begin to think about social institutions and practices in moral or ethical terms, then anthropology strikes me as quite weak and useless." She advocates that ethnographies be used as tools for critical reflection and human liberation because she feels that "ethics" make culture possible. Since culture is preceded by ethics, therefore ethics cannot be culturally bound as argued by anthropologists in the past. These philosophies are evident in her other works such as, "Death Without Weeping." The crux of her postmodern perspective is that, "Anthropologists, no less than any other professionals, should be held accountable for how we have used and how we have failed to use anthropology as a critical tool at crucial historical moments. It is the act of "witnessing" that lends our word its moral, at times almost theological, character."

## CRITICISM

Philosopher Noam Chomsky has argued that postmodernism is meaningless because it adds nothing to analytical or empirical knowledge. He asks why postmodernist intellectuals won't respond like people in other fields when asked:

Seriously, what are the principles of their theories, on what evidence are they based, what do they explain that wasn't already obvious, etc? These are fair requests for anyone to make. If they can't be met, then I'd suggest recourse to Hume's advice in similar circumstances: to the flames.

In a similar vein, Richard Dawkins writes in a favorable review of Alan Sokal and Jean Bricmont's *Intellectual Impostures*

Suppose you are an intellectual impostor with nothing to say, but with strong ambitions to succeed in academic life, collect a coterie of reverent disciples and have students around the world anoint your pages with respectful yellow highlighter. What kind of literary style would you cultivate? Not a lucid one, surely, for clarity would expose your lack of content.

Dawkins then uses a quotation from Félix Guattari as an example of this "lack of content".

It has been suggested that the term "postmodernism" is a mere buzzword that means nothing.

For example, Dick Hebdige, in "Hiding in the Light," writes:

When it becomes possible for a people to describe as 'postmodern' the décor of a room, the design of a building, the diegesis of a film, the construction of a record, or

a 'scratch' video, a television commercial, or an arts documentary, or the 'intertextual' relations between them, the layout of a page in a fashion magazine or critical journal, an anti-teleological tendency within epistemology, the attack on the 'metaphysics of presence', a general attenuation of feeling, the collective chagrin and morbid projections of a post-War generation of baby boomers confronting disillusioned middle-age, the 'predicament' of reflexivity, a group of rhetorical tropes, a proliferation of surfaces, a new phase in commodity fetishism, a fascination for images, codes and styles, a process of cultural, political or existential fragmentation and/or crisis, the 'de-centring' of the subject, an 'incredulity towards metanarratives', the replacement of unitary power axes by a plurality of power/discourse formations, the 'implosion of meaning', the collapse of cultural hierarchies, the dread engendered by the threat of nuclear self-destruction, the decline of the university, the functioning and effects of the new miniaturised technologies, broad societal and economic shifts into a 'media', 'consumer' or 'multinational' phase, a sense (depending on who you read) of 'placelessness' or the abandonment of placelessness ('critical regionalism') or (even) a generalised substitution of spatial for temporal coordinates - when it becomes possible to describe all these things as 'Postmodern' (or more simply using a current abbreviation as 'post' or 'very post') then it's clear we are in the presence of a buzzword.

Others, such as the British historian Perry Anderson, have argued that the various meanings assigned to the term "postmodernism" only contradict one another on the surface and that a postmodernist analysis can offer insight into contemporary culture. Kaya Yilmaz defends the lack of clarity and consistency in the term's definition. Yilmaz points out that because the

theory itself is “anti-essentialist and anti-foundationalist” it is fitting that the term cannot have any essential or fundamental meaning.<sup>10</sup>

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<sup>10</sup> [file:///C:/Users/user/Documents/Criticism\\_of\\_postmodernism.htm](file:///C:/Users/user/Documents/Criticism_of_postmodernism.htm)

## CONCLUSION

Postmodernism is a general and wide-ranging term which is applied to literature, art, philosophy, architecture, fiction, and cultural and literary criticism, among others.

Postmodernism is largely a reaction to the assumed certainty of scientific, or objective, efforts to explain reality. In essence, it stems from a recognition that reality is not simply mirrored in human understanding of it, but rather, is constructed as the mind tries to understand its own particular and personal reality.

For this reason, postmodernism is highly skeptical of explanations which claim to be valid for all groups, cultures, traditions, or races, and instead focuses on the relative truths of each person. In the postmodern understanding, interpretation is everything; reality only comes into being through our interpretations of what the world means to us individually. Postmodernism relies on concrete experience over abstract principles, knowing always that the outcome of one's own experience will necessarily be fallible and relative, rather than certain and universal. Postmodernism is "post" because it denies the existence of any ultimate principles, and it lacks the optimism of there being a scientific, philosophical, or religious truth which will explain everything for everybody - a characteristic of the so-called "modern" mind. The problem with Postmodernism is that it leaves us without absolute foundations for determining absolute truths about how we should think and live wisely on earth. We can imagine pretty much anything as being true (human imagination is endless) which is how our world is (and has been for thousands of years).

This freedom to imagine anything as 'relative truth' is another significant reason why postmodernism has been universally embraced. Every culture, religion and diverse group on the planet can claim that their truths are just as valid as anyone else's. This has led to the

concept of 'tolerance'. In conclusion postmodernism and modernism are somewhat intertwined and it's in reality very hard to draw distinct line between the two theories except for the fact that the later evolved from the former.

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## **Websites**

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