

SEARCHING FOR CONTEMPORARY LEGAL THOUGHT

For more than a century, law schools have trained students to “think like a lawyer.” In these times of legal crisis, both in legal education and in global society, what does that mean for the rest of us? In this book, thirty leading international scholars – including Louis Assier-Andrieu, Marianne Constable, Yves Dezalay, Denise Ferreira da Silva, Bryant Garth, Peter Goodrich, Duncan Kennedy, Martti Koskeniemi, Shaun McVeigh, Samuel Moyn, Annelise Riles, Charles Sabel, Pierre Schlag, and William Simon – examine what is distinctive about legal thought. They probe the relation between law and time, law and culture, and legal thought and legal action; the nature of current legal thought; the geography of legal thought; and the conditions for recognition of a new “contemporary” style of law. This work will help theorists, social scientists, historians, and students understand the intellectual context of legal problems, legal doctrine, and jurisprudential trends in the current conjuncture.

Justin Desautels-Stein is Associate Professor of Law, University of Colorado. His published works have appeared in many well-respected journals, including *Law & Contemporary Problems*, *International Theory*, *The American Journal of Legal History* and *Law & Critique*. His first book, *The Jurisprudence of Style: A Structuralist History of American Pragmatism and Liberal Legal Thought*, will be published by Cambridge University Press.

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There are many contemporary legal thinkers, but is there something we can call “contemporary legal thought”? Drawing upon a wide range of thinking about how ideas develop and spread, this collection is an important contribution to our understanding of where the analysis of law stands today, in the United States and around the world.

– Mark Tushnet, Harvard Law School

This surprising, far-ranging collection is not only an investigation into the possibility of contemporary legal thought. It is an inquiry that enriches our understanding of legal thought in all its varied relations – to temporality, to social and institutional practices, to markets, to arrangements of power, to language and culture, to affective and stylistic stances. To muse on all this, as we explore the authors’ diverse, provocative framings of the ‘contemporary’ in law, is a challenge and a treat.

– Kathryn R. Abrams, Berkeley Law

Searching for Contemporary Legal Thought is an extraordinary scholarly achievement. It brings together the reflections of over two dozen leading legal scholars on the question of what makes legal thought today distinctive – what distinguishes it from other disciplines and what distinguishes it from its own past? Little consensus as to the right answer emerges from the collection, but the diversity of responses itself attests to the importance of asking the question. Anyone interested in legal theory, and its relation to the law in practice, would do well to peruse this volume.

– Charles Barzun, University of Virginia School of Law

This brilliantly conceived collection seeks to explore what is new and distinctive in contemporary legal thought, and where it might lead us. While generations of students have been trained in thinking like a lawyer, these essays engage us in the work of lawyering like a thinker. The authors draw out the complex relations between theory and practice, past and present, faith and suspicion, information and thought, fragmentation and creation, and critique and innovation that are at the heart of contemporary performances of legality. The result is an invitation to take seriously the question of what styles and practices of legal thought might be adequate to this time of crisis in the institutions of law.

– Anne Orford, Melbourne Law School

In this strikingly provocative collection of essays, an international group of some of the most interesting and original minds in the legal academy asks whether there is such a thing as “contemporary legal thought,” or only the shards and fragments of – now exhausted – prior movements and systems. The contributors arrive at different conclusions: Some see only the ruins; others possibilities for making postmodern pastiches out of the fragments; still others point to wildflowers among the ruins – prospects for novel approaches to understanding law that may someday crystallize into more general theories. The book is designed to disturb and shake up conventional views of law and legal theory in the present moment; and it does so, with panache.

– Robert W. Gordon, Stanford Law School

When Duncan Kennedy – in his instant classic of 2006, “Three Globalizations of Legal Thought: 1850–2000” – gave a local habitation and a name to contemporary legal thought, and limned it as a loosely fragmented, historically sedimented, somewhat chunky, politically indeterminate and shimmeringly contradictory array of modes of legal consciousness, contemporary legal thinkers have looked inward, seeking it in themselves, and outward, seeking in professional routines, bureaucratic life, popular contestations. This remarkable collection of essays gives voice to the resulting ferment of inquiry. Some contributors pronounce legal thought dead; others locate it in obvious and still others in amusing and surprising places. Some give it form and some see its evanescence. For some it rings with the death-dealing power of legal entities; for others it is full of life and promise. All offer lucid essays that only they could have written. To anyone who cares about developing a critical engagement with law, legality, legalism, jurisprudence, social justice, legal practice . . . today, this book will become a reader’s guide to contemporary ways of seeing.

– Janet Halley, Harvard Law School

The movement of legal forms over time and space manifests the interrelation of social life and legal mediation and so shapes all contemporary legal, political, and economic conflicts. Has the true ambit of that movement been grasped by prevailing accounts of the globalization of legal thought? Gathering the most original thinkers in law and legal studies, *Searching for Contemporary Legal Thought* recasts the question, and the problem it identifies. Here, teleological narratives about the spread of legal forms and practices are set aside. Rather than a product of linear time or contained space, the ‘contemporary’ is understood as the co-presence of past, present, and future. In this volume we encounter a thinking that seeks the new “nomos of our contemporary”. After the long reign of socio-legal studies, it becomes possible to think again.

– Stewart Motha, School of Law, Birkbeck, University of London.

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