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Interdisciplinary Dialogues in Justice, Society, and Policy



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Law and Beyond

Interdisciplinary Dialogues in Justice, Society, and Policy

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Breaking The Scales: Critical Legal Theory Through Time

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Abstract

The present chapter *Breaking the Scales: Critical Legal Theory Through Time* explores the evolution of Critical Legal Theory (CLT) and its ongoing influence on contemporary legal thought. From its roots in the 1970s, CLT challenged the traditional perceptions of law as neutral and objective, arguing instead that legal structures are intrinsically shaped by power dynamics, social hierarchies, and historical context. This chapter traces CLT's development, highlighting key theoretical contributions from scholars such as Roberto Unger, Duncan Kennedy, and Karl Marx, whose critiques focused on the intersection of law, class, and society. Additionally, it examines CLT's engagement with issues of race, gender, and colonialism, offering an interdisciplinary approach that critiques the law's role in maintaining social injustice. By situating CLT within the broader historical trajectory of legal thought, this chapter demonstrates how it has fostered a deeper understanding of the law as a tool of social control, capable of both perpetuating and challenging existing power structures. The chapter also

addresses the limitations and future prospects of CLT, exploring its continued relevance in a world increasingly shaped by globalization and technological innovation. Through real-world case studies and judicial opinions, the chapter underscores the importance of CLT in interrogating the ways in which law interacts with evolving societal norms and values.

Keywords: Critical Legal Theory, Legal History, Power Dynamics, Social Justice, Legal Critique.

I. INTRODUCTION

Law is often described as fair, logical, and objective—a set of rules applied equally to everyone, no matter who they are. This view is comforting. It suggests that justice can be reached through reason and procedure, and that courts are neutral spaces where truth wins out. But for many scholars and communities, this picture doesn't match their lived experience. Instead, they see law as deeply shaped by politics, power, and history. That's where Critical Legal Theory, or CLT, comes in. CLT encourages us to think differently about the law. Rather than seeing it as a stable and neutral system, it sees law as something created by people—and, like all human creations, it reflects the values, assumptions, and power structures of the society around it. This approach didn't appear out of nowhere. It grew out of earlier thinking, especially from a group of scholars known as the legal realists in the early 20th century. Legal realists like Karl Llewellyn and Jerome Frank questioned the idea that legal decisions could be purely logical or detached from human influence. They argued that judges' choices were often shaped by their personal beliefs, the social mood of the time, and economic pressures (Frank, 1930; Llewellyn, 1931). Their work laid the groundwork for later thinkers to take the critique further.

By the 1970s, especially in elite U.S. law schools, a new