A Bibliography of Critical Legal Studies

Duncan Kennedy†
Karl E. Klare‡‡

Until now, those interested in the vast Critical Legal Studies literature have not had easy access to it. Because Critical Legal Studies embraces disciplines other than law, and because many Critical Legal Studies articles cut across traditional legal categories, use of standard legal reference tools does not enable one easily to isolate that literature. In order to help those interested in this body of work, the Yale Law Journal is publishing the following Critical Legal Studies bibliography prepared by Professors Duncan Kennedy and Karl Klare.

Legal bibliographies are a rarity. While the nature of Critical Legal Studies makes a bibliography of works relevant to the movement particularly helpful, bibliographies in other areas of the law would undoubtedly aid students, practitioners, and scholars. The editors of the Yale Law Journal hope that our publication of this bibliography will encourage others to undertake similar endeavors.

Since 1981, we have been circulating an informal bibliography of Critical Legal Studies (CLS). The numerous requests that we have received for the nineteen successive versions of this document suggest that many people, including lawyers, teachers, students, and researchers in a variety of fields, have found it useful. We are grateful to the Yale Law Journal for publishing this revised and updated version.

We have made no attempt to define what CLS is. The CLS movement has been generally concerned with the relationship of legal scholarship and practice to the struggle to create a more humane, egalitarian, and democratic society. CLS scholarship has been influenced by a variety of currents in contemporary radical social theory, but does not reflect any agreed upon set of political tenets or methodological approaches. Quite the

† Visiting Professor of Law, New England School of Law.
‡‡ Professor of Law, Northeastern University.
1. Critical Legal Studies is a movement of lawyers, law teachers, social theorists, and students who are directly or indirectly linked to the Conference on Critical Legal Studies (CCLS). The CCLS was founded at a meeting in Madison, Wisconsin in 1977; of the approximately 50 participants, a majority were academics in either law or the social sciences. Since then, CCLS has become a membership organization and has sponsored eight national conventions and five "summer camps" to discuss a variety of topics in the theory, teaching, and practice of law. One of CCLS's important activities is to encourage research and writing by creating a collaborative atmosphere and support networks of interested co-workers. We trust the results of such efforts are reflected in these pages.
contrary, there is sharp division within the CLS movement on such mat-
ners. CLS has sought to encourage the widest possible range of approaches and debate within a broad framework of a commitment to democratic and egalitarian values and a belief that scholars, students, and lawyers alike have some contribution to make in the creation of a more just society.

Since we did not establish fixed criteria for determining what a “CLS
type” work is, we should explain how we constructed this bibliography. Initially, we assembled a tentative and incomplete list of articles that came to our minds as examples of CLS work. Over the years, we added books and articles that seemed to us to reflect, even obliquely, a CLS influence, however defined. We included the works of people who were active participants in the Conference on Critical Legal Studies (CCLS) or who had presented papers at annual meetings that were subsequently published. Many people wrote us requesting that we include their works, and we took such requests to be sufficient evidence of identification with CLS to merit inclusion. In addition, in preparing this published version, we wrote to all members of the CCLS (based on our most recent information, which was current as of early winter, 1984) and invited them to list published works of theirs that they felt should be included in this bibliography.

This is a bibliography of the Critical Legal Studies movement, not of critical works on law. Thus, we have not included the writings of Marx or Weber, or other classics of the social theory of law. Nor have we attempted to include the many exciting and valuable contributions to legal theory outside the CLS movement being written in the United States and abroad. In addition, we have included only published works. The idea was to provide in a readily accessible form a document that tells people where they can go to read CLS-type works, not to establish a research clearinghouse.

We have not tried to search out all writings that might conceivably belong in a CLS bibliography nor have we included complete lists of each individual’s work. We have done our best to be as inclusive as possible and have strictly refrained from making political judgments on any person’s work. Unavoidably, some people will be offended because we inadvertently failed to list some or all of their work, and they have our apologies in advance. By the same token, readers are advised that some people

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are included here who might not or do not consider themselves to be identified with the CLS movement. Responsibility for the construction of the bibliography rests with us alone, not the listed authors.
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