

# THE THEORY OF CRITICAL LEGAL STUDIES

ALAN HUNT\*

'If we, dear, know we know no more  
Than they about the law,  
If I no more than you  
Know what we should and should not do  
Except that all agree  
Gladly or miserably  
That the law is'

(W. H. Auden 'Law Like Love')

## 1. A PROGRESSIVE INTERVENTION

Critical legal studies is the first movement in legal theory and legal scholarship in the United States to have espoused a committed Left political stance and perspective.<sup>1</sup> A left-wing academic trend of considerable breadth in the field of law is in itself worthy of attention, but one which has assumed an organized form and has already made a marked impact loudly demands careful scrutiny.

The emergence and growth of the Conference on Critical Legal Studies (CCLS) is to be warmly welcomed. It raises the prospect of generating an impact on legal scholarship that outreaches the impact of Realism in the 1920s and 1930s. It also has the potential of forcing itself upon the calm and untroubled world of legal scholarship in such a way as to require the latter to engage in a thorough-going debate about the nature and direction of legal scholarship and education.

This essay sets out to assess the significance and impact of the critical legal studies movement. It seeks to do this not by standing aside from the commitment of the movement but adopts and supports its partisanship. The approach adopted

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1 W. H. Auden, *Collected Poems* (Faber & Faber, London 1976).

2 Duncan Kennedy defines critical legal studies as 'the emergence of a new left intelligentsia committed at once to theory and to practice, and creating a radical left world view in an area where once there were only variations on the theme of legitimization of the status quo'; D. Kennedy, 'Critical Labour Theory: A Comment' 4 *Jud. Rel.* 17 503, 506 (1981). In characterizing this 'legal leftism' Kennedy elsewhere insists that 'our methodology is linked, however obscurely, to our left politics. We're trying to do radical legal scholarship', 'Case Reduction Theory as Legitimation' 96 *Yale L.J.* 1275 (1981). The movement is 'a full frontal assault on the edifice of jurisprudential writing and thought', Allan Hutchinson & Patrick Monahan, 'Law, Politics and the Critical Legal Scholars: The Unfolding Drama of American Legal Thought' 36 *Stan L. Rev.* 199-245 (1984). 'There is, at long last, a "left" in legal academia, equipped with nascent theory', Ed Spitzer 'Fundamental Human Rights, Legal Entitlements and the Moral Struggle: A Friendly Critique of the Critical Legal Studies Movement' 36 *State L. Rev.* 509-622 (1984).

# Critical Legal Studies

**Huangqi Zhang**



## **Critical Legal Studies:**

## **Critical Legal Studies** Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Critical Legal Studies**," compiled by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we shall delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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### **Table of Contents Critical Legal Studies**

1. Understanding the eBook Critical Legal Studies
  - The Rise of Digital Reading Critical Legal Studies
  - Advantages of eBooks Over Traditional Books
2. Identifying Critical Legal Studies
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an eBook Platform
  - User-Friendly Interface
4. Exploring eBook Recommendations from Critical Legal Studies
  - Personalized Recommendations
  - Critical Legal Studies User Reviews and Ratings
  - Critical Legal Studies and Bestseller Lists
5. Accessing Critical Legal Studies Free and Paid eBooks

- Critical Legal Studies Public Domain eBooks
  - Critical Legal Studies eBook Subscription Services
  - Critical Legal Studies Budget-Friendly Options
6. Navigating Critical Legal Studies eBook Formats
    - ePub, PDF, MOBI, and More
    - Critical Legal Studies Compatibility with Devices
    - Critical Legal Studies Enhanced eBook Features
  7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Critical Legal Studies
    - Highlighting and Note-Taking Critical Legal Studies
    - Interactive Elements Critical Legal Studies
  8. Staying Engaged with Critical Legal Studies
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Critical Legal Studies
  9. Balancing eBooks and Physical Books Critical Legal Studies
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Critical Legal Studies
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Critical Legal Studies
    - Setting Reading Goals Critical Legal Studies
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Critical Legal Studies
    - Fact-Checking eBook Content of Critical Legal Studies
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

#### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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