

**Critical Analysis for Law Students:
A Tool Kit & Read-in Group**
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Preliminary

- K.N. Llewellyn, *The Bramble Bush: Some Lectures on Law and Its Study* (1930) (ch. I)
 - Edward H. Levi, *An Introduction to Legal Reasoning*, 15 *U. Chi. L. Rev.* 501 (1947-1948) (pts I-III, V)
 - James Bridges (dir.), *Paper Chase* (*Hawkins v. McGee*, 146 A. 641, 84 N.H. 114 (1929))
 - David Foster Wallace, *Infinite Jest* (1996) (ch. 1)

Learning/Teaching Law

- Bruce A. Kimball, *The Proliferation of Case Method Teaching in American Law Schools: Mr. Langdell's Emblematic "Abomination," 1890-1915*, 46 *Hist. Educ. Q.* 192 (2006) (192-95)
- *Methods of Legal Education*, 1 *Yale L.J.* 139 (1891-1892) (Keener, Gray)
 - Ernest J. Weinrib, *The Teacher*, 57 *University of Toronto Law Journal* 131 (2007) (pt. II)
- Gerald E. Frug, *Critical Theory of Law*, 1 *Legal Educ. Rev.* 43 (1989)
- Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 *J. Legal Educ.* 591 (1982)
 - Lindsay Farmer, *Bringing Cinderella to the Ball: Teaching Criminal Law in Context*, 58 *Mod. L. Rev.* 756 (1995)

Legal Realism

- Oliver W. Holmes, *The Path of the Law*, 10 *Harv. L. Rev.* 457 (1896-1897)
 - Jeremy Bentham, *Fragment on Government* 443-56 (esp. 450-51) (1843) [1776]
- Karl N. Llewellyn, *Some Realism About Realism--Responding to Dean Pound*, 44 *Harv. L. Rev.* 1222 (1930-1931) (pt. II)
 - Karl N. Llewellyn, *Remarks on the Theory of Appellate Decision and the Rules or Canons about How Statutes Are to Be Construed*, 3 *Vand. L. Rev.* 395 (1949-1950)
 - John Willis, *Statutory Interpretation in a Nutshell*, 16 *Can. Bar Rev.* 1, 16 (1938)
 - John Willis, *Three Approaches to Administrative Law: The Judicial, the Conceptual, and the Functional*, 1 *U. Toronto L.J.* 53 (1935) [admin]
 - Robert W. Gordon, *Willis's American Counterparts: The Legal Realists' Defence of Administration*, 55 *U. Toronto L.J.* 405 (2005) [admin]
 - Felix S. Cohen, *Transcendental Nonsense and the Functional Approach*, 35 *Colum. L. Rev.* 809 (1935) (pt. I, 833-end)
 - John Dewey, *The Historic Background of Corporate Legal Personality*, 35 *Yale L.J.* 655 (1926)
 - Rudolf v. Jhering, *In the Heaven for Legal Concepts: A Fantasy*, 58 *Temp. L.Q.* 799 (1985) (Germany) (799-811)
 - Felix S. Cohen, *The Erosion of Indian Rights, 1950-1953: A Case Study in Bureaucracy*, 62 *Yale L.J.* 348 (1953) ("Indian New Deal") [admin]
 - Felix S. Cohen, *The Spanish Origin of Indian Rights in the Law of the United States*, 31 *Geo. L. J.* 1 (1942-1943)
 - Harold J. Laski, *Judicial Review of Social Policy in England: A Study of Roberts v. Hopwood et al.*, 39 *Harv. L. Rev.* 832 (1926) (UK) [admin]

- Leon A. Tulin, The Role of Penalties in Criminal Law, 37 Yale L.J. 1048 (1927-1928) [crim]
- Hanoch Dagan, Reconstructing American Legal Realism & Rethinking Private Law Theory (2013) (introduction)
 - Katherine R. Kruse, Getting Real about Legal Realism, New Legal Realism and Clinical Legal Education, 56 N.Y.L.S. L. Rev. 295 (2011)

Legal Process

- William N. Eskridge, Jr. & Philip P. Frickey, The Making of “The Legal Process”, 107 Harv. L. Rev. 2031 (1994) (2031, 2040-45)
- Henry M. Hart, Jr. & Albert M. Sacks, The Legal Process: Basic Problems in the Making and Application of Law (1994) (preface, 482-96, 545-76, 749-56, 764-73, 1111-14, 1169, 1370-80)
 - Edward L. Rubin, The New Legal Process, the Synthesis of Discourse, and the Microanalysis of Institutions, 109 Harv. L. Rev. 1393 (1996) (pt. II)
 - Herbert Wechsler, The Challenge of a Model Penal Code, 65 Harv. L. Rev. 1097 (1951-1952) [crim]
 - Henry M. Hart, Jr., The Aims of the Criminal Law, 23 Law & Contemp. Probs. 401 (1958) [crim]
- Daniel B. Rodriguez, The Substance of the New Legal Process, 77 Cal. L. Rev. 919 (1989)

Law & Society

- Marc Galanter, Why the “Haves” Come out Ahead: Speculations on the Limits of Legal Change, 9 Law & Soc’y Rev. 95 (1974) (pt. I)
- Lucie E. White, Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G., 38 Buff. L. Rev. 1 (1990) (pt. I) [admin]
 - Jonathan Simon, Law After Society, 24 L. & Soc. Inquiry 143 (1999)

Critical Legal Studies

- Duncan Kennedy, Form and Substance in Private Law Adjudication, 89 Harv. L. Rev. 1685 (1975-1976)
- Morton J. Horwitz, The Rules of Law: An Unqualified Human Good?, 86 Yale L.J. 561 (1976-1977); The History of the Public/Private Distinction, 130 U. Pa. L. Rev. 1423 (1982)
 - Duncan Kennedy, The Structure of Blackstone’s Commentaries, 28 Buff. L. Rev. 205 (1978-1979) (pts. I & II); The Rise and Fall of Classical Legal Thought (preface, ch. 1) (online: duncankennedy.net)
 - Gerald E. Frug, The City as a Legal Concept, 93 Harv. L. Rev. 1057 (1980) (pt. III) [admin]
 - Robert W. Gordon, Critical Legal Histories, 36 Stan. L. Rev. 57 (1984) (pts. I & IV)
 - Mark Kelman, Interpretive Construction in the Substantive Criminal Law, 33 Stan. L. Rev. 591 (1981) (pts. I & V) [crim]
 - Andrew Altman, Legal Realism, Critical Legal Studies, and Dworkin, 15 Phil. & Pub. Aff. 205 (1986) (pts. I-III)

Law & Economics

- Richard A. Posner, Economic Analysis of Law (1972) (preface, ch. 28)
- Michael J. Trebilcock, An Introduction to Law and Economics 23 Monash U.L. Rev. 123 (1997)
 - Evgeny Pashukanis, The General Theory of Law and Marxism (1924) (introduction, ch. I)

- Alan Norrie, Pashukanis and the “Commodity Form Theory”: A Reply to Warrington, 10 Int’l J. Sociology L. 419 (1982) [crim]
- Duncan Kennedy, Law and Economics from the Perspective of Critical Legal Studies, in *The New Palgrave Dictionary of Economics and the Law* 465 (1998)
- Alon Harel & Ariel Porat, Commensurability and Agency: Two Yet-to-Be-Met Challenges for Law and Economics, 96 *Cornell L. Rev.* 749 (2011)

Law & Literature

- Robert Weisberg, *The Law-Literature Enterprise*, 1 *Yale J.L. & Human.* 1 (1988-1989) (pts. I.A.-B., III.A.-H.)
 - Julie Stone Peters, “Law, Literature, and the Vanishing Real: On the Future of an Interdisciplinary Illusion,” 20 *PMLA* 446 (2005)
- Robert M. Cover, *Violence and the Word*, 95 *Yale L.J.* 1601 (1985-1986)
 - Stefan Andriopoulos, *The Terror of Reproduction: Early Cinema’s Ghostly Doubles and the Right to One’s Own Image*, 99 *New German Critique* 151 (2006) [law & film]
 - Simon Stern, *Detecting Doctrines: The Case Method and the Detective Story*, 23 *Yale J.L. & Human.* 339 (2011)
 - I. Bennett Capers, *The Trial of Bigger Thomas: Race, Gender, and Trespass*, 31 *N.Y.U. Rev. L. & Soc. Change* 1 (2006-2007) [crim]

Law & Feminism

- Katharine T. Bartlett, *Gender Law*, 1 *Duke J. Gender L. & Pol’y* 1 (1994)
 - Aya Gruber, *Neofeminism*, 50 *Hous. L. Rev.* 1325 (2013)
- Catharine A. MacKinnon, *Feminism, Marxism, Method, and the State: An Agenda for Theory*, 7 *Signs* 515 (1982)
 - Jennifer Nedelsky, *Reconceiving Autonomy: Sources, Thoughts and Possibilities*, 1 *Yale J.L. & Feminism* 7 (1989)
 - Anne M. Coughlin, *Excusing Women*, 82 *Cal. L. Rev.* 1 (1994) (intro, pts. II & III) [crim]

Law & Race

- Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *Stan. L. Rev.* 581 (1989-1990)
- Cheryl I. Harris, *Whiteness as Property*, 106 *Harv. L. Rev.* 1707 (1993) (pts. I, II)
- *Critical Race Theory: The Key Writings that Formed the Movement* (Kimberlé Crenshaw & Garry Peller, eds., 1995) (introduction)
 - *Critical Race Theory: A Commemoration*, 43:5 *U. Conn. L. Rev.* (2011)
 - Stephen L. Carter, *When Victims Happen to Be Black*, 97 *Yale L.J.* 420 (1987-1988) [crim]
 - I. Bennett Capers, *The Unintentional Rapist*, 87 *Wash. U.L. Rev.* 1345 (2010) [crim]

Law & Law

- J.M. Balkin, *Interdisciplinarity as Colonization*, 53 *Wash. & Lee L. Rev.* 949 (1996)
- Douglas W. Vick, *Interdisciplinarity and the Discipline of Law*, 31 *J. L. & Soc’y* 163 (2004)
 - Shai Lavi, *Turning the Tables on “Law and ...”: A Jurisprudential Inquiry into Contemporary Legal Theory*, 96 *Cornell L. Rev.* 811 (2011)
 - Ernest J. Weinrib, *Can Law Survive Legal Education?*, 60 *Vand. L. Rev.* 401 (2007)
 - *Critical Analysis of Law: Interdisciplinarity, Contextuality, and the Future of Legal Studies*, <http://individual.utoronto.ca/dubber/CAL.pdf> (CAL manifesto)