

Part 2.

II. The "Constitutive" & Prescriptive Meanings of Law.

A. The Idea of Constitutive Legality & Law in Everyday Life.

1. Approaches to the Constitution of Law & Identity.

- Abrego, L. "Legitimacy, Social Identity & Mobilization," 33 L&SInq 709 (2008).
- Adebisi, F. Decolonisation & Legal Knowledge: Reflections on Power & Possibility.
- Alces, P. Trialectic: The Confluence of Law, Neuroscience, & Morality (2023).
- Barbas, S. "Privacy & the Right to Control One's Image: A Cultural & Legal History," in Bloom, A, et al. Injury & Injustice (2018).
- Bauman, R. & Briggs, C. Voice of Modernity (2003).
- Beynon-Jones, S., Grabham, E. eds. Law & Time (2019).
- Bloom, A., Engel, D., McCann, M., ed. Injury & Injustice: The Cultural Politics of Harm & Redress (2018): Intro.
- Bloom, A., Galanter, M. "Good Injuries," in Bloom, A, et al. Injury & Injustice (2018).
- Bourdieu, P. "The Force of Law," 38 Hastings L.J. 805 (1987).
- Brigham, J. "Right, Rage, & Remedy," 2 Stud. in Am. Pol. Dev. (1987).
- Brigham, J. "Seeing Jurisdiction," 31 Law & Policy 381 (2009).
- Brigham, J. & Gordon, D. "Law in Politics," 21 L&SInq. 265 (1996)
- Brigham, Constitution of Interests (1997)
- Brisbin, R. A Strike Like No Other Strike (2002).
- Brown, W. States of Injury (1995).
- Bumiller, K. The Civil Rights Society (1988).
- Calavita, K. "Blue Jeans, Rape, & the 'De-Constitutive Power of Law,'" 35 L&SR 89 (2001).
- Castro de Achával, M. "Law from the theory of Pierre Bourdieu", 14 Sortuz 95 (2024).
- Carvalho, H. "Dangerous Patterns: Joint Enterprise & the Culture of Criminal Law," 32 Soc. & Leg. Stud. 335 (2023).
- Chiarello, E. "Law, Morality, & Health Care Professionals: A Multilevel Framework" 15 Annual Rev. L. & Soc Sci. 117 (2019).
- Constable, M. Law of the Other (1994). See review by Ritter, 22 L&SInq 809 (1998).
- Coombe, R. "Room for Manoeuvre," 14 L&SInq. 100 (1989).
- Coombe, R. "Contingent Articulations," in Sarat A. & Kearns, T. Law in the Domains of Culture (1998).
- Coombe, R. The Cultural Life of Intellectual Properties: Authorship, Appropriation & the Law (1998).
- Corcos, C. Ed. Law & Magic (2010).
- Cover, R. "Nomos & Narrative," 97 Harv. L. Rev. 4 (1983).
- Darian-Smith, E. Bridging Divides: The Channel Tunnel & the English Legal Identity in the New Europe. (1999).
- DeLand, M. "Basketball in the Key of Law," 47 L&SR 653 (2013).
- Desautels-Stein, J., Tomlins, C. eds. Searching for Contemporary Legal Thought (2017).
- Dezelay, Y., Madsen, M. "The Force of Law & Lawyers: Pierre Bourdieu & the Reflexive Sociology of Law," 8 Annual Rev. L. & Soc. Sci. 433 (2012).
- Dietz, C., Travis, M., Thomson, M. (Eds), A Jurisprudence of The Body (2020).
- Donzolet, J. The Policing of Families (1979).
- Doran, N. "From Embodied 'Health' to Official 'Accidents'," 5 Soc. & Legal Stud. 523 (1996).
- Dukes, R., Streeck, W. "Labour Constitutions & Occupational Communities: Social Norms & Legal Norms at Work," 47 J. Law & Soc. 612 (2020).

- Ellis, B. "The Psychology of Migrant 'Illegality': A General Theory," 46 L&SInq 1236 (2021).
- Engel, D. "The Oven Bird's Song," 18 L&SR 551 (1984).
- Engel, D. "Law in Everyday Life" in Law in Everyday Life, ed. Sarat, A. & Kearns, T. (1993).
- Engel, D. "Globalization & the Decline of Legal Consciousness," 30 L&SInq 469 (2005).
- Engel, D. "Chairs, Stairs, & Automobiles: The Cultural Construction of Injuries & the Failed Promise of the Law," in Bloom, A., et al. Injury & Injustice (2018).
- Forbath, W. "Cts., Constitutions & Labor Politics in England & Am.," 16 L&SInq. 1 (1991).
- Foucault, M. The Archaeology of Knowledge & Discourse on Language (1969, 1971), 215-37.
- Foucault, M. Discipline & Punish (1977).
- Foucault, M. Wrong-Doing, Truth-Telling: The Function of Avowal in Justice (2014)
- Geertz, C. "Local Knowledge" in Local Knowledge (1983).
- Gilliom, J. Overseers of the Poor (2001).
- Golder, B. Foucault & the Politics of Rights (2015).
- Gomez, L. "Understanding Law & Race as Mutually Constitutive: An Invitation to Explore an Emerging Field," 6 Annual Rev. Law & Soc. Sci. 487 (2010).
- Gordon, R. "Critical Legal Histories," 36 Stanford L.R. 54 (1984). See "Symposium on Gordon's Critical Legal Histories," 37 L&SInq 147 (2012).
- Harrington, C. & Merry, S. "Ideological Production" 22 L&SR 709 (1988).
- Harris, W., The Interpretable Constitution (1993), 7-32.
- Herman, D. & Stychin, C. ed. Legal Inversions (1996).
- Hermer, J. & Hunt, A. "Official Graffiti of the Everyday," 30 L&SR 455 (1996).
- Hunt, A. Explorations in Law & Society (1993).
- Hunt, A. Governing Morals (1999).
- Jain, S. "Injury Fields," in Bloom, A. et al. Injury & Injustice (2018).
- Krygier, M. "The Rule of Law: Pasts, Presents, & Two Possible Futures," 12 Annual Rev. Law & Soc. Sci. 199 (2016).
- Legrand, P. Negative Comparative Law: A Strong Programme for Weak Thought (2022).
- Levi, R. & Valverde, M. "Knowledge on Tap: Police Science & Common Knowledge in the Legal Regulation of Drunkenness," 26 L&SI 819 (2001).
- Levitsky, S. "What Rights? The Construction of Political Claims to Am. Health Care Entitlements," 42 L&SR 551 (2008).
- Lopez, I. White by Law (1996).
- Martire, R. A Foucauldian Interpretation of Modern Law: From Sovereignty to Normalization & Beyond. (2019).
- McCann, M. Rights at Work (1994). Also review: Rosenberg, G. "Positivism, Interpretivism, & the Study of Law," 21 L&SInq. 435 (1996); & reply: McCann, M. "Causal vs. Constitutive Explanations," 21 L&SInq. 457 (1996).
- Olesen, A., & Hammerslev, O. "Bringing Sociology of Law Back into Pierre Bourdieu's Sociology: Elements of Bourdieu's Sociology of Law & Dispute Transformation," 32 Soc. & Leg. Stud. 177 (2023).
- Perry-Kessaris, A. Doing Sociolegal Research in Design Mode (2021).
- Pistor, K. The Code of Capital: How Law Creates Wealth & Inequality Commentary: 30 Soc. & Leg. Stud. 291 (2021).
- Pottage, A., Murphy, M. ed. Law, Anthropology, & the Constitution of the Social (2004).
- Priban, J. Constitutional Imaginaries (2022).
- Ranchordás, S., Roznai, Y. eds. Time, Law, & Change: An Interdisciplinary Study (2020).
- Richman, K. "(When) are Rights Wrong?" 30 L&SInq 137 (2005).
- Rose, E. "Reinterpreting Law's Silence: Examining the Interconnections between Legal Doctrine & the Rise of Immaterial Labour," 47 J. Law & Soc. 588 (2020).

- Ruszczyk, S. "Moral career of migrant il/legality: Undocumented male youths in New York City & Paris negotiating deportability & regularizability." 55 L&SR 496 (2021).
- Salyer, L. "The Constitutive Nature of Law in Am. History," 15 Legal Stud. Forum 61 (1991).
- Sarat, A. "The Law is All Over," 2 Yale J. L. & Humanities 343 (1990).
- Sarat A. & Kearns, T. "Beyond the Great Divide," in Law in Everyday Life, ed. Sarat A. & Kearns, T. (1993).
- Sarat, A., Douglas, L. & Umphrey, M. Law & the Sacred (2007).
- Shapira, R. Law & Reputation: How the Legal System Shapes Behavior by Producing Information (2020).
- Silbey, S. "Ideals & Practices in the Study of Law," 9 Leg. Stud. Forum 15 (1985).
- Silverstein, H. Unleashing Rights (1996). See review by Morgan, 24 L&SInq 295 (1999).
- Simon, J. "The Ideological Effects of Actuarial Practices," 22 L&SR 771 (1988).
- Stychin, C. A Nation by Rights (1998).
- Valverde, M. Law's Dream of a Common Knowledge (2003).
- Valverde, M. Infrastructure: New Trajectories in Law (2022).
- van Oorschot I. "Culture, Milieu, Phenotype: Articulating Race in Judicial Sense-making Practices," 29 Soc. & Leg. Stud. 790 (2020).
- White, L. "Ordering Voice," in The Rhetoric of Law, ed. Sarat A. & Kearns, T. (1994).

2. Law Interacting in the Constitution of Geography/Space/Architecture.

- Atkinson, R., Taylor, E., Walter, M. "Burying Indigeneity: The Spatial Construction of Reality & Aboriginal Australia," 19 Soc. & Leg. Stud. 311 (2010).
- Brabazon, H. "Yelling 'Fire' in a Crowded Occupation: Cynical Fire Hazard Claims & the Technocratic Containment of Dissent," 29 Soc. & Leg. Stud. 549 (2020).
- Becher, D. Private Property & Public Power (2014).
- Beckett, K. & Herbert, S. "Penal Boundaries: Banishment & the Expansion of Punishment," 35 L&SInq 1 (2010).
- Benda-Beckmann, F. & K., Griffiths, A. ed. Spatializing Law (2009).
- Berkowitz, D. & Clay, K. The Evolution of a Nation: How Geography & Law Shaped the American States (2011).
- Blady, S. & Sibley, D. "Law, Boundaries, & the Production of Space," 19 Social & Leg. Stud. 275 (2010).
- Blomley, N. "Landscapes of Property," 32 L&SR 567 (1998).
- Blomley, N. "Unsettling the City (2004).
- Blomley, N. "The Borrowed View," 30 L&SInq 617 (2005).
- Blomley, N. "Simplification is Complicated," 40 Environment & Planning 1825 (2008).
- Blomley, N. "The Right to Pass Freely: Circulation, Begging, & The Bounded Self," 19 Social & Leg. Stud. 331 (2010).
- Blomley, N. Rights of Passage (2011).
- Blomley, N. "The Boundaries of Property: Complexity, Relationality, & Spatiality," 50 L&SR 224 (2016).
- Blomley, N. & Bakan, J. "Spacing Out," 30 Osgoode Hall L. J. 661 (1992)
- Blomley, N., Delaney, D. & Ford, R. The Legal Geographies Reader (2001).
- Blomley, N., Flynn, A., Sylvestre, M. "Governing the Belongings of the Precariously Housed: A Critical Legal Geography," 16 Annual Rev. Law & Soc. Sci. 165 (2020).
- Brabazon, H. "Yelling 'Fire' in a Crowded Occupation: Cynical Fire Hazard Claims & the Technocratic Containment of Dissent," 29 Soc. & Leg. Stud. 549 (2020).
- Braverman, I. "A Tree is the Enemy Soldier," 42 L&SR 449 (2008).
- Braverman, I. Planted Trees (2009).
- Braverman, I., Blomley, N., Delaney, D. ed. The Expanding Spaces of the Law (2014).

- Brigham, J. & Gordon, D. "Law in Politics," 21 L&SInq 265 (1996).
- Brigham, J. Material Law (2009).
- Brightenti, A. "On Territory as Relationship & Law as Territory," 21 Canadian J. L&SR 65 (2006).
- Brown, K. "The Banishment of the Poor From Public Space: Promoting & Contesting Neo-Liberalisation at the Municipal Level," 29 Soc. & Leg. Stud. 574 (2020).
- Butler, C. "Critical Legal Studies & the Politics of Space," 18 Soc. & Leg. Stud. 313 (2009).
- Bybee, K. "Judging in Place," 37 L&SInq 1014 (2012).
- Byer, A. A Legal Geography of Property Rights in Land (2023).
- Castañeda, H., Melo, M "Geographies of Confinement for Immigrant Youth: Checkpoints & Immobilities along the US/Mexico Border" Law & Policy 80 (2019).
- Clark, G. Judges & the Cities (1985).
- Cooper, D. Governing out of Order (1998).
- Darian-Smith, E. Bridging Divides (1999).
- Delaney, D. Race, Place, & the Law (1998).
- Delaney, D. "Running with the Land," 27 J. Hist. Geog. 493 (2001).
- Delaney, D. Law & Nature (2003).
- Delaney, D. The Spatial, the Legal, & the Pragmatics of World-Making (2010).
- Fileborn, B. "Online activism & street harassment: Critical cartographies, counter-mapping & spatial justice", 11 Oñati Soc Leg. Ser. 1198 (2021).
- Flores, A., Escudero, K., Burciaga, E. "Legal-Spatial Consciousness: A Legal Geography Framework for Examining Migrant Illegality," 41 Law & Policy 41: 12 (2019).
- Ford, R. "The Boundaries of Race," 107 Harv. L. Rev. 1841 (1994).
- Ford, R. "Law's Territory," 97 Mich. L. Rev. 843 (1999).
- Forman, G. "A Tale of Two Regions," 34 L&SInq 671 (2009).
- Gilani, S. "'Spacing' Minority Relations: Investigating the Tribal Areas of Pakistan Using a Spatio-Historical Method of Analysis," 24 Soc. & Leg. Stud. 359 (2015).
- Harris, D. "The Condominium & the City," 36 L&SInq 694 (2011).
- Hatcher, L. "Green Metaphors," in Holder, J. & Harrison, C. Law & Geography (2002).
- Holder, J. & Harrison, C. ed. Law & Geography (2002).
- Kedar, A., Amara, A., Yiftachel, O. Emptied Lands: A Legal Geography of Bedouin Rights in the Negev (2019).
- Keenan, S. Subversive Property (2015).
- Levi, R. "Gated Communities in the Law's Gaze," 34 L&SInq 635 (2009).
- Mahmud, T/ "Law of Geography & the Geography of Law," 3 Washington U. Jurisprudence Rev. 64 (2010).
- Maillet, P., Mountz, A., Williams, K. "Exclusion Through Imperio: Entanglements of Law & Geography in the Waiting Zone, Excised Territory-&-Search-&-Rescue Region," 27 Soc. & Leg. Stud. 142 (2018).
- Marusek, S. Politics of Parking (2012).
- Marusek, S. Digesting the Public Sphere (2017).
- Marusek, S. & Brigham, J. ed. Street-Level Sovereignty: The Intersection of Space & Law (2017)
- Merrill, T & Smith, H. "Optimal Standardization in the Law of Property," 110 Yale L. J. 1 (2000).
- Merrill, T & Smith, H. "What Happened to Property in Law & Economics," 111 Yale L. J. 357 (2001).
- Mitchell, D. The Lie of the Land (1996).
- Mitchell, D. The Right to the City (2003).
- Mulcahy, L. Legal Architecture (2011).
- Nitrato Izzo, V. "Law & hostile design in the city: Imposing decorum & visibility regime in the urban environment", 12 Oñati Soc.-Leg. Ser., 522 (2022).
- Noterman, E., Blomley, N. "Children's Legal Geographies, & the "Make-Believe" of Property," 33 Soc. & Leg. Stud. (2024) 236.

- Philippopoulos-Mihalopoulos, A. Spatial Justice (2015)
- Pruitt, L. "Gender, Geography & Rural Justice," 23 Berkeley J. Gender, Law, & Just. 338 (2008).
- Resnik, J. & Curtis, D. Representing Justice (2011).
- Rodriguez, D., McDaniel, P., Bisio, G. "'FU': One Response to the Liminal State Immigrant Youth Must Navigate," 41 Law & Policy 59 (2019).
- Smith, H. "Property as the Law of Things," 125 Harvard L.R. 1105 (2012).
- Stępień, M., Dudek, M.) "The courtroom as a built environment: On the usefulness of Amos Rapoport's theoretical framework," 11 Oñati Soc.-Leg. Ser. S228 (2021)..
- Sullivan, E. Manufactured Insecurity: Mobile Home Parks & Americans' Tenuous Right to Place (2018).
- Sylvestre, M., Bernier, D., Bellot, C. "Zone Restrictions Orders in Canadian Cts. & the Reproduction of Socio-Economic Inequality," 5 Oñati Socio-Leg. Ser. 280 (2015).
- Taylor, L. "Moral Entrepreneurs & Moral Geographies on the US/Mexico Border," 19 Soc. & Leg. Stud. 299 (2010).
- Taylor, W. ed. Geography of Law (2006).
- Thorpe, A. "'This Land is Yours': Ownership-&-Agency in the Sharing City," 45 J. L. & Soc. 99 (2018).
- Thorpe, A. "Pop-Up Property: Enacting Ownership from San Francisco to Sydney," 52 L&SR 740 (2018).
- Thorpe, A. Owning the Street: The Everyday Life of Property (2020).
- Trotter, S. "Birds Behaving Badly: The Regulation of Seagulls & the Construction of Public Space," 46 J. Law & Soc. 1 (2019).
- Valverde, M. "Laws of the Street," 21 City & Society 163 (2009).
- Valverde, M. "Seeing Like a City," 45 L&SR 277 (2011).
- Valverde, M. Everyday Law of the Street (2012).
- Valverde, M. Infrastructure: New Trajectories in Law (2022).

3. Law & Time.

- Howard, Cham, Law's Memories (2023).
- Pecile, V. "Rethinking legal time: The temporal turn in socio-legal studies", 13 Oñati Soc.-Leg. Ser. S386 (2023).

4. Law interacting in the Constitution of Discourse & Signs or Semiotics.

- Baxter, P. "Niklas Luhmann's Theory of Autopoietic Legal Systems," 9 Annual Rev. L & Soc. Sci. 167 (2013).
- Bell, V. Interrogating Incest (1993).
- Bently, L. & Flynn, L. Law & the Senses (1996).
- Brady, J. & Garver, N. eds. Justice, Law, & Violence (1991).
- Broekman, J. "On the Origins of Legal Semiotics," 7 J. Comparative Law 26 (2012).
- Carty, A. ed. Post-modern Law (1990).
- Cardozo, D. & Jackson, B. ed. Semiotics, Law, & Social Science (1985).
- Caudill, D. & Gold, S. eds. Radical philosophy of law: contemporary challenges to mainstream legal theory & practice
- Cheah, P., Fraser, D., Gribach, J. eds. Thinking Through the Body of the Law (1996).
- Constable, M. Our World Is Our Bond: How Legal Speech Acts (2014).
- Coombe, R. Cultural Life of Intellectual Properties (1998).
- Cordero, R. 'The Negative Dialectics of Law: Luhman & the Sociology of Juridical Concepts," 29 Soc. & Leg. Stud. 3 (2020).
- Cornell, D. et al. Deconstruction & the Possibility of Justice (1992) (inc. Derrida & others)

- Dalton, C. "An Essay on Deconstructing Contract Law," 94 *Yale L.J.* 997 (1985).
- Derrida, J. Before the Law: The Complete Text of Préjugés (2018).
- Douzinas, et al. Postmodern Jurisprudence (1991).
- Eder, K. "Critique of Habermas' Contribution to the Socio. of Law," 22 *L&SR* 931 (1988).
- Fitzpatrick, P. The Mythology of Modern Law (1993).
- Fitzpatrick, P. Nationalism, Racism, & the Rule of Law (1995)
- Fitzpatrick, P. Modernism & the Grounds of the Law (2001).
- Fucci Amato, L. "The legacy of Luhmann's sociology of law: A triologue among social theory, jurisprudence & empirical research", 20 *Oñati Soc.-Leg. Ser.* 1359 (2024).
- Golder, B. & Fitzpatrick, P. Foucault's Law (2009)
- Goodrich, P. Reading the Law (1986).
- Goodrich, P. Legal Discourse (1987).
- Goodrich, P. Languages of the Law (1990).
- Goodrich, P. & Carlson, D. ed. Law & Postmodern Mind (1998), inc. arts. by Goodrich, Legendre, Schutz, Zizek.
- Goodrich, P. Law & the Unconscious
- Goodrich, P. & Hachamovitch, Y. "Time Out of Mind," in Fitzpatrick, P. Dangerous Supplements (1991).
- Goodrich, P. Oedipus Lex (1995).
- Goodrich, P. "Soc. Sci. & the Displacement of Law," 32 *L&SR* 473 (1998).
- Grossi, R. "Love as a Disadvantage in Law," 45 *J. L. & Soc.* 205 (2018).
- Hamrick, W. An Existential Phenomenology of the Law (1987).
- Harrington, J., Series, L., Ruck-Keene, A. "Law & Rhetoric: Critical Possibilities" *J. L. & Soc.* 46 (2019): 302.
- Herget, J. Contemporary German Legal Philosophy (1996).
- Hunt, A. "Foucault's Expulsion of Law," 17 *L&SInq.* 1 (1992), Silbey, S.; Simon, J. responses & Hunt reply follow.
- Hunt, A. Explorations in Law & Society (1993) collected arts.
- Hunt, A. & Wickham, G. Foucault & Law (1994).
- Hutchinson, A. Its All in the Game: A Nonfoundationalist Account of Law & Adjudication (2000).
- Jackson, B. Semiotics & Legal Theory (1985).
- Jackson, B. Making Sense in Law (1995)
- Kennedy, D. Sexy Dressing Etc. (1993)
- Kerruish, V. Jurisprudence as Ideology (1991).
- Kevelson, R. Law as a System of Signs (1988).
- Kevelson, R. Law & Semiotics (1989-90).
- Leyh, G. ed. Legal Hermeneutics (1992).
- Lieboff, M. Towards a Theatrical Jurisprudence (2020).
- Luhmann N. The Sociology of Law (1972, 1985).
- Luhmann N. "Operational closure & structural coupling: the differentiation of the legal system," 13 *Cardozo L. Rev.* 13:1419 (1992).
- Luhmann N. "Legal argumentation: an analysis of its form," 58 *Modern L. Rev.* 285 (1995).
- Luhmann N. Law as a Social System (1993, 2004).
- Minda, G. Postmodern Legal Movements (1995).
- Milovanovic, D. Postmodern Law & Disorder (1992).
- Munro, V. "Legal Feminism & Foucault," 28 *J. L. & Soc.* 546 (2001).
- Murphy, W. T. The Oldest Soc. Sci. (1997).
- Nielsen, S. "Introduction: A Special Issue on Niklas Luhmann's systems theory & law", 14 *Oñati Soc.-Leg. Ser.* 1206 (2024).
- Salter, M. "The Rule of Power in the Language of the Law," 7 *Liverpool L. Rev.* 33 (1985).

- Santos, B. "Law & Community," in Abel, R, Politics of Informal Justice, 249 (1982)
- Santos, B. Toward a New Common Sense (1995). Selection as "Three Metaphors for a New Conception of Law," 29 L&SR 569 (1995), with comments by Brigham, J.; Constable, M.; Coombe, R.; Garth, B.; Sarat, A.; Simon, J.
- Sarat, B. Epistemologies of the South: Justice Against Epistemicide (2014).
- Sarat, A. Law, Violence, & the Possibility of Justice (2001).
- Sarat, A. & Kearns, T. ed. The Fate of Law (1991).
- Sarat, A. & Kearns, T. ed. Law's Violence (1992).
- Sarat, A. & Kearns, T. ed. The Rhetoric of Law (1994).
- Sarat, A., Anderson, M., & Frank, C. eds. Law & the Humanities (2010).
- Sarat, A., Douglas, L. & Umphrey, M. eds. Law & the Utopian Imagination (2014).
- Sarat, A., Douglas, L. & Umphrey, M. eds. Law & Performance (2018).
- Schlag, P. Laying Down the Law (1997).
- Slocum, B., ed., The Nature of Legal Interpretation: What Jurists Can Learn About Legal Interpretation from Linguistics & Philosophy (2017).
- Wickham, G. & Pavlich, G. eds. Rethinking Law, Society, & Governance: Foucault's Bequest (2001).

B. Prescriptive Jurisprudential Ideologies.

1. Collections.

- Coleman, J., Shapiro, S. Oxford Handbook of Jurisprudence & Philosophy of Law (2002).

2. The Development & Elaboration of "Liberal" Legality. The prescriptive jurisprudential ideology of Western law.

- a. The values of liberal law: Historical & jurisprudential works contributing to the idea of justice as rule following & the idea of neutral, objective, & nonpolitical law.

- Austin, J. Province of Jurisprudence Determined 2d ed. (1861).
- Austin, J. Lectures in Jurisprudence (1885).
- Beccaria, C. An Essay on Crime & Punishment
- Bentham, J. Intro. to the Principles of Morals & Legislation (1787).
- Bentham, J. Of Laws in General (1970 ed.).
- Blackstone, H. Commentaries on the Laws of England (1765).
- Burlamaqui, J. Principles of Natural & Political Law
- Cairns, H. Legal Philosophy from Plato to Hegel (1949).
- Coke, E. Second Part of the Institutes of the Laws of England (1681 ed.)
- Cahn, E. The Sense of Injustice (1949).
- de Sa e Silva "Law & Illiberalism: A Sociolegal Review & Research Road Map," 18 Annual Rev. L. & Soc. Sci. 193 (2022).
- Devlin, P. The Enforcement of Morals (1959).
- Dicey, A. Intro. to the Law of the Constitution 7th ed. (1957).
- Duxbury, N. The Intricacies of Dicta & Dissent (2021)
- Dworkin, R. Law's Empire (1986).
- Dworkin, R. Freedom's Law (1996).
- Dworkin, R. A Matter of Principle (1985).
- Dworkin, R. Taking Rights Seriously (1978).
- Dworkin, R. Sovereign Virtues: The Theory & Practice of Equality (2000).
- Engel, C., Weinshal, K., "Diffusion of Legal Innovations," 18 Annual Rev. L. & Soc. Sci. 139 (2022).

- Ehrenberg, K. *The Functions of Law* (2016).
- Feldman, S. *American Legal Thought from Premodernism to Postmodernism: An Intellectual Voyage*, (1999).
- Freund, P. "Rationality in Jud. Decisions," *Nomos VII* (1964).
- Friedrich, C. *The Philosophy of the Law in Historical Perspective* 2d ed. (1963).\\
- Fuller, L. *The Law in Quest of Itself* (1940).
- Fuller, L. "Positivism & Fidelity to the Law," 71 *Harv. L. Rev.* 630 (1958).
- Fuller, L. *Legal Fictions* (1967).
- Fuller, L. *The Anatomy of the Law* (1968).
- Fuller, L. *The Morality of the Law* 2d ed. (1969).
- Goldman, D. *Globalisation & the Western Legal Tradition* (2007).
- Gray, J. *The Nature & Sources of the Law* (1909).
- Greenhouse, C. "Durkheim & Law: Divided Readings over *Division of Labor*," 7 *Annual Rev. Law & Soc. Sci.* 165 (2011).
- Greenhouse, C. "Reading Durkheim in Darkness," 45 *J. L. & Soc.* 664 (2018).
- Hadfield, G. & Weingast, B. "Law without the State," 1 *J.L.& Cts.* 3 (2013).
- Hart, H. L. "Positivism & the Separation of Law & Morals," 71 *Harv. L. R.* 593 (1958).
- Hart, H. L. *The Concept of Law* (1961).
- Hart, H. L. *Law, Liberty, & Morality* (1966).
- Hart, H. L. *Punishment & Responsibility* (1968).
- Hart, H. L. *Essays on Bentham* (1982).
- Hart, H. L. *Essays in Jurisprudence & Philosophy* (1983).
- Hart, Hen. & Sacks, A. *The Legal Process* (1958).
- Hawkins, K. ed. *The Uses of Discretion* (1992).
- Hayek, F. *Constitution of Liberty* (1960).
- Hayek, F. *Law, Liberty, & Legislation* (1973-79).
- Holmes, O. *The Common Law* (1881).
- Holmes, O. "The Path of the Law," 10 *Harv. L. Rev.* 457 (1897).
- Hutchinson, A. & Monhan, P. eds. *The Rule of Law* (1987).
- Kaczmarek, P. "Judges as legislators or interpreters of the law? On the dangers of the judicialization of politics", 14 *Sortuz* 157 (2024).
- Kant, I. *Philosophy of Law (Metaphysical Elements of Justice)* (1796).
- Kelsen, H. *General Theory of Law & the State* (1945).
- Kelsen, H. *Pure Theory of the Law* 2d ed. (1967).
- Lukes, S. & Scull, A. eds. *Durkheim & the Law* (1983).
- MacCormick, N. *Legal Right & Social Democracy* (1982).
- Macedo, S. *Liberal Virtues* (1990), Chap. 3-5.
- Maine, H. *Ancient Law* (1963 ed.)
- Maitland, F. *Equity*
- Martin, M. *Judging Positivism* (2014).
- Minkkinen, P. "The Legal Academic of Max Weber's Tragic Modernity," 19 *Soc. & Leg. Stud.* 165 (2010).
- Morris, C. *The Great Legal Philosophers* (1959).
- Morrison, W. *John Austin* (1982).
- Posner, R. *Problems of Jurisprudence* (1990).
- Rawls, J. *A Theory of Justice* (1972).
- Raz, J. *The Concept of a Legal System* 2d ed. (1980).
- Rubin, E. *Beyond Camelot: Rethinking Politics & Law in the Modern State* (2005).
- Ryan, A. "The Form of Forms: Everyday Enablers of Access to Justice," 32 *Soc. & Leg. Stud.* 690 (2023).
- Scheingold, S. (Ed) *Legality & Democracy: Contested Affinities* (2006).

- Scheppelle, K. "The Life of the Rule of Law," 20 Annual Rev. of Law & Soc. Sci. 17 (2024).
- Schofield, P. "The Legal & Political Legacy of Jeremy Bentham," 9 Annual Rev. L. & Soc. Sci. 51 (2013).
- Tamanaha, B. On the Rule of Law: History, Politics, Theory (2004).
- Tamanaha, B. Law as a Means to an End: Threat to the Rule of Law (2006).
- Vattel, M. de The Law of Nations.... (1792).
- Weber, M. Max Weber on Law in Economy & Society (1925)
(Selections from Economy & Society)
- Weinreb, L. Natural Law & Justice (1987).
- Witte, J. & Alexander, F. eds. Christianity & the Law (2008).

b. The institutions & procedures of liberal law: The adversary ideal & the idea of a court.

- Abel, R. "A Comparative Theory of Dispute Institutions in Society," 8 L&SR 217 (1974).
- Aubert, V. "Cts. & Conflict Resolution," 11 J. Conflict Resolution (1967).
- Burbank, S. & Friedman, B (eds). Jud. Independence at the Crossroads: An Interdisciplinary Approach. (2002).
- Barnes, J., Burke, T. "Untangling the Concept of Adversarial Legalism," 16 Annual Rev. Law & Soc. Sci. 473 (2020).
- Burns, R. Theory of the Trial (1999).
- Findley, K. "Adversarial Inquisitions," 56 N.Y.L. Sch. L. Rev. 911 (2021).
- Fuller, L. "Adjudication & the Rule of Law," 45 Proc. Am. Soc. Int'l Law 1 (1960).
- Fuller, L. "The Forms & Limits of Adjudication," 92 Harv. L. Rev. 353 (1978).
- Howard, J. "Adjudication Considered as a Process of Conflict Resolution," 18 J. Pub. Law 339 (1969).
- Jacob, H. "Cts. as Organizations," In Boyum, K. & Mather, L. Empirical Theories about Cts. (1983).
- Kennedy, D. "Legal Formality," 2 J. Legal Stud. 351 (1973).
- Kennedy, D. "Freedom & Constraint in Adjudication," 36 J. Legal Educ. 518 (1986).
- Kessler, A. Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800–1877 (2017).
- Provost, R. Rebel Courts: The Administration of Justice by Armed Insurgents (2021).
- Scott, K. "Two Models of the Civil Process," 27 Stanford L. Rev. 937 (1975).
- Shapiro, M. Courts, chap. 1, 2 (1981).
- Shapiro, M. "Appeal," 14 L&SR 629 (1980).
- Wangerin, P. The Pol. & Econ. Roots of the Adversary System of Justice," 9 Ohio St. J. Dispute Resol. 203 (1994).

3. Political & Legal Realist Commentary about Liberal Legalism.

- Albrow, M. "Legal Positivism & Bourgeois Materialism," 2 Br. J. L. & Soc. 14 (1975) (Weber).
- Arnold, T. Symbols of Government (1935).
- Ayer, D. "In Quest of Efficiency," 23 Stanford L. Rev. 1049 (1971).
- Baer, J. Ironic Freedom: Personal Choice, Public Policy, & the Paradox of Reform (2013).
- Ballard-Brand, J. Limits of Legality: The Ethics of Lawless Judging (2009).
- Beirne, P. "Ideology-Rationality in Max Weber's Sociology of Law," 2 Res. in Law & Socio. 103 (1979).
- Bellotti, R. Justifying Law (1992).

- Brint, M. & Weaver, W. ed. Pragmatism in Law & Society (1991).
- Burton, S. Judging in Good Faith (1992).
- Cardozo, B. The Nature of the Jud. Process (1921).
- Cardozo, B. Growth of the Law (1924).
- Cardozo, B. Paradoxes of Legal Science (1928).
- Cardozo, B. Law & Literature & Other Essays (1931).
- Clutterbuck, J. "Karl Llewellyn & the Intellectual Foundations of Enterprise Liability Law," 97 Yale L.J. 137 (1988).
- Cohen, A., Morgan, B. "Prefigurative Legality," 48 L&SInq 1053 (2023).
- Cohen, F. Ethical Systems & Legal Ideals (1933).
- Cohen, F. "Transcendental Nonsense & the Functional Approach," 35 Columbia L. Rev. 809 (1935).
- Cohen, J. Between Truth & Power: The Legal Constructions of Informational Capitalism (2019).
- Cosgrove, R. The Rule of Law: Dicey (1980).
- Cotterrell, R. Politics of Jurisprudence (1989).
- Cotterrell, R. Sociological Jurisprudence: Juristic Thought & Social Inquiry (2018).
- Dagan, H., Kreitner, R. "The New Legal Realism & The Realist View of Law," 43 L&SInq 528 (2018).
- Deflem, M. Habermas, Modernity, & the Law (1996).
- Desautels-Stein, J. The Jurisprudence of Style: A Structuralist History of American Pragmatism & Liberal Legal Thought (2018).
- Dubber, M. & Valverde, M. eds. Police & the Liberal State (2008).
- Duxbury, N. Patterns in Am. Jurisprudence (1995) (also chaps. on critical legal studies, law & economics).
- Feldman, S. "An Interpretation of Max Weber's Theory of Law," 16 L&SInq. 205 (1991).
- Fisher, W., Horwitz, M., Reed, T. eds. Am. Legal Realism (1993).
- Fitzpatrick, P. "Abstracts & Brief Chronicles of Time," in Fitzpatrick, P. Dangerous Supplements (1991).
- Fitzpatrick, P. Mythology of Modern Law (1992).
- Forbath, W. "Habermas' Constitution," 23 L&SInq. 969 (1998).
- Frank, J. Courts on Trial (1950)
- Frank, J. Law & the Modern Mind (1930).
- Fried, B. The Progressive Assault on Laissez Faire (1998)
- Glennon, R. The Iconoclast as Reformer (1985) (J. Frank)
- Gilmore, G. "Legal Realism," 70 Yale L.J. 1037 (1961).
- Goldberg-Hiller, J. Law by Night (2023).
- Golding, M. "Jurisprudence & Legal Philosophy in 20th Century Am.," 36 J. Legal Ed. 441 (1986).
- Habermas, J. Between Facts & Norms (1996).
- Hackey, J. Legal Intellectuals in Conversation (2012).
- Hadfield, G. "The Problem of Social Order: What Should We Count as Law?" 42 L&SInq 16 (2017).
- Herget, J. Am. Jurisprudence (1990).
- Herget, J. & Wallace, S. The German Free Law Movement as The Source of American Legal Realism 73 Va. L. Rev. 399 (1987).
- Hoeflich, M. "John Austin & Joseph Story," 29 Am. J. Legal Hist. 36 (1985).
- Hull, N. Roscoe Pound & Karl Llewellyn: Searching for an American Jurisprudence
- Hutcheson, J. "The Judgment Initiative," 14 Cornell L. Q. 274 (1929).
- Kalman, L. Legal Realism at Yale (1986).
- Kalman, L. The Strange Career of Liberal Legalism (1996).
- Katsaroumpas I. "Authoritarian liquid transgressions: the case of P&O Ferries," 51 J. L. & Soc. 263 (2024).
- Kennedy, D. "Structure of Blackstone's Commentaries," 28 Buffalo L. Rev. 205 (1979).

- Kelley, D. The Human Measure (1990).
- Kerruish, V. Jurisprudence as Ideology (1991).
- Kirchheimer, O. Political Justice (1961).
- Laski, H. Studies in Law & Politics (1932).
- Llewellyn, K. The Bramble Bush (1930).
- Llewellyn, K. "Some Realism about Realism," 44 Harv. L. Rev. 1222 (1931).
- Llewellyn, K. The Common Law Tradition (1960).
- Llewellyn, K. Jurisprudence (1962).
- Mandel, M. "Dworkin, Hart, & the Problem of Theoretical Perspective," 14 L&SR 57 (1979).
- McAdams, R. Expressive Powers of Law: Theories & Limits (2015).
- Mertz, E., Macaulay, S., Mitchell, T. eds. The New Legal Realism: Translating Law-and-Society for Today's Legal Practice (Volume I) (2016).
- Mitchell, D. Architect of Justice: Felix S. Cohen & the Founding of American Legal Pluralism (2007).
- Moles, R. Definition & Rule in Legal Theory (1987).'
- Moore, U. "Law & Learning Theory," 53 Yale L.J. 1 (1943).
- Nadler, J. "Expressive Law, Social Norms, & Social Groups," 42 L&SInq 60 (2017).
- Palti, E. "Patroklos Funeral & Habermas Sentence," 23 L&SInq, 941 (1998).
- Polat, N. "The Real & the Formal," 8 Soc. & Legal Stud. 47 (1999)
- Pound, R. An Intro. to the Philosophy of the Law (1921).
- Pound, R. The Spirit of the Common Law (1921).
- Pound, R. "The Call for a Realist Jurisprudence," 44 Harv. L. Rev. 697 (1931).
- Pound, R. Social Control Through Law (1942).
- Priol, D. "The Legal Realists on Political Economy," 49 L&SInq 2350 (2024).
- Purcell, E. "Am. Legal Realism between the Wars," 75 Am. Hist. Rev. 424 (1969).
- Radin, M. "Legal Realism," 44 Harv. L. Rev. 1222 (1931).
- Radin, M. Law as Logic & Experience (1940).
- Rumble, W. Am. Legal Realism (1968).
- Sarat A. & Kearns, T. ed. Law in the Domains of Culture (1998)
- Sarat & Kearns, Cultural Pluralism
- Sarat, A. & Kearns, T. Justice & Injustice in Law & Legal Theory (1996).
- Sarat, A., Douglas, L., Umphrey, M. eds. Law's Infamy: Understanding the Canon of Bad Law (2021).
- Schauer, F. Playing by the Rules (1991).
- Schauer, F. The Force of Law (2015).
- Schlegel, J. "Am. Legal Realism & Empirical Soc. Sci.," 29 Buffalo L. Rev. 195 (1980).
- Schlegel, J. Am. Legal Realism & Empirical Social Science (1995).
- Shklar, J. Legalism, (1964) Introduction, pp. 1-28.
- Silverstein, G. Law's Allure: How Law Shapes, Constrains, Saves, & Kills Politics (2009)
- Summers, R. Lon L. Fuller (1984).
- Summers, R. Instrumentalism & Am. Legal Theory (1982).
- Talesh, S. Mertz, E., Klug, H., eds. Research Handbook on Modern Legal Realism (2021).
- Tamanaha, B. A Realistic Theory of Law (2017).
- Thomson, A. "Taking the Right Seriously," in Fitzpatrick, P. Dangerous Supplements (1991).
- Trubek, D. "Max Weber on Law & the Rise of Capitalism," Wisc. L. Rev. 720 (1972).
- Tuori, K. "Am. Legal Realism & Anthropology," 42 L&SInq 804 (2017).
- Turkel, G. "Public\Private Distinction," 22 L&SR 801 (1988).
- Twining, W. Karl Llewellyn & the Realist Movement (1973).
- van Krieken, R. "Refusalization & Law: From the Rule of Law to Ties of Allegiance," 19 Annual Rev. L. & Soc. Sci. 337 (2023).
- Waller, S. Thurman Arnold (2005).

- Wasserstrom, R. The Jud. Decision (1961).
- Weintraub, J. & Kumar, K. Public & Private in Thought & Practice (1997).
- White, G. E. "From Sociological Jurisprudence to Realism," 58 Va. L. Rev. 999 (1972).
- White, G.E. "The Am. Law Institute & the Triumph of Modernist Jurisprudence," 15 Law & Hist. 1 (1997).
- Wigdor, D. Roscoe Pound (1974).
- Wiseman, Z. "The Limits of Vision," 100 Harv. L. Rev. 465 (1987).
- Woodard, C. "The Limits of Legal Realism," 54 Va. L. Rev. 689 (1968).

4. Natural Law Theory & Prescriptive Law

- George, R. ed. Natural Law Theory (1992).
- George, R. ed. The Autonomy of Law (1996).
- Gierke, O. Natural Law & the Theory of Society 1500-1800 (1934).
- Helmholtz, R. Natural Law in Court: a History of Legal Theory in Practice (2015).
- Weinreb, L. Natural Law & Justice (1987).

5. Liberal Utilitarianism: The Prescriptive Perspective of "Law & Economics" as rooted in Coase, R. "Problem of Social Cost," 3 J. L. & Econ. 1 (1960).

a. Examples.

- Baker S., Mezetti, C. "A Theory of rational Jurisprudence," 120 J. Pol. Econ. 513 (2012).
- Calabresi, G. The Future of Law & Economics: Essays in Reform & Recollection (2016).
- Cooter, R. & Rubinfeld, D. "The Economics of Legal Disputes & their Resolution," 27 J. Econ. Lit. 1067 (1989) (bibliography is a place to start on the topic).
- Calabresi, G. Costs of Accidents (1970).
- Cole, D. "Taking Coase Seriously," 29 L&SInq 261 (2004).
- Cooter, R. & Ulen, T. Law & Economics (1988).
- Cooter, R. "Trial Cts.," 24 L&SR 553 (1990).
- Croson, R. "Experimental Law & Economics," 5 Annual Rev. Law & Soc. Sci. 25 (2009).
- Donohue, J. "Law & Economics," 22 L&SR 903 (1988).
- Easterbrook, F. & Fischel, D. Economic Structure of Corporate Law (1991).
- Ehrlich, I. & Posner, R. "Econ. Analysis of Legal Rulemaking," 3 J. Legal Stud. 257 (1974).
- Epstein, R. Takings
- Epstein, R. Forbidden Grounds (1992).
- Friedman. Law's Order: What Economics Has to Do with Law & Why it Matters (2000).
- Goolsbee, A. et al. "Essays in Honor of James Heckman," 27 L&SInq 1 (2002)
- Gould, J. "Economics of Legal Conflicts," 2 J. Legal Studies 279 (1973).
- Hackney, J. "Law & Neoclassical Economics," 15 Law & Hist. 275 (1997); comments by. Duxbury, J. Heckman, J. May follow.
- Hill, C. "Law & Economics in the Personal Sphere," 29 L&SInq 219 (2004).
- Hirsch, W. Law & Economics: Introductory Analysis 3d ed. (1999).
- Johnston, J. "Law, Economics, & Post-Structural Explanation," 24 L&SR 1217 (1990)
- Johnston, J. "Uncertainty, Chaos, & the Torts Process," 76 Cornell L. Rev. 401 (1991).

- Johnston, J. "Bayesian Fact-Finding & Efficiency," 61 So. Calif. L. Rev. 137 (1987).
- Kar, R. "The Evolutionary Game-Theoretic Foundations of Law," 42 L&SInq 38 (2017).
- Landes, W. "Econ. Analysis of the Cts., " 14 J. L. & Econ. 61 (1971).
- Landes, W. & Posner, R. "The Private Enforcement of the Law," 4 J. Legal Stud. 1 (1975).
- Landes, W. & Posner, R. "Adjudication as a Private Good," 8 J. Legal Stud. 235 (1979).
- Landes, W. & Posner, R. The Economic Structure of Tort Law (1987).
- Levinson, D. "The Inevitability & Indeterminacy of Game-Theoretic Accounts of Legal Order," 42 L&SInq 28 (2017).
- Lovett, S. "A Positivist Account of the Rule of Law," 27 L&SInq 41 (2002).
- McCloskey, D. "The Rhetoric of Law & Economics," 86 Mich. L. Rev. 752 (1988).
- Manne, N. Economics of Legal Relationships (1975).
- Medema, S. Coasean economics (1998).
- Parisi, F. & Smith, V. The Law & Economics of Irrational Behavior (2005)
- Pearson, H. Origins of Law & Economics (1997).
- Polinsky, A. Intro. to Law & Economics 2d ed. (1989).
- Posner, R. Antitrust Law (1976).
- Posner, R. Economic Analysis of Law 3d ed. (1986).
- Posner, R. "Regulation of the Market in Adoptions," 67 Boston U.L. Rev. 59 (1987).
- Posner, R. Economics of Justice (1981).
- Posner, R. Sex & Reason (1992).
- Rubin, P. "Why is the Common Law Efficient?" 6 J. Legal Stud. 51 (1977).
- Shavell, S. Economic Analysis of Accident Law (1987).
- Shavell, S. Foundations of the Economic Analysis of Law (2004)
- Stearns, M. Public Choice & Public Law (1997).
- Tejani, R. "Calabresi's invite: bridging Law & Society & Law & Economics through "situated valuation." 58 L&SR 635 (2024).
- Tullock, G. The Logic of the Law (1971).
- Tullock, G. Trials on Trial (1980).
- White, M. (Ed.). Theoretical Foundations of Law & Economics (2009).

b. Critique.

- Bayern, S. The Analytical Failures of Law & Economics (2023).
- Coleman, J. Markets, Morals, & the Law (1988).
- Crisp, D. "Does the Chicago School Need to Expand Its Curriculum?" 22 L&SInq 149 (1997), replies by Dau-Schmidt, K.; Harrison, J.
- Edelman, L. "Rivers of Law & Contested Terrain: A Law & Society Approach to Economic Rationality," 38 L&SR 181 (2004) & replies by Dau-Schmidt, K.,
- Epstein, L. & Knight, J. Halliday, T., McAdams, R. Farber, D. & Frickey, P. Law & Public Choice (1990)
- Hovenkamp, H. "Positivism in Law & Economics," 78 Calif. L. Rev. 815 (1990).
- Kennedy, D. "Cost-Benefit Analysis of Entitlement Programs," 33 Stanford L. Rev. 387 (1980).
- Mitchell, L. ed., Progressive Corporate Law (1995).
- Rostain, T. "Educating Homo Economicus: Cautionary Notes on the New Behavioral Law & Economics Movement," 34 L&SR 973 (2000)

- Scheppelle, K. Legal Secrets (1988).
 Sunstein, C. Free Markets & Social Justice (1997).
 Sunstein, C. Advanced Introduction to Behavioral Law & Economics (2024).

c. Other rationalistic interpretative theories.

- Baird, D., Gertner, R. & Picker, R. Game Theory & the Law (1994).

6. Marxist & related critiques contending class domination of liberal legal legality.

- Balbus, I. Dialectics of Legal Repression (1973).
 Bierne, P. & Sharlet, R. ed. Pashukanis (1980).
 Brophy, S. "Law & Transitions to Capitalism," 32 Soc. & Leg. Stud. 626 (2023).
 Cain, M. "Main Themes of Marx' & Engel's Socio. of Law," 1 Br. J. L. & Soc. 136 (1974).
 Cain, M. & Hunt, A. Marx & Engels on Law (1979).
 Cain, M. "Gramsci, the State, & the Place of Law," in Sugarman, D. ed. Legality, Ideology, & the State (1983).
 Callinicos, A. Marxism & Law (1985).
 Collins, H. Marxism & Law (1982).
 Cristeeche, M., Villiena, C. "The Struggle for the Human Right to a Good Life for Everyone: Oscar Correas's Legacy for the *Crítica Jurídica* Movement in Latin America, 31 Soc. & Leg. Stud. 119 (2022).
 Edelman, B. Ownership of the Image (1979).
 Hofrichter, R. Neighborhood Justice in Capitalist Society (1988).
 Hunt, A. "Marxism, Legal Theory, & Jurisprudence," in Fitzpatrick, P. Dangerous Supplements (1991).
 Kinsey, K. "Marxism & the Law," 5 Br. J. L. & Soc. 202 (1978).
 Klare, K. "Law-Making as Praxis," 40 Telos 123 (1979).
 Krygier, M. "Marxism & the Rule of Law," 15 L&SInq. 633 (1990); with responses by Lipson, Commaroff, Cain, Abel, & Skapska.
 Larrson, S., "Karl Renner & (Intellectual) Property," 48 L&SR 3 (2014).
 Markovits, I. "The Death of Socialist Law?" 3 Annual Rev. Law & Soc. Sci. 233 (2007).
 Pashukanis, E. "General Theory of Law & Marxism," in Soviet Legal Philosophy (1951).
 Pashukanis, E. Law & Marxism (1978).
 Pistor, K. The Code of Capital: How the Law Creates Wealth & Inequality (2019).
 Renner, K. Institutions of Private Law & their Social Functions (1949).
 Santos, B. "Law & Community," 8 Int'l. J. Soc. L. 379 (1980).
 Spitzer, S. "Dialectics of Formal & Informal Control," in Abel, R. Politics of Informal Justice (1982).
 Stone, A. "The Place of Law in Marxian Structure-Superstructure Archetype," 19 L&SR 39 (1985).
 Sypnowich, C. Concept of Socialist Law (1990).
 Taiwo, O. Legal Naturalism (1995).
 Tigar, M. "Socialist Law & Legal Institutions," in Lefcourt, R. Law Against the People (1971).
 Tigar, M. & Levy, M. Law & the Rise of Capitalism (1978).
 Trubek, D. "Complexity & Contradiction in the Legal Order," 12 L&SR 529 (1977) (on Balbus).
 Tushnet, M. "A Marxist Analysis of Am. Law," 1 Marxist Perspectives 96 (1978).
 Tushnet, M. "Is There a Marxist Theory of Law?" in Nomos XXVI, 171 (1983).
 Wolff, R. The Rule of Law (1971).

7. Critical Legal Studies. An Alternative Prescriptive Vantage Point.

- Boyle, J. ed. Critical Legal Studies (1994).
- Carvalho, H., Norrie, A. “‘In This Interregnum’: Dialectical Themes in the Critique of Criminal Justice,” 26 Soc. & Leg. Stud. 716 (2017).
- Christodoulidis, E., Dukes, R., Goldoni, M., eds. Research Handbook on Critical Legal Theory (2019).
- de Sousa Santos, B. Law & the Epistemologies of the South (2023).
- Fischl, R. "The Question that Killed Critical Legal Studies," 17 L&SInq. 779 (1992).
- Fitzpatrick, P. & Hunt A. ed. Critical Legal Studies (1987).
- Frug, G. "City as a Legal Concept," 93 Harv. L. Rev. 1057 (1980).
- Frug, G. "Ideology of Bureaucracy in Am. Law," 97 Harv. L. Rev. 1276 (1984)
- Gabel, P. & Kennedy, D. "Roll over Beethoven," 36 Stanford L. Rev. 1 (1984).
- Griffin, S. & Moffat, R. Radical Critiques of the Law, (1997).
- Hutchinson, A. ed. Critical Legal Studies (1989). excellent collection
- Hutchinson, A. & Monahan, P. "Law, Politics, & Critical Legal Scholars," 36 Stanford L. Rev. 199 (1984).
- Hutchinson, A. Its All in the Game: A Nonfoundationalist Account of Law & Adjudication. (2000).
- Jagodinsky, K., Mitchell, P. eds. Beyond the Borders of the Law: Critical Legal Histories of the North American West (2018).2018
- Kairys, D. ed. Politics of Law 2d ed. (1990).
- Kelman, M. A Guide to Critical Legal Studies (1987).
- Kennedy, D. & Klare, "Biblio. of CLS," 94 Yale L. J. 461 (1984).
- Klare, K. "Jud. Deradicalization of the Wagner Act & the Origins of the Modern Legal Consciousness," 62 Minn. L. Rev. 265 (1978).
- Minda, G. "The Jurisprudential Movements of the 1980s," 50 Ohio State L. J. (1989).
- Nelson, W., Gordon, R. "Exchange on Critical Legal Studies," 6 Law & Hist. 1 (1988).
- Quinney, R. Critique of Legal Order (1974).
- Schrag, P. "Rights in the Postmodern Condition," in *Legal Rights*, ed. Sarat, A., Kearns, T. (1996).
- Symposium, "Critical Legal Studies," 36 Stanford L. Rev. 1 (1984).
- Tushnet, M. "Essay on Rights," 62 Texas L. Rev. 1363 (1984).
- Tushnet, M. "Critical Legal Studies & Constitutional Law," 36 Stanford L. Rev. 623 (1984).
- Unger, R. Law in Modern Society (1976).
- Unger, R. The Critical Legal Studies Movement (1986).
- Unger, R. The Critical Legal Studies Movement: Another Time, A Greater Task (2015).

8. Criticism of Critical Legal Studies & Legal Postmodernism

- Altman, A. Critical Legal Studies (1990).
- Handler, J. "Postmodernism, Protest, & the New Social Movements," 26 L&SR 697 (1992); followed by comments by McCann, M.; Austin, R.; Ewick, P.; Calavita, K. & Seron, C.; Hutchison, A.; Winter, S.
- McCormick, J. "Three Ways of Thinking Critically about the Law," 93 APSR 413 (1999).
- Smith, R. "After Criticism," in McCann, M. & Houseman, G. Judging the Constitution, 92 (1989).

9. Law as Literature/Narratives of the Law as Prescriptive Critique.

- Ashe, M. "Zig-Zag Stitching & the Seamless Web," 13 Nova L. Rev. 355 (1989).

- Ayer, J. "The Very Idea of Law & Literature, 85 Mich. L. Rev. 895 (1987).
- Bagnall, G. Law as Art (1996).
- Ball, M. Lying Down Together (1985).
- Brooks, P. & Gerwitz, P. eds. Law Stories (1996).
- Brooks, P. Troubling Confessions: Speaking Guilt in Law & Literature (2000).
- Brown, C. See Justice Done: The Problem of Law in the African American Literary Tradition (2024).
- Chapman, A. The Legal Epic: "Paradise Lost" & the Early Modern Law (2017).
- Chapman, A. Courts, Jurisdictions, & Law in John Milton & His Contemporaries (2020).
- Conklin, W. The Phenomenology of Modern Legal Discourse (1998).
- Cormack, B., Nussbaum, M., Strier, R. eds. Shakespeare & the Law: A Conversation Among Disciplines & Professions (2016).
- Dees, R. Great Trials & the Law in the Historical Imagination: A Law & Humanities Approach (2022).
- Delgado, R. "Storytelling for Oppositionists & Others," 87 Mich. L. Rev. 2411 (1989).
- Delgado, R. The Rodrigo Chronicles (1995).
- Dimock, W. Residues of Justice (1996).
- Ferguson, R. Practice Extended: Beyond Law & Literature (2016).
- Goodrich, P., Gandorfer, D., Gebruers, C. eds. Research Handbook on Law & Literature (2022).
- Greenawalt, K. Legal Interpretation (2011).
- Henderson, G. Creating Legal Worlds: Story & Style in a Culture of Argument (2015).
- LaRue, L. Constitutional Law as Fiction (1995).
- Litowitz, D. Kafka's Indictment of Modern Law (2017).
- Manderson, D. Songs without Music: The Aesthetic Dimensions of Law & Justice. (2000).
- Papke, D. "Legitimate Illegitimacy," 9 Legal Stud. Forum 165 (1985).
- Raffield, P. The Art of Law in Shakespeare (2017).
- Reichman., R. The Affective Life of Law: Legal Modernism & the Literary Imagination (2009).
- Ronner, A. Dostoevsky & the Law (2015).
- Rosenberg, A. "The History of Genres: Reaching for Reality in Law & Literature," 39 L&SInq 1057 (2014).
- Scheingold, S. The Political Novel (2010).
- Steinberg, J. Dante & the Limits of the Law (2016).
- Steinberg, J. Law & Mimesis in Boccaccio's Decameron: Realism on Trial (2023).
- Ward, I. Law & Literature. (1995).
- White, J. The Legal Imagination (1973).
- White, J. When Words Lose Their Meaning (1984).
- White, J. Heracles' Bow (1985).
- White, J. Justice as Translation (1990).

10. Feminist Legal Theory & Liberal Legal Ideology.

- Abrams, K. "Feminist Lawyering & Legal Method," 16 L&SInq. 373 (1991).
- Baer, J. "Nasty Law or Nice Ladies?" 11 Women & Politics 1 (1991).
- Baer, J. Women in Am. Law (1991).
- Baer, J. Our Lives Before the Law: Constructing a Feminist Jurisprudence (1999).
- Barker, C., Kirk, E., & Sah, M. ed. Gender Perceptions & The Law (1998).
- Bartlett, K. "Feminist Legal Methods," 103 Harv. L. Rev. 829 (1990).
- Bartlett, K. & Kennedy, R. eds. Feminist Legal Theory (1991).
- Bottomley, A. & Conaghan, J. Feminist Theory & Legal Strategy (1993)

- Boyd, S. "Is There an Ideology of Motherhood in (Post)Modern Child Custody Law," 26 Soc. & Leg. Stud. 495 (2017).
- Boyd, S., Parkes, D. "Looking Back, Looking Forward: Feminist Legal Scholarship in SLS," 5 Soc. & Leg. Stud. 735 (1996).
- Congahan, J. "Reassessing the Feminist Theoretical Project in Law," 27 J. L. & Soc. 351 (2000).
- Cornell, D. Beyond Accommodation (1991).
- Dahl, T. Women's Law (1987).
- Dworkin, A. Pornography (1981).
- Edwards, S. Female Sexuality & the Law (1981).
- Eisenstein, Z. Female Body & the Law (1988).
- Estrich, S. Real Rape (1987).
- Fineman, M. Illusion of Equality (1991).
- Fineman, M. & Thomadsen, N. eds. At the Boundaries of the Law (1991).
- Fineman, M. & Thompson, M. eds. Exploring Masculinities: Feminist Legal Theory Reflections (2013).
- Frug, M. Postmodern Legal Feminism (1992).
- Frug, M. Women & the Law (1992).
- Goldstein, L. ed. Feminist Jurisprudence (1992).
- Kenney, S. "An Introduction to Feminism & the Law," L. & Cts. Newsletter 1 (Fall 1992).
- Levine, J., Meiners, E. The Feminist & the Sex Offender: Confronting Sexual Harm, Ending State Violence (2020).
- Levit, N. & Verchick, R. Feminist Legal Theory (2006).
- McClain, L. "Liberal Future of Relational Feminism," 24 L&SInq 477 (1999).
- MacKinnon, C. Feminism Unmodified (1987).
- MacKinnon, C. Feminist Theory of the State (1989).
- MacKinnon, C. Only Words (1993).
- Menkel-Meadow, C. & Diamond, S. "Content, Method, & Epistemology of Gender in Sociolegal Studies," 25 L&SR 221 (1991).
- Merry, S. "Rights, Religion, & Community," 35 L&SR 39 (2001).
- Minow, M. "Justice Engendered," 101 Harv. Law Rev. 10 (1987).
- Minow, M. Making All the Difference (1990).
- Okin, S. Justice, Gender, & the Family (1989).
- Rhode, D. Justice & Gender (1989).
- Rhode, D. "Feminist Critical Theories," 42 Stanford L. Rev. 617 (1990).
- Scales, A. "Emergence of Feminist Jurisprudence," 95 Yale L. J. 1373 (1986).
- Scales, A. Legal Feminism: Activism, Lawyering & Legal Theory (2006).
- Schneider, E. "Dialectic of Rights & Politics," 61 NYU L. Rev. 589 (1986).
- Smart, C. The Ties that Bind (1984).
- Smart, C. Feminism & the Power of Law (1989).
- Smart, C. "Feminist Jurisprudence," in Fitzpatrick, P. Dangerous Supplements (1991).
- Smart, C. Law, Crime, & Sexuality (1996) (collected essays).
- Symposium. "Feminist Discourse, Moral Values, & the Law," 34 Buffalo L. Rev. 11 (1985).
- Villmoare, A. "Women, Differences, & Rights as Practices," 25 L&SR 385 (1991).
- Villmoare, A. "Feminist Jurisprudence & Political Vision," 24 L&SInq 443 (1999).
- Weisberg, D. K. Feminist Legal Theory (1993), inc. arts. by Bartlett, Cain, Minow, Olsen, Schneider, Stubbs, West, Williams.
- West, R. "Difference in Women's Hedonic Lives," 3 Wisc. Women's L. J. 81 (1987).

12. Critical Race Theory & Liberal Legality.

Bridges, K. Critical Race Theory: A Primer (2019).

- Delgado, R. & Stefanic, J. Critical Race Theory 4th ed. (2023).
- Gomez, L. “Understanding Law & Race as Mutually Constitutive,” 6 Annual Rev. of Law & Soc. Sci. 487 (2010).
- Gowder, P. The Rule of Law in the U.S. (2021).
- Haney Lopez, L White by Law (1996).
- Haney Lopez, I. “Post-Racial Racism,” 98 Calif. L. Rev. 1023 (2010).
- Levinson, J. &. Smith, R., eds. Implicit Racial Bias Across the Law (2012).
- Obasogie, O. “Race in Law & Society,” in Haney Lopez, I. Race, Law, & Society (2007).
- Plitmann, Y. “Authentic Compliance with a Symbolic Legal Standard? How Critical Race Theory Can Change Institutional Studies on Diversity in the Workplace,” 47 L&SInq 331.

13. Anti-Legalism.

- Kochi, T. “Law & conspiracy theory: sovereign citizens, freemen on the land, & pseudolaw,” 52 J. L. & Soc. 34 (2025).