

CONTENTS

ACKNOWLEDGMENTS	ix
INTRODUCTION	3
ONE Critical Legal Studies v. Liberalism	7
<i>The Players</i>	7
<i>The Rule of Law</i>	9
<i>The CLS Attack</i>	13
<i>The Totalitarian Charge</i>	16
<i>Conflict within CLS</i>	18
TWO Liberalism and Legality	22
<i>The Rule of Law: A Generic Liberal Model</i>	22
<i>One Problem with the Generic Model</i>	27
<i>Hart: Law and Social Rules</i>	31
<i>Dworkin: The Soundest Theory of Law?</i>	35
<i>Assessing Dworkin and Hart</i>	37
<i>The Destruction of the Rule of Law?</i>	51
THREE The Possibility of the Liberal Rule of Law	57
<i>Unger: The Contradictions of Liberalism</i>	59
<i>The Right-Good Distinction</i>	66
<i>Liberal Neutrality: Four Forms</i>	72
<i>Reopening the CLS Attack</i>	77
<i>Legal Neutrality and the Law-Politics Distinction</i>	79
<i>Radical Indeterminacy</i>	90
<i>Power, Neutrality, and Legalism</i>	98
<i>Summary</i>	102

CONTENTS

FOUR	The Contradictions of Law	104
	<i>Form and Substance: Kennedy on Private Law</i>	106
	<i>The Patchwork Thesis</i>	117
	<i>The Duck-Rabbit Thesis</i>	130
	<i>The Truncation Thesis</i>	139
	<i>Summary</i>	148
FIVE	Law and Social Reality	149
	<i>Rules and Social Reality</i>	149
	<i>Unger: Society as an Artifact</i>	155
	<i>Ultra-Theory v. Super-Theory</i>	164
	<i>The Structure of the Law</i>	181
	<i>Law and Politics</i>	184
	<i>The Fundamental Contradiction</i>	186
	<i>Abstraction and the Law</i>	189
	<i>Law as Protector</i>	196
INDEX		203