

Epilogue

Major things are wind, evil, a good fighting horse, prepositions, inexhaustible love, the way people choose their king. Minor things include dirt, the names of schools of philosophy, mood and not mood, the correct time.

Anne Carson, *Plainwater*

In setting down my thoughts in this book, I have girded myself in anticipation of the different types of responses it will arouse. First among these will be complaints about the topicality of the subject matter. Why choose to write about the formative period of a movement that, according to more than a few of my academic colleagues, is played out and has been virtually demolished?¹ What a quaint project. But is the task of assessing the contributions of early critical legal writers to central jurisprudential debates really no more interesting or useful than flogging a dead horse? Does the major value of the critical legal movement lie solely in its foreshadowing of subsequent, and what now appear to be trendier, intellectual developments in the law, such as post-modernism or the various critiques made from the perspectives of race, gender, sexuality, or cultural studies?² Has the 1970s version of radical legal critique in North America become an outmoded fashion, just as the art of David Salle, which made him seem so avant-garde and interesting in the 1980s – a regular Andy Warhol – has since been discredited by influential taste makers?³

These judgments on the vitality and currency of critical legal studies might be true, if one were to treat jurisprudential ideas as no more significant or durable than trends in wide ties and narrow lapels. They are also shaped by invidious comparisons to the rate of increase in the