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# Critical Legal Studies Research Guide

Jennifer Allison



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# Critical Legal Studies



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## Introducing This Guide

This is a guide to critical legal studies research in the Harvard Law School Library. It is organized as follows:



A discussion of critical librarianship and bias in libraries.

Using the Harvard Library's HOLLIS library catalog.

A historical overview of critical legal studies.

Topical overviews of areas within the discipline.

*Note: This guide is comprised of a single page for easy searching. If you are looking for information about a specific topic, the best way to find all the resources on that topic is to do a CTRL+F search.*

A brief introductory video on how to best use this guide is provided below.

### Critical Legal Studies Research Guide



## Neutrality, Bias, and Identities


It is a common misconception that libraries and library catalogs are neutral and unbiased. They are not.

This research guide was created to help researchers effectively navigate the Harvard Library collections for critical legal studies research. Bibliographic indexing terms used in libraries today were created within a historically white hegemonic information structure.

The author of this guide acknowledges, and regrets, that research in this area may require the use of language that is triggering, objectionable, triggering, and/or offensive to people of many backgrounds, identities, identifications, and presentations.

The author of this guide identifies as a white cisgender woman.

### Learn More:

-  Bias and Neutrality in Libraries
- Black Excellence in LIS Syllabus
- Introduction to Law Librarianship: Critical Legal Studies  
The author of this guide wrote the chapter on Critical Legal Studies for the open-source textbook Introduction to Law Librarianship, published in 2021. This chapter discusses critical studies and their manifestations in librarianship and law. It provides law librarians with a framework for thinking critically about law libraries and encourages them to center equity, compassion, and justice in their practice of law librarianship.
- Writing About "Slavery"? This Might Help  
Critical guide to language related to slavery and enslaved people, community-sourced by senior slavery scholars of color.

## RESEARCHING IN THE HARVARD LAW SCHOOL LIBRARY

Chat With Us!

### Search the Harvard Library Catalog, HOLLIS

The Harvard Library online catalog **HOLLIS** (<https://hollis.harvard.edu>) provides information about materials in the Harvard libraries' collections. There are several different types of keywords that you can use when you are searching HOLLIS:


- **Author**
- **Title**
- **Publisher**
- **Place of Publication**
- **Series**
- **ISBN or ISSN** (unique identifying number for a book or a series)

Another search field is **Subject**, which includes words and phrases selected by cataloging librarians from a controlled vocabulary like the **Library of Congress Subject Headings (LCSH)** list.

*Note: Searching by subject can be helpful in limiting results to highly relevant materials. However, as mentioned previously, many researchers will find some LCSH terms profoundly offensive and othering. Regrettably, some HOLLIS searches listed in this guide include terms of this nature.*

When you do a **Keyword Anywhere** search in HOLLIS, the entire record is searched, including all the fields listed above.

This guide provides links to pre-populated HOLLIS **Keywhere** **Anywhere** searches under each topic, which look like this:

HOLLIS: "Critical Legal Studies"

The searches are meant to be very broad. To limit the results, refine the search by adding additional keywords, and/or use the filtering options on the right side of the HOLLIS search results screen.

The guide also includes links to HOLLIS searches by book series. Academic publishers often publish like-themed books under a descriptive series name. Book series searches in this guide look like this (where "Routledge" is the name of the publisher):

Critical Concepts in Law (Book Series)  
Routledge

A **HOLLIS user guide**, created and maintained by the Harvard Library, is available at <https://guides.library.harvard.edu/hollishelp>.

## CRITICAL LEGAL STUDIES

### Critical Legal Studies: Definition and History

Critical theory involves challenging the status quo through intellectual analysis.

## What do critical theorists do?

- They think about how to deal with new problems and explore emerging possibilities that "arise from changing historical circumstances."
- They worry about societal disinclination for deep and ethical thinking
- They decry a lack of "meaning and purpose" in modern life.
- Through their work, they address power imbalances in the economy, in the government, or in law, as a way of reducing oppression and fostering resistance to forces that inhibit freedom for everyone.

(Source: Stephen Eric Bronner, *Critical Theory: A Very Short Introduction* (2017 2nd ed.))

What does it mean to refer to legal studies as "critical"?

According to **Professor Lolita Buckner Inniss**, a leading critical legal studies scholar:

**"'Critical' in this sense refers to closely inquiring into the nature of a thing or idea, not necessarily to alter it or to undermine it, but rather to problematize it, that is, to expose vital questions and problems about a thing or concept."**

Professor Buckner Inniss posits that "critical" studies feature the following characteristics:

- A problem-solving methodology that is "interdisciplinary, intersectional, (and) spectral";
- The non-adoption of "claims of universal validity" except where such adoption is "only to achieve a greater good for the many or to undermine structures of oppression"; and

- The rejection of "false dichotomies" and the recognition that, among multiple alternatives, there may be many "valid choices."



Source: Lolita Buckner Inniss, "*Other Spaces*" in *Legal Pedagogy*, 28 Harv. J. Racial & Ethnic Just. 67, 68 (2012)).

Source: Harvard Law Professor Jeannie Suk Gerson has created a short film about the history of the critical legal studies movement. It includes interviews with several important figures affiliated with Harvard Law School, including Professors Duncan Kennedy and Mark Tushnet. To view the film, visit <https://today.law.harvard.edu/book-review/the-influence-of-critical-legal-studies/>.

## History of Critical Legal Studies: Selected Books

**The Critical Lawyer's Handbook** by Ian Grigg-Spall and Paddy Ireland

Publication Date: 1992

**Critical Legal Studies** by Allan C. Hutchinson (ed.)

Publication Date: 1989

**The Critical Legal Studies Movement: Another Time, A Greater Task** by Roberto Unger

Publication Date: 2015

**Ethnic Dilemmas, 1964-1982** by Nathan Glazer

Publication Date: 1983

**Equality Under the Constitution: Reclaiming the Fourteenth Amendment** by Judith Baer

Publication Date: 1983



## **A Guide to Critical Legal Studies by Mark Kelman**

Publication Date: 1988

## **Ideology and Community in the First Wave of Critical Legal**

**Studies** by Richard Bauman

Publication Date: 2002

## **Lawyers' Ethics and the Pursuit of Social Justice: A Critical**

**Reader** by Susan Carle (ed.)

Publication Date: 2005

## **Legal Modernism** by David Luban

Publication Date: 1994

## **The Lizard** by Duncan Kennedy (ed.)

Publication Date: 1984

Issued during the meeting of the American Association of Law Schools, San Francisco, Jan. 1984.

## **The Politics of Law: A Progressive Critique** by David Kairys

(ed.)

Publication Date: 1982 (1st ed.)

## **The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy** by Morton Horwitz

Publication Date: 1992

## **History of Critical Legal Studies: Selected Journal Articles**

In 1982, a Critical Legal Studies symposium was held at Stanford Law School. The symposium issue published by the Stanford Law Review (**Critical Legal Studies Symposium of 1982, Stanford Law Review, v. 36 (1984)**) includes many articles that are often cited as fundamental works of the movement.

Key concepts from these articles, which may be helpful as search terms for further research, include "trashing," "deconstructionism," "utopianism," and "post-realism."

ound and 'Round the Bramble Bush: From Legal Realism to

tical Legal Scholarship

te, Harvard Law Review, v. 95, p. 1669 (1982).

Bibliography of Critical Legal Studies

uncan Kennedy and Karl E. Klare, Yale Law Journal, v. 94, p.

435 (1984).

- Critical Legal Studies: A Political History  
Mark Tushnet, Yale Law Journal, v. 100, p. 1515 (1991).
- Critical Legal Studies: An Introduction to its Origins and Underpinnings  
Mark Tushnet, Journal of Legal Education, v. 36, p. 505 (1986)
- Deconstructing Legal Research: A Law Librarian's Commentary on Critical Legal Studies  
Steven M. Barkan, Law Library Journal, v. 79, p. 617 (1987).
- Law School Enters the Matrix: Teaching Critical Legal Studies  
Jerry L. Anderson, Journal of Legal Education, v. 54 (2004).
- Legal Education and the Reproduction of the Hierarchy  
Duncan Kennedy, Journal of Legal Education, v. 32, p. 591 (1982).
- The Literature of American Legal History, Volume 1, Chapter 116: 1981-1984  
William E. Nelson (1985).
- Minority Critiques of the Critical Legal Studies Movement  
Symposium Issue, Harvard Civil Rights-Civil Liberties Law Review, Spring 1987
- Notes Toward an Intimate, Opinionated, and Affectionate

## History of the Conference on Critical Legal Studies

John Henry Schlegel, *Stanford Law Review*, v. 36 (1984)

- Of Lizards, Intersubjective Zap, and Trashing: Critical Legal

Studies and the Librarian

Virginia Wise, *Legal Reference Services Quarterly*, v. 8, p. 7

(1988). Includes a bibliography of readings published through 1988.

## Critical Legal Studies

Stanford Levinson, *Dissent*, v. 36(3), p. 360 (July 1989).

- Taking Rights Aggressively: The Perils and Promise of Critical Legal Theory for Peoples of Color  
Robert A. Williams, Jr., *Law and Inequality*, v. 5, p. 103 (1987).
- The Theory of Critical Legal Studies  
Alan Hunt, *Oxford Journal of Legal Studies*, v. 6, no. 1, p. 1 (1986)
- Toward a Black Legal Scholarship: Race and Original Understandings  
Jerome McCristal Culp, Jr., *Duke Law Journal* (1991).
- Unfreezing Legal Reality: Critical Approaches to Law  
Robert W. Gordon, *Florida State University Law Review*, v. 15, p. 195 (1987).
- Why Do We Tell The Same Stories?: Law Reform, Critical Librarianship, and the Triple Helix Dilemma  
Richard Delgado & Jean Stefancic, *Stanford Law Review*, v. 42, p. 207 (1989).

## CRITICAL RACE THEORY

## Critical Race Theory

in 1995, **Professor Derrick Bell**, the first tenured African-American faculty member at Harvard Law School, defined critical race theory as "a body of legal scholarship, the majority of whose authors are both existentially people of color and ideologically committed to the struggle against racism, particularly as institutionalized in and by law." According to Professor Bell, there are also white critical race theory scholars, and they are "usually committed to the overthrow of their own privilege."

As a way of distinguishing critical race theory specifically from critical legal studies generally, Professor Bell emphasized that the former relies on giving space and power to the narratives of Black people who are oppressed by the legal system, and using those narratives to "empower and include traditionally excluded views" in order to resist "standards and institutions created by and fortifying white power." He characterized this method as "transformative resistance strategy" that makes use of not only the critical device established by critical legal studies scholars, but also the civil rights movement's goals of resistance to and liberation from white supremacy.

*(Source: Derrick A. Bell, Who's Afraid of Critical Race Theory, 1995 U. Ill. L. Rev. 893.)*

Professor Bell's work laid the foundation for the scholarly discipline of critical race theory. During his career, he worked as a lawyer for the NAACP and also served as a professor at the University of Oregon School of Law and at NYU School of Law. He passed away in 2011.

*Note: In 2019, HLS Professor Randall Kennedy wrote about his relationship with Professor Bell, including their differing views on critical race theory and African Americans in legal*

*academia. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3350497](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3350497).*

## Critical Race Theory: HOLLIS Catalog Searches

- HOLLIS: "Affirmative Action" AND "Law OR Legal"
- HOLLIS: "African Americans -- Civil Rights"
- HOLLIS: "African Americans -- Legal Status, Laws, Etc."
- HOLLIS: "African Americans -- Suffrage"
- HOLLIS: "Black Codes" OR "Black Laws"
- HOLLIS: "Black Lives Matter" AND "Law OR Legal"
- HOLLIS: "Black Nationalism" AND "Law OR Legal"
- HOLLIS: "Black Studies" AND "Law OR Legal"
- HOLLIS: "Civil Rights Act of 1866"
- HOLLIS: "Civil Rights Act of 1875"
- HOLLIS: "Civil Rights Act of 1957"
- HOLLIS: "Civil Rights Act of 1960"
- HOLLIS: "Civil Rights Act of 1964"
- HOLLIS: "Civil Rights Act of 1968"
- HOLLIS: "Civil Rights Movements" AND "Law OR Legal"
- HOLLIS: "Crime and Race"
- HOLLIS: "Critical Race Theory"
- HOLLIS: "Deconstructionist" AND "Law OR Legal" AND "Race OR Racial"
- HOLLIS: "Fifteenth Amendment"

- HOLLIS: "Fourteenth Amendment"
- HOLLIS: "Jim Crow" AND "Law OR Legal"
- HOLLIS: "Juneteenth" AND "Law OR Legal"
- HOLLIS: "National Association for the Advancement of Colored People"
- HOLLIS: "Post-Racialism" AND "Law OR Legal"
- HOLLIS: "Post Traumatic Slave Syndrome" AND "Law OR Legal"
- HOLLIS: "Prosecutors" AND "Race OR Racial"
- HOLLIS: "Race Discrimination" AND "Law OR Legal"
- HOLLIS: "Race OR Racial" AND "Justice"
- HOLLIS: "Race OR Racial OR Racism" AND "Law OR Legal"
- HOLLIS: "Racial Inequality" AND "Law OR Legal"
- HOLLIS: "Racialized" AND "Law OR Legal"
- HOLLIS: "Racial Minorities" AND "Law OR Legal"
- HOLLIS: "Racism -- Remedies"
- HOLLIS: "Second Reconstruction" AND "Law OR Legal"
- HOLLIS: "Slaves -- Legal Status, Laws, Etc."
- HOLLIS: "Systemic Racism" AND "Law OR Legal"
- HOLLIS: "Thirteenth Amendment"
- HOLLIS: "Voting Rights Act of 1965"

## Critical Race Theory: Selected Books

And We Are Not Saved: The Elusive Quest for Racial Justice

**And We Are Not Saved: The Elusive Quest for Racial Justice**

by Derrick Bell

Publication Date: 1989

**Charleston Syllabus: Readings on Race, Racism, and Racial**

Violence by Chad Williams, Kidada E. Williams, and Keisha N.

Ginsburg (eds.)

Publication Date: 2016

**The Condemnation of Blackness: Race, Crime, and the**

Making of Modern Urban America by Khalil Gibran

Muhammad

Publication Date: 2010

**Critical Race Theory: An Introduction** by Richard Delgado

and Jean Stefancic

Publication Date: 2017 (3rd ed.)

**Critical Race Theory: A Primer** by Khiara M. Bridges

Publication Date: 2019

**Critical Race Theory: The Key Writings that Formed the****Movement** by Kimberle Crenshaw et al. (eds.)

Publication Date: 1995

**Crossroads, Directions, and a New Critical Race Theory** by

Francisco Valdes, Jerome McCristal Culp, and Angela P. Harris

(eds.)

Publication Date: 2002

**The Derrick Bell Reader** by Richard Delgado and Jean

Stefancic

Publication Date: 2005

**The Origins of African-American Interests in International****Law** by Henry J. Richardson, III

Publication Date: 2008

**Policing the Black Man: Arrest, Prosecution, and Imprisonment** by Angela J. Davis (ed.)

Publication Date: 2017

**Race, Ethnicity, and Law** by Mathieu Deflem (ed.)

Publication Date: 2017

**Race, Racism, and American Law (Casebook)** by Derrick Bell

Publication Date: 2008 (6th ed.)

**Race on Trial: Law and Justice in American History** by

Annette Gordon-Reed (ed.)

Publication Date: 2002

**The U.S. Supreme Court and Racial Minorities: Two Centuries of Judicial Review on Trial** by Leslie Goldstein

Publication Date: 2017

## Critical Race Theory: Other Materials

- African American Biographical Database (AABD) (Database)
- African American Periodicals, 1825-1995 (Database)
- Black Abolitionist Papers (Database)
- The Black Scholar (Journal)
- Black Studies Research Sources (Microform Collection)  
University Publications of America / LexisNexis
- Black Thought and Culture (Research Collection)
- Charles Hamilton Houston Institute Series on Race and Justice (Book Series)

NYU Press



NYU PRESS

- Contemporary Black History (Book Series)  
Palgrave Macmillan

 Chat With Us!  
...e Crisis (Journal)

- Critical Black Studies (Book Series)  
Palgrave Macmillan

- Critical Perspectives on Race, Crime, and Justice (Book Series)  
Knoxington Books

- Critical Race Theory (Book Series)  
Garland Press
- Ebony (Monthly Periodical)
- Focus: Black America Bibliography Series (Book Series)  
Indiana University Libraries
- Georgetown Journal of Law & Modern Critical Race  
Perspectives
- Hastings Race and Poverty Law Journal
- The History Makers (Oral History Digital Archive)
- Journal of African American History
- Journal of Black Studies
- Journal of Ethnicity in Criminal Justice
- Michigan Journal of Race and the Law
- NAACP Papers (Database)
- National Black Law Journal
- New Racial Studies (Book Series)  
Routledge

- Oxford African American Studies Center (Research Collection)

## OXFORD AFRICAN AMERICAN STUDIES CENTER (RESEARCH COLLECTION)

- Philosophy and Race (Book Series)

State University of New York Press

- Politics of Race and Ethnicity (Book Series)

University of Michigan Press

- Race, Ethnicity, and Politics (Book Series)

University of Virginia Press

- Race, Law, and American History (Book Series)

Garland Press

- Race, Rhetoric, and the Media (Book Series)

University of Mississippi Press

- Rutgers Race and the Law Review

- Signs of Race (Book Series)

Palgrave Macmillan

- Slavery, Abolition, and Social Justice (Research Collection)

- Souls: A Critical Journal of Black Politics, Culture, and Society

- University of Miami Race & Social Justice Law Review

## LATINA/O/X CRITICAL THEORY (LATCRIT)

## Latina/o/x Critical Theory (LatCrit)

According to **Professor Francisco Valdes (University of Miami School of Law)**, Latina/o/x Critical Theory (LatCrit) explores the "(p)actices and the (p)ossibilities that (are) associate(d) with ... as/os and critical legal scholarship on race, ethnicity, and ... sources of subordination in American law and society."

... group itself, according to Professor Valdes, "a ... omeration of several peoples from varied cultures and ... ties(.) ... These group experiences include, but are not exclusively about, Mexican-American, Puerto Rican, and Cuban-American communities ... (representing) diverse spectrums of races, religions, genders, classes, and sexualities."

(Source: Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities: Forward*, 9 La Raza L.J. 1, 8, 11 (1996) (Colloquium Proceedings).)

*Note: The use of the term "Latinx" is not without its critics. For a creative and enlightening explanation of why this is so, visit <https://www.vox.com/the-highlight/2019/10/15/20914347/latin-latina-latino-latinx-means>.*

## LatCrit: HOLLIS Searches

- HOLLIS: "Chicano OR Chicana OR Chicano/a" AND "Law OR Legal"
- HOLLIS: "Hispanic" AND "Law OR Legal"
- HOLLIS: "La Raza" AND "Law OR Legal"
- HOLLIS: "Latcrit" AND "Law OR Legal"
- HOLLIS: "LatCrit Conference"
- HOLLIS: "Latin American" AND "Law OR Legal"
- HOLLIS: "Latino OR Latina OR Latino/a OR Latinx" AND "Law OR Legal"
- HOLLIS: "Mestizo OR Mestiza OR Mestizo/a" AND "Law OR Legal"
- HOLLIS: "Mexican American Legal Defense and Educational Fund"
- HOLLIS: "Si Se Puede" AND "Law OR Legal"

## LatCrit: Selected Books

**Gringo Injustice: Insider Perspective on Police, Gangs, and Law** by Alfredo Mirandé (ed.)  
Publication Date: 2020

**Key Terms in Latino/a Cultural and Literary Studies** by Paul Allatson  
Publication Date: 2007

**Latina/o Studies** by Ronald L. Mize  
Publication Date: 2018

**The Latina/o Condition: A Critical Reader** by Richard

**The Latino/a Condition. A Critical Reader** by RICHARD

Delgado and Jean Stefancic

Publication Date: 2011 (2nd ed.)

**Latino/a Rights and Justice in the United States:**



**Perspectives and Approaches** by José Luis Morín

Publication Date: 2009 (2nd ed.)

**Latinos and American Law: Landmark Supreme Court Cases**

Carlos R. Soltero

Publication Date: 2006

**The New Latino Studies Reader: A Twenty-First Century**

**Perspective** by Ramón A. Gutiérrez and Tomás Almaguer

(eds.)

Publication Date: 2016

**The Oxford Encyclopedia of Latinos and Latinas in**

**Contemporary Politics, Law, and Social Movements** by

Suzanne Oboler, Deena J. Gonzáles (eds.)

Publication Date: 2015

## LatCrit: Other Materials

- Berkeley La Raza Law Journal
- Border Hispanisms (Book Series)  
University of Texas Press
- Chicano-Latino Law Review
- Harvard Latino Law Review
- Alianza of Harvard Law School: Alumni/Student Newsletter
- Latinos in American Society and Culture (Book Series)  
University of California Press
- Latinos in the United States Series (Book Series)  
Michigan State University Press
- Latino Studies (Journal)
- Mexican American Experience (Book Series)  
University of Arizona Press
- Texas Hispanic Journal of Law and Policy
- University of Miami Inter-American Law Review

## ASIAN CRITICAL THEORY (ASIANCRIT)

## Asian Critical Theory (AsianCrit)

Asian critical theory as a legal academic discipline addresses the particular challenges related to discrimination against and marginalization of Asian Americans.

According to **Professor Robert S. Chang**, who wrote the first piece ever published in the *Asian Law Journal* (eventually renamed the *Asian American Law Journal*), "Asian Americans suffer from discrimination, much of which is quantitatively and qualitatively different from that suffered by other disempowered groups."

Accordingly, critical race theory, because it does not demonstrate "how different races matter differently," is not an altogether appropriate discipline to "address fully the needs of Asian Americans." According to Professor Chang, while Asian Americans are often viewed in American society as "the model minority," the discrimination and violence they experience have created a unique narrative that deserves its own space and research discipline.

(Source: Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 1 Asian L. J. 1 (1994).)

## AsianCrit: HOLLIS Searches

- HOLLIS: "Asian Americans" AND "Law OR Legal"
- HOLLIS: "Asian Americans -- Race Identity"
- HOLLIS: "Asian Pacific Americans" AND "Law OR Legal"
- HOLLIS: "Chinese Americans" AND "Law OR Legal"
- HOLLIS: "Chinese Exclusion Act"
- HOLLIS: "Filipino Americans" AND "Law OR Legal"
- HOLLIS: "Hmong Americans" AND "Law OR Legal"
- HOLLIS: "Japanese Americans" AND "Law OR Legal"
- HOLLIS: "Japanese Americans -- Evacuation and relocation, 1942-1945"
- HOLLIS: "Korean Americans" AND "Law OR Legal"
- HOLLIS: "Model Minority" AND "Law OR Legal"
- HOLLIS: "South Asian American" AND "Law OR Legal"
- HOLLIS: "Vietnamese Americans" AND "Law OR Legal"





## AsianCrit: Selected Books

### **Disoriented: Asian Americans, Law, and the Nation-State** by

Robert S. Chang

Publication Date: 1999



### **The Fight for Asian American Civil Rights: Liberal Protestant**

**Civism, 1900-1950** by Sarah M. Griffith

Publication Date: 2018

### **The Myth of the Model Minority: Asian Americans Facing**

**Racism** by Rosalind S. Chou and Joe R. Feagin

Publication Date: 2015 (2nd ed.)

### **The Subject(s) of Human Rights: Crises, Violations, and**

**Asian/American Critique** by Cathy J. Schlund-Vials et al. (eds.)

Publication Date: 2020

### **Two Faces of Exclusion: The Untold History of Anti-Asian**

**Racism in the United States** by Lon Kurashige

Publication Date: 2016

### **Yellow: Race in America Beyond Black and White** by Frank

Wu

Publication Date: 2002

## AsianCrit: Other Materials

- Asian American Experience (Book Series)

University of Illinois Press

- Asian American History and Culture (Book Series)

Temple University Press

- Asian American Law Journal

- Asian Americans and the Law (Book Series)

Harvard

- Asian Pacific American Law Journal
- Bibliography of Asian Studies (Journal/Database)
- Critical Asian Studies (Journal)
- Critical Perspectives on Asian Pacific Americans (Book Series)  
AltaMira Press
- Journal of Asian American Studies

## CRITICAL INDIGENOUS STUDIES

## Critical Indigenous Studies

Critical indigenous studies explores how indigenous people are situated within national power structures in a post-colonial context. A related discipline, critical indigenous rights studies, also emerged, which primarily examines how rights and freedoms for indigenous people are impacted by larger conditions related to autonomy and human dignity.

Scholars in both of these fields critically question the framing and control of indigenous culture and heritage, and how these actions create a framework of social and legal hegemony that oppresses indigenous people and communities.

### Note:

The Association of Manitoba Archives has updated the Library of Congress Subject Headings in its database of Manitoba archival descriptions. If you are researching indigenous rights in Canada, information about these updates will be helpful to you: <https://mspace.lib.umanitoba.ca/xmlui/handle/1993/31177>.

## Critical Indigenous Studies: HOLLIS Searches

- HOLLIS: "Aboriginal" AND "Law OR Legal"
- HOLLIS: "American Indians" AND "Law OR Legal"
- HOLLIS: "Colonialism" AND "Law OR Legal"
- HOLLIS: "Colonial Narrative" AND "Law OR Legal"
- HOLLIS: "Imperialism" AND "Law OR Legal"
- HOLLIS: "Indian Act"
- HOLLIS: "Indian Civil Rights Act of 1968"
- HOLLIS: "Indian Removal" AND "Law OR Legal"
- HOLLIS: "Indians of North America" AND "Law OR Legal"
- HOLLIS: "Indigeneity" AND "Law OR Legal"
- HOLLIS: "Indigenous Peoples" AND "Law OR Legal"
- HOLLIS: "Inuit" AND "Law OR Legal"
- HOLLIS: "Nomads" AND "Law OR Legal"
- HOLLIS: "Postcolonialism"
- HOLLIS: "Self-Determination"
- HOLLIS: "Settler" AND "Law OR Legal"
- HOLLIS: "Trail of Tears"
- HOLLIS: "Tribal Governance"
- HOLLIS: "Tribe OR Tribal" AND "Sovereignty"

## Critical Indigenous Studies: Selected Books

**Aboriginal Peoples and the Law: A Critical Introduction by**

John R. S. ...

Jim Reynolds

Publication Date: 2018

### **American Indians and the Rhetoric of Removal and**

**Allotment** by Jason Edward Black

Publication Date: 2015

**Colonialism is Crime** by Marianne O. Nielsen and Linda M.

Boyn

Publication Date: 2019

**Critical Indigenous Rights Studies** by Giselle Corradi, Koen

de Feyter, Ellen Desmet, and Katrijn Vanhees (eds.)

Publication Date: 2019

**Critical Indigenous Studies: Engagements in First World**

**Locations** by Aileen Moreton-Robinson (Ed.)

Publication Date: 2016

**Global Politics and its Violent Care for Indigeneity: Sequels**

**to Colonialism** by Marjo Lindroth, Heidi Sinevaara-Niskanen

Publication Date: 2018

**Indigeneity: Before and Beyond the Law** by Kathleen Birrell

Publication Date: 2016

**An Indigenous Peoples' History of the United States** by

Roxanne Dunbar-Ortiz (ed.)

Publication Date: 2014

**Indigenous Peoples as Subjects of International Law** by

Irene Watson (ed.)

Publication Date: 2018

**Native Acts: Law, Recognition, and Cultural Authenticity** by

Joanne Barker

Publication Date: 2011

**Reclaiming the Reservation: Histories of Indian Sovereignty  
Suppressed and Renewed** by Alexandra Harmon

Publication Date: 2019

**Sovereign Acts: Contesting Colonialism Across Indigenous  
Nations and Latinx America** by Frances Negrón-Muntaner

(.)

Publication Date: 2017

**The UN Declaration on the Rights of Indigenous Peoples: A  
Commentary** by Jessie Hohmann, Marc Weller (eds.)

Publication Date: 2018

## Critical Indigenous Studies: Other Materials

- American Indian Law Review
- Annual Report of the Native American Rights Fund
- Critical Issues in Indigenous Studies (Book Series)  
University of Arizona Press
- Decolonization: Indigeneity, Education & Society (Journal)
- Henry Roe Cloud Series on American Indians and Modernity  
(Book Series)  
Yale University Press
- Indigenous Justice (Book Series)  
University of Arizona Press
- Indigenous Peoples and the Law (Book Series)  
Routledge
- International Journal of Critical Indigenous Studies
- Publications of the National Congress of American Indians
- Tribal Law Journal

## CRITICAL WHITENESS STUDIES

## Critical Whiteness Studies

Professor **Barbara J. Flagg**, in the Washington University Journal of Law & Policy 2013 symposium issue, *Whiteness: Some Critical Perspectives*, summed up as follows why critical whiteness studies, as a scholarly discipline, are necessary:

Whiteness is a social location of power, privilege, and prestige. It is an invisible package of unearned assets.' As an epistemological stance, it is sometimes an exercise in denial. Whiteness is an identity, a culture, and an often colonizing way of life that is largely invisible to Whites, though rarely to people of color. Whiteness also carries the authority within the larger culture it dominates to set the terms on which every aspect of race is discussed and understood."

She goes on to call whiteness a "metaprivilege," which she defines as "the ability of Whiteness to define the conceptual terrain on which race is constructed, deployed, and interrogated." In the United States in particular, she argues, "Whiteness is a largely transparent construction that constitutes the dominant site of power and privilege."

(Source: Barbara J. Flagg, *Whiteness as Metaprivilege*, 18 Wash. U. J.L. & Pol'y 1 (2005)).



## Critical Whiteness Studies: HOLLIS Searches

- HOLLIS: "Aryan Brotherhood" AND "Law OR Legal"
- HOLLIS: "Ku Klux Klan" AND "Law OR Legal"
- HOLLIS: "Neo-Nazism" AND "Law OR Legal"
- HOLLIS: "White Feminism" AND "Law OR Legal"
- HOLLIS: "White Flight" AND "Law OR Legal"
- HOLLIS: "White Hegemony" AND "Law OR Legal"
- HOLLIS: "White Identity" AND "Law OR Legal"
- HOLLIS: "White Nationalism" AND "Law OR Legal"
- HOLLIS: "White People" AND "Race Identity" AND "Law OR Legal"
- HOLLIS: "White Privilege" AND "Law OR Legal"
- HOLLIS: "White Supremacy" AND "Law OR Legal"
- HOLLIS: "Whiteness" AND "Law OR Legal"

## Critical Whiteness Studies: Selected Books

### **The Construction of Whiteness: An Interdisciplinary Analysis of Race Formation and the Meaning of White**

**Identity** by Stephen Middleton, David R. Roediger, and

Donald M. Shaffer (eds.)

Publication Date: 2016

### **Critical White Studies: Looking Behind the Mirror** by Richard

Algado and Jean Stefancic (eds.)

Publication Date: 1997

### **The History of White People** by Nell Irvin Painter

Publication Date: 2010

### **The Intersections of Whiteness** by Evangelia Kindinger and

Mark Schmitt (eds.)

Publication Date: 2019

### **Racism in the Neoliberal Era: A Meta History of Elite White**

**Power** by Randolph Hohle

Publication Date: 2017

### **White By Law: The Legal Construction of Race** by Ian Haney

Lopez

Publication Date: 2006 (10th anniv. edition)

### **White Self-Criticality Beyond Anti-Racism: How Does It Feel**

**To Be a White Problem?** by George Yancy (ed.)

Publication Date: 2015

## FEMINIST LEGAL THEORY

## Feminist Legal Theory

**Martha Albertson Fineman**, the founder of a scholarly project called Feminism and Legal Theory (FLT) in 1984, states that, "as a group, feminists are concerned with the implications of historic and contemporary exploitation of women within society." To that end, two of their primary goals are "the empowerment of women and the transformation of institutions dominated by men."

According to Professor Fineman, feminist legal theory consists of multiple ideological approaches. Whereas some scholars believe that law should better reflect and accommodate differences between men and women, whether they are created by biology or society, other scholars focus more on the goal of greater "equality and gender neutrality" in the law.

Feminist legal scholars are also interested in which Professor Fineman calls the "public/private divide in law." Specifically, "most are at least skeptical about privatization as a route of first resort for serious social policy issues," primarily because the concepts of public and private "interact as ideological channels for the allocation of societal resources, including the resources of power and authority."

(Source: Martha Albertson Fineman, *Feminist Legal Theory*, 13 Am. U. J. Gender Soc. Pol'y & L. 13 (2005)).

## Sex vs. Gender

The scholarly discourse on the concepts of "sex" and "gender" is very extensive, and a discussion of them that does justice to their complexity is well beyond the scope of this guide. That said, it is generally understood that "sex" represents biological differences between men and women, whereas "gender"

represents "the behavioral, cultural, psychological, and social characteristics associated with masculinity and femininity."

(Source: Definition of "Gender" in A Dictionary of Critical Theory, 2010.)

Historically, these two concepts have sometimes been referred to interchangeably.

It is important to be mindful of sex and gender as biological and socio-cultural phenomena when engaging in critical feminist studies research. Accordingly, researchers may want to consider the following reference works, which seek to define and clarify these concepts:

- Sex, Gender, and Civil Society (Oxford Handbook of Gender and Politics)
- Sex, Gender, and Embodiment (Oxford Handbook of Contemporary Phenomenology)
- Sex Versus Gender (Oxford Bibliographies: Sociology)

If you are doing research on critical gender studies, you may find relevant resources in several places in this guide in addition to this one, including under **Queer Legal Theory** and **Intersectionality** (both below). Because the literature on gender has evolved over the years, it can be challenging to decide under which heading certain resources should be located.

## Feminist Legal Theory: HOLLIS Searches

- HOLLIS: "Convention on the Elimination of All Forms of Discrimination Against Women"
- HOLLIS: "Feminism OR Feminist" AND "Law OR Legal"
- HOLLIS: "Feminist Jurisprudence"
- HOLLIS: "Gender Justice" AND "Law OR Legal"
- HOLLIS: "Girls" AND "Law OR Legal"
- HOLLIS: "Misogyny" AND "Law OR Legal"
- HOLLIS: "Mothers OR Daughters OR Wives" AND "Law OR Legal"
- HOLLIS: "Patriarchy" AND "Law OR Legal"
- HOLLIS: "Reproductive Justice" AND "Law OR Legal"
- HOLLIS: "Sex Discrimination"
- HOLLIS: "Sexism" AND "Law OR Legal"
- HOLLIS: "Title IX" AND "Law OR Legal"
- HOLLIS: "Women" AND "Law OR Legal"
- HOLLIS: "Women's Rights"
- HOLLIS: "Womyn OR Womxn OR Wimmin" AND "Law OR Legal"

## Feminist Legal Theory: Selected Books

### The Ashgate Research Companion to Feminist Legal Theory

by Margaret Davies and Vanessa E. Munro (eds.)

Publication Date: 2013

### At the Boundaries of Law: Feminism and Legal Theory by

**At the Boundaries of Law: Feminism and Legal Theory** by

Martha Albertson Fineman and Nancy Sweet Thomadsen

(eds.)

Publication Date: 1991



**The Classic Social Contractarians: Critical Perspectives from**

**Contemporary Feminist Philosophy and Law** by Janice

Richardson

Publication Date: 2009

**Institutions and Gender** by Helen Irving (ed.)

Publication Date: 2017

**Feminism, Postfeminism, and Legal Theory: Beyond the**

**Gendered Subject** by Dorota Gozdecka and Anne Macduff

(eds.)

Publication Date: 2019

**Feminist and Queer Legal Theory: Intimate Encounters,**

**Uncomfortable Conversations** by Martha Fineman et al.

(eds.)

Publication Date: 2009

**Feminist Legal Theory: A Primer** by Nancy Levit

Publication Date: 2016 (2nd ed.)

**Gender and the Law** by Judith Bourne and Caroline Derry

Publication Date: 2018

**Governance Feminism: Notes from the Field** by Janet Halley,

Prabha Kotiswaran, Rachel Rebouche, Hila Shamir (eds.)

Publication Date: 2019

**Masculinities and the Law: A Multi-Dimensional Approach**

by Frank Rudy Cooper and Ann C. McGinley (eds.)

Publication Date: 2012

## **The Oxford Handbook of U.S. Women's Social Movement Activism**

Publication Date: 2017



**Postmodern Legal Feminism** by Mary Joe Frug

Publication Date: 1992

**With Bader Ginsburg's Legacy of Dissent: Feminist Rhetoric and the Law** by Katie L. Gibson

Publication Date: 2018

**Women as Constitution-Makers: Case Studies from the New Democratic Era** by Ruth Rubio-Marín, Helen Irving (eds.)

Publication Date: 2019

### **Feminist Legal Theory: Other Materials**

- American University Journal of Gender, Social Policy & the Law
- Cardozo Women's Law Journal
- Comparative Feminist Studies (Book Series)  
Palgrave Macmillan
- Decolonizing Feminisms (Book Series)  
University of Washington Press
- DePaul Journal of Women, Gender & the Law
- Feminist Constructions (Book Series)  
Rowman & Littlefield
- Feminist Criminology (Journal)
- Feminist Crosscurrents (Book Series)  
NYU Press

- Feminist Formations (Journal)
- Feminist Institutional Perspectives (Book Series)  
Rowman & Littlefield
- Feminist Judgments (Book Series)  
Cambridge University Press
- Feminist Legal Studies (Journal)
- Feminist Perspectives in Law (Book Series)  
Cavendish Publishing
- Gender and Well-Being (Book Series)  
Routledge
- Gender in Law, Culture, and Society (Book Series)  
Routledge
- The Georgetown Journal of Gender and the Law
- Harvard Journal of Law and Gender
- New Feminist Perspectives (Book Series)  
Rowman & Littlefield
- Sex Roles (Journal)
- Studies in Feminist Philosophy (Book Series)  
Oxford University Press
- Texas Journal of Women, Gender, and the Law
- Women Law Professors: The First Century (1896-1996)  
(Journal Article)  
Catherine J. Lanctot's 2021 Villanova Law Review article  
chronicling the emergence of women law professors at  
American law schools during the 20th century.
- Yale Journal of Law and Feminism



## QUEER LEGAL THEORY

Chat With Us!

### Queer Legal Theory

The *New Oxford Companion to Law* defines the term "queer" as follows:

'Queer' is a contested term often used to describe people who do not identify as heterosexual and monogamous, including lesbians, gay men, bisexual women and men, and those who practice polyamory. 'Queer' sexuality is often opposed to 'straight' sexuality. While it was once a term of abuse and was considered highly offensive, 'queer' was reclaimed in the late 1980s and early 1990s by activist groups such as Queer Nation and ACT UP. These groups brought together different sexual minorities and adopted deliberately provocative tactics in an effort to disrupt sexual 'normality' in politics and cultural life. The term 'queer' is now used in a positive way, but is still regarded as offensive when used derisively.

...

In the more theoretical context 'queer' refers to practices or ideas which challenge or deliberately transgress fixed gender identities or sexualities. Queer theory combines postmodernism's anti-universalist thinking with gay and lesbian studies. It is based on the insight that 'normal' identity types are the product of social and political influences, and are not natural or universal categories.

...

In legal thought, queer theory has been used to challenge some of the accepted categories of law, such as relationships, the family, and property. It has also been used

to highlight and subvert law's institutional power to create social concepts of normal and marginal sexuality.



with this definition in mind that the sources below were compiled.

**Special Note:**

ILHIA, an LGBTI organization based in the Netherlands, created and maintains **Homosaurus**, a linked-data vocabulary that includes a wide variety of inclusive LGBTQI-specific vocabulary terms, to supplement Library of Congress Subject Heading (LCSH) subject keywords used to describe works on this topic.

## Queer Legal Theory: HOLLIS Searches

- HOLLIS: "Gay Liberation Movement" AND "Law OR Legal"
- HOLLIS: "Gay Rights" AND "Law OR Legal"

HOLLIS: "Gender-Neutral" AND "Law OR Legal"

HOLLIS: "Gender Fluid" AND "Law OR Legal"

HOLLIS: "Gender Identity" AND "Law OR Legal"

HOLLIS: "Gender Non-Binary" AND "Law OR Legal"

• HOLLIS: "Genderqueer" AND "Law OR Legal"

• HOLLIS: "Hegemonic Heteronormativity"

• HOLLIS: "Homophobia" AND "Law OR Legal"

• HOLLIS: "Homosexuality" AND "Law OR Legal"

• HOLLIS: "Intersex" AND "Law OR Legal"

• HOLLIS: "LGBT\*" AND "Law or Legal"

Note: This search will return any materials that have an acronym of which "LGBT" are the first four letters.

• HOLLIS: "Queer Theory" AND "Law OR Legal"

• HOLLIS: "Sexual Orientation" AND "Law OR Legal"

• HOLLIS: "Transgender" AND "Law OR Legal"

• HOLLIS: "Transphobia" AND "Law OR Legal"

• HOLLIS: "Ze/Hir" AND "Law OR Legal"

## Queer Legal Theory: Selected Books

**Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations** by Martha Fineman et al.

(eds.)

Publication Date: 2009

### **From the Closet to the Courtroom: Five LGBT Rights**

**Lawsuits That Have Changed Our Nation** by Carlos A. Ball

Publication Date: 2010

### **Why Priori: A Queer Critical Legal Studies Approach to Law**

**Form** by Libby Adler

Publication Date: 2018

### **Law and Sexuality: Critical Concepts in Law** by Rosie

Harding (ed.)

Publication Date: 2016

### **LGBTQ Politics: A Critical Reader** by Marla Brettschneider,

Susan Burgess, Christine Keating (eds.)

Publication Date: 2017

### **Nonbinary Gender Identities: History, Culture, Resources** by

Charlie McNabb

Publication Date: 2017

### **Out and About: The LGBT Experience in the Legal**

**Profession** by ABA Commission on Sexual Orientation and

Gender Identity

Publication Date: 2015

### **Queering International Law: Possibilities, Alliances,**

**Complicities, Risks** by Dianne Otto (ed.)

Publication Date: 2018

### **Sappho Goes to Law School: Fragments in Lesbian Legal**

**Theory** by Ruthann Robson

Publication Date: 1998

## **Sexual Orientation and Gender Identity Discrimination by**

Holning Lau

Publication Date: 2018

Chat With Us!

**Sexual Orientation, Gender Identities, and the Law: A**

**Research Bibliography, 2006-2016** by Dana Neacșu (Editor in

Chief)

Publication Date: 2018

## Queer Legal Theory: Other Materials

Note: Researchers may find Ebsco's **LGBTQ+ Source database** to be a helpful resource for research in this area. It indexes and abstracts hundreds of LGBTQ+ publications across many academic disciplines. To search this database, visit <http://nrs.harvard.edu/urn-3:hul.eresource:glbtlife>.



International Journal of Sexuality and Gender Studies

- Journal of Gay and Lesbian Mental Health
- Journal of Gay and Lesbian Social Services
- Journal of Homosexuality
- Queer Action / Queer Ideas (Book Series)  
Beacon Press
- Queer Interventions (Book Series)  
Ashgate Publishers
- Queer Past(s) (Research Collection)
- Queer Politics Queer Theories (Book Series)  
Temple University Press
- Research in Queer Studies (Book Series)  
Information Age Publishing

## CRITICAL DISABILITY STUDIES

## Critical Disability Studies

According to British critical disabilities scholar Dan Goodley, this discipline began by "establishing the factors that led to the structural, economic and cultural exclusion of people with sensory, physical, and cognitive impairments."

The focus then gradually shifted to "developing nuanced theoretical responses to these factors."

Alongside several other scholarly areas as having contributed to the emergence of critical disabilities studies. These include the following:

- **Marxism**, which enabled "a modernist response to the socio-economic exclusion of disabled people from everyday life"
- **Sociology**, which offered a new lens through which to explore disability as a social phenomenon
- **Intersectionality**, especially through "the merging of queer and disability studies"

An important intersectionality-related result, according to Goodley, was the development of the concept of "**crips**," which is a way for disabled individual queers to self-identify that has emerged.

(Source: Dan Goodley, *Dis/Entangling Critical Disability Studies*, *Disability & Society*, 28:5, 631-644, DOI: <https://doi.org/10.1080/09687599.2012.717884>.)

## Critical Disability Studies: HOLLIS Searches

Note: When relevant, a wildcard character is used so that a search with "disab\*" includes disabled, disability, and

disabilities.

- HOLLIS: "Ableis\*" AND "Law OR Legal"
- HOLLIS: "Accessibility" AND "Law OR Legal"
- HOLLIS: "Accommodat\*" AND "Disab\*" AND "Law OR Legal"
- HOLLIS: "AIDS" AND "Law OR Legal"
- HOLLIS: "Americans with Disabilities Act"
- HOLLIS: "Biopolitics" AND "Law OR Legal"
- HOLLIS: "Cause Lawyering" AND "Disab\*"
- HOLLIS: "Chronic Illness" AND "Law OR Legal"
- HOLLIS: "Convention on the Rights of Persons with Disabilities" OR "CRPD"
- HOLLIS: "Disab\*" AND "Law OR Legal"
- HOLLIS: "Discrimination Against People With Disabilities"
- HOLLIS: "Invisible Disability" AND "Law OR Legal"
- HOLLIS: "Lawyers with Disabilities"
- HOLLIS: "Mental Health" AND "Disab\*" AND "Law OR Legal"
- HOLLIS: "Neurodivergen\*" AND "Law OR Legal"
- HOLLIS: "Patient" AND "Advocacy OR Rights" AND "Law OR Legal"
- HOLLIS: "Psychosocial Disabilities" AND "Law OR Legal"
- HOLLIS: "Rights of Persons with Disabilities"
- HOLLIS: "Right to Assistance" AND "Disab\*" AND "Law OR Legal"
- HOLLIS: "Self-Advocacy" AND "Law OR Legal"



HOLLIS: "Social Medicine" AND "Law OR Legal"

- HOLLIS: "Social Medicine" AND "Law OR Legal"
- HOLLIS: "Sociology of Disability" AND "Law OR Legal"

HOLLIS: "Universal Design" AND "Law OR Legal"



### **Disability Studies: Selected Books**

**Beginning with Disability: A Primer** by Lennard J. Davis (ed.)

Publication Date: 2018

**Building Access: Universal Design and the Politics of Disability** by Aimi Hamraie

Publication Date: 2017

**Care Work: Dreaming Disability Justice** by Leah Lakshmi

Piepzna-Samarasinha

Publication Date: 2018

**Civil Disabilities: Citizenship, Membership, and Belonging**

by Nancy J. Hirschmann and Beth Linker (eds.)

Publication Date: 2015

**Crip Times - Disability, Globalization, and Resistance** by

Robert Mcruer

Publication Date: 2018

**The Disability Rights Movement: From Charity to**

**Confrontation** by Doris Zames Fleischer and Frieda Zames

Publication Date: 2011

**Federal Disability Law in a Nutshell** by Ruth Colker

Publication Date: 2019 (6th ed.)

**The Long and Winding Road to Equality and Inclusion for**

## **Persons with Disabilities: The United Nations Convention**

**on the Rights of Persons with Disabilities** by Andrea

Broderick

Publication Date: 2015



## **Vanishing Disease: HIV and the Criminalization of Sickness**

Trevor Hoppe

Publication Date: 2018

**Social Injustice and Public Health** by Barry S. Levy, Victor W.

Sidel.

Publication Date: 2013 (2nd ed.)

### **Critical Disability Studies: Other Materials**

- Disability & Society (Journal)
- Disability, Culture, and Equity (Book Series)  
NY Teachers College Press.
- Disability History (Book Series)  
Manchester University Press
- Disability in the Modern World (Research Collection)
- Disability Studies Quarterly (Journal)
- Harvard Series on Health and Human Rights (Book Series)  
Harvard University Press
- Journal of Autism and Developmental Disorders
- Journal of Health Politics, Policy, and Law
- Journal of Literary and Cultural Disability Studies

# INTERSECTIONALITY

## Intersectionality in Critical Legal Studies

In scholarly literature, the term "intersectionality" is used in the analysis of issues related to identifying with more than one identity group. This phrase was first coined by Kimberle Williams Crenshaw, a law professor and HLS professor, in a 1989 University of Chicago Legal Forum article, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Policies*.

The suggested resources and HOLLIS searches listed below cover topics that may or do impact members of multiple demographic/identity groups that are analyzed in the critical legal studies literature.

For more information about intersectionality in general, the Oxford Research Encyclopedias online database includes several articles that discuss it, an excellent example of which is *Intersectional Stereotyping in Political Decision Making*, by Erin C. Cassese.

## Intersectionality: HOLLIS Searches

Note that certain language used in these searches may be considered to be particularly offensive, especially the use of the term "illegal aliens."

In 2016, the Library of Congress announced its intention to **stop using this language** in the Library of Congress Subject Headings. This decision was made in response to feedback from Melissa Padilla, a student at Dartmouth College who **noticed the phrase come up repeatedly in the library catalog** while researching a paper on immigration.

The Republican-controlled Congress, however, included a provision in the 2017 appropriations bill that **prevented the Library of Congress from making this change**. Therefore, the subject term "illegal aliens" is still used in many library catalogs, though the Harvard Library's preferred subject term for this concept is "undocumented immigrants." Since HOLLIS searches all records from other catalogs, links to both of those options are included in the list below.

- HOLLIS: "Access to Justice" AND "Law OR Legal"
- HOLLIS: "Allyship" AND "Law OR Legal"
- HOLLIS: "Antiracism" AND "Law OR Legal"
- HOLLIS: "Assimilation" AND "Law OR Legal"
- HOLLIS: "Bail Reform"
- HOLLIS: "Biological Racism" AND "Law OR Legal"
- HOLLIS: "Biometrics" AND "Law OR Legal"
- HOLLIS: "Biracialism" AND "Law OR Legal"
- HOLLIS: "Blackwoman OR Blackwomen" AND "Law OR Legal"
- HOLLIS: "Cause Lawyering"
- HOLLIS: "Civil Liberties"
- HOLLIS: "Collective Memory" AND "Law OR Legal"
- HOLLIS: "Colorism" AND "Law OR Legal"
- HOLLIS: "Consciousness Raising" AND "Law OR Legal"
- HOLLIS: "Critical Criminology"
- HOLLIS: "Cultural Appropriation" AND "Law OR Legal"

- HOLLIS: "Cultural Racism" AND "Law OR Legal"
- HOLLIS: "Cultural Sensitivity" AND "Law OR Legal"
- HOLLIS: "Diaspora" AND "Law OR Legal"
- HOLLIS: "Discrimination in Housing"
- HOLLIS: "Equality Before the Law"
- HOLLIS: "Ethnology" AND "Law OR Legal"
- HOLLIS: "Eugenics" AND "Law OR Legal"
- HOLLIS: "Eviction" AND "Discrimination" AND "Law OR Legal"
- HOLLIS: "Facial Recognition" AND "Law OR Legal"
- HOLLIS: "Fair Housing Act"
- HOLLIS: "False Consciousness" AND "Law OR Legal"
- HOLLIS: "Gentrification" AND "Law OR Legal"
- HOLLIS: "Group Identity" AND "Law OR Legal"
- HOLLIS: "Hate" AND "Law OR Legal"
- HOLLIS: "Hegemony" AND "Law OR Legal"
- HOLLIS: "Identity" AND "Law OR Legal"
- HOLLIS: "Illegal Aliens" OR "Undocumented Immigrants" AND "Law OR Legal"
- HOLLIS: "Immigrant Families" AND "Law OR Legal"
- HOLLIS: "Inclusion\*" AND "Law OR Legal"  
Note: This search will return results for "Inclusionary" as well.
- HOLLIS: "Intergenerational Justice"
- HOLLIS: "Interracial Marriage" AND "Law OR Legal"
- HOLLIS: "Intersectionality" AND "Law OR Legal"

## HOLLIS: Intersectionality AND Law OR Legal

- HOLLIS: "Jury Selection" AND "Bias OR Discrimination"
- HOLLIS: "Justice Gap"

HOLLIS: "Legal Assistance to the Poor"

HOLLIS: "Legal Pluralism"

HOLLIS: "Legal Polycentricity"

HOLLIS: "Low-Income Housing" AND "Law OR Legal"

- HOLLIS: "Marginali\*" AND "Law OR Legal"
- HOLLIS: "Meritocracy" AND "Law OR Legal"
- HOLLIS: "Microaggressions" AND "Law OR Legal"
- HOLLIS: "Minorit\*" AND "Law OR Legal"
- HOLLIS: "Minorities" AND "Civil Rights"
- HOLLIS: "Miscegenation" AND "Law OR Legal"
- HOLLIS: "Multiculturalism -- Law and Legislation"
- HOLLIS: "One-Drop Rule" AND "Law OR Legal"
- HOLLIS: "Parable" AND "Race OR Racial OR Indigenous" AND "Law OR Legal"
- HOLLIS: "Pigmentocracy" AND "Law OR Legal"
- HOLLIS: "Positionality" AND "Law OR Legal"
- HOLLIS: "Predatory Lending" AND "Law OR Legal"
- HOLLIS: "Public Interest" AND "Law OR Legal"
- HOLLIS: "Race Awareness" AND "Law OR Legal"
- HOLLIS: "Race Relations" AND "Law OR Legal"
- HOLLIS: "Racially Mixed People" AND "Law OR Legal"

HOLLIS: "Racially Mixed People" AND "Law OR Legal"

- HOLLIS: "Redlining" AND "Law OR Legal"
- HOLLIS: "Reparations for Historical Injustices"

HOLLIS: "School-to-Prison Pipeline" AND "Law OR Legal"

HOLLIS: "Social" AND "Change OR Integration OR Justice" AND "Law OR Legal"

HOLLIS: "Stigma" AND "Law OR Legal"

HOLLIS: "Tokenism" AND "Law OR Legal"

- HOLLIS: "Undocumented Immigrants" AND "Law OR Legal"
- HOLLIS: "Voter Suppression" AND "Law OR Legal"
- HOLLIS: "Vulnerable Populations" AND "Law OR Legal"
- HOLLIS: "Well-Being" AND "Law OR Legal"

## Intersectionality: Selected Books

### **Brown Threat: Identification in the Security State** by

Kumarini Silva

Publication Date: 2016

### **Confident Pluralism: Surviving and Thriving Through Deep Difference** by John Inazu

Publication Date: 2016

### **Elements of a Critical Theory of Justice** by Gustavo Pereira

Publication Date: 2013

### **Evaluation and Social Justice in Complex Sociopolitical Contexts** by Barbara Rosenstein, Helena Desivilya Syna (eds.)

Publication Date: 2015

## **The Fight for Fair Housing: Causes, Consequences, and Future Implications of the 1968 Federal Fair Housing Act by**

Gregory D. Squires (ed.)

Publication Date: 2018



## **Forms of Pluralism and Democratic Constitutionalism by**

Andrew Arato, Jean L. Cohen, and Astrid von Busekist (eds.)

Publication Date: 2018

## **Gender, Sex, and Politics: In the Streets and Between the Streets in the 21st Century by Shira Tarrant (ed.)**

Publication Date: 2016

## **Gender Parity and Multicultural Feminism: Towards a New Synthesis by Ruth Rubio-Marín and Will Kymlicka (eds.)**

Publication Date: 2018

## **Global Raciality: Empire, Postcoloniality, Decoloniality by**

Paola Bacchetta, Sunanina Maira, and Howard Winant (eds.)

Publication Date: 2019

## **Human Rights and Incarceration: Critical Explorations by**

Elizabeth Stanley

Publication Date: 2018

## **Inequality in the 21st Century: A Reader by David B. Grusky and Jasmine Hill (eds.)**

Publication Date: 2018

## **Intersectionality by Patricia Hill Collins**

Publication Date: 2016

## **Intersectionality: An Intellectual History by Ange-Marie Hancock**

Publication Date: 2016



**Multiple Injustices: Indigenous Women, Law, and Political****Struggle in Latin America** by R. Áída Hernández Castillo

Publication Date: 2016

**The Palgrave Handbook of Intersectionality in Public Policy**

Olena Hankivsky and Julia S. Jordan-Zachery (eds.)

Publication Date: 2019

**Politics of Scale: New Directions in Critical Heritage Studies**

Tuuli Lahdesmaki, Suzie Thomas and Yujie Zhu (eds.)

Publication Date: 2019

**Race, Gender, and Punishment: From Colonialism to the****War on Terror** by Mary Bosworth and Jeanne Flavin (eds.)

Publication Date: 2007

**Racial Ecologies** by Leilani Nishime and Kim D. Hester

Williams (eds.)

Publication Date: 2018

**Reasons of Identity: A Normative Guide to the Political and****Legal Assessment of Identity Claims** by Avigail Eisenberg

Publication Date: 2009

**Research Handbook on Contemporary Intangible Cultural****Heritage: Law and Heritage** by Charlotte Waelde et al. (eds.)

Publication Date: 2018

**The Routledge Companion to Intangible Cultural Heritage**

by Michelle L. Stefano &amp; Peter Davis (eds.)

Publication Date: 2017

**Vulnerability and Critical Theory** by Estelle Ferrarese

Publication Date: 2018

**Vulnerable Populations and Transformative Law Teaching**

**vulnerable populations and transformative law teaching.**

**A Critical Reader** by Society of American Law Teachers and  
Golden Gate University School of Law  
Publication Date: 2011



**When Love Leads to Justice: Love Across the Boundaries** by  
David AJ Richards  
Publication Date: 2016

**Where Is Your Body?: And Other Essays on Race, Gender,  
and the Law** by Mari J. Matsuda  
Publication Date: 1996

**Women, Race & Class** by Angela Y. Davis  
Publication Date: 1981

**Intersectionality: Other Materials**

- Class, Culture (Book Series)  
University of Michigan Press
- Communities (Periodical)
- Comparative Discrimination Law (Book Series)  
Brill
- Critical America (Book Series)  
NYU Press
- Critical Concepts in Law (Book Series)  
Routledge
- Critical Issues in Crime and Society (Book Series)  
Rutgers University Press
- Critical Multicultural Perspectives on Whiteness (Book Series)  
Peter Lang

- Critical Perspectives on Crime and Law (Book Series)  
Stanford University Press
- Cultural Diversity and Law (Book Series)  
Routledge
- Cultural Dynamics (Journal)
- Cultural Studies, Critical Methodologies (Journal)
- Equality, Diversity, and Inclusion: An International Journal
- Ethnic & Racial Studies (Journal)
- Ethnicity and Democratic Governance Series (Book Series)  
UBC Press
- Families, Law, and Society (Book Series)  
NYU Press
- Immigration & Society (Book Series)  
Polity Press
- Journal of Critical Mixed Race Studies
- The Journal of Poverty and Social Justice
- Juris Diversitas (Book Series)  
Routledge
- Landmark Law Cases & American Society (Book Series)  
University Press of Kansas
- Law and Inequality (Journal)
- Mother Jones (Periodical)
- New Critical Viewpoints on Society (Book Series)  
Paradigm Publishers
- Palgrave Politics of Identity and Citizenship Series (Book Series)

## Palgrave

- Palgrave Studies in Race, Ethnicity, Indigeneity and Criminal Justice (Book Series)

## Palgrave



• Race and Culture in the American West (Book Series)

• University of Oklahoma Press

• Race and Social Problems (Journal)

• Race Relations Abstracts (Database)

- Routledge Research in Race and Identity (Book Series)  
Routledge
- Social Justice: A Journal of Crime, Conflict & World Order
- Social Justice Research (Journal)
- Social Policy and Society (Journal)
- Sociology of Race and Ethnicity (Journal)
- Studies in Critical Social Sciences (Book Series)  
Brill
- University of Maryland Law Journal of Race, Religion, Gender, and Class
- Washington and Lee Journal of Civil Rights and Social Justice
- Wisconsin Multi-Cultural Law Journal

## CRITICAL DISCOURSE ANALYSIS

### Critical Discourse Analysis

Critical discourse analysis, which is also called "critical

linguistics," is an area of social science research that is concerned with the social use of language, or "sociolinguistics." Specifically, it involves analysis of what is known in linguistics as "discourse," which represents the culturally-influenced use of language and non-verbal elements by people to communicate.

Critical discourse analysis can take place in many different contexts, including "intertextuality, interdiscursivity, social semiotics, and the social, political, and historical context of language in use[.]" Approaches to critical discourse analysis may "criticize various forms of discursively constituted power abuse and hegemonic social structures that lead to injustice and social discrimination," and be "concerned with making transparent opaque, contradictory, power-related, manipulative relationships among language and society or social structures."

**(Source: Martin Reisigl, Critical Discourse Analysis, in The Oxford Handbook of Sociolinguistics, 2013.)**

Because the use of language is a significant element of the study and practice of law, critical legal studies researchers may want to also consider the critical discourse analysis literature. Below are some HOLLIS library catalog searches that can be helpful in finding these materials in the Harvard Library collections.

- HOLLIS: "Anthropological Linguistics" AND "Law OR Legal"
- HOLLIS: "Critical Discourse Analysis"
- HOLLIS: "Discourse" AND "Law OR Legal"
- HOLLIS: "Ethnolinguistics" AND "Law OR Legal"
- HOLLIS: "Hate Speech" AND "Law OR Legal"
- HOLLIS: "Hegemony" AND "Language OR Discourse" AND "Law OR Legal"

- HOLLIS: "Language" AND "Social Justice" AND "Law OR Legal"
- HOLLIS: "Language and Culture" AND "Law OR Legal"
- HOLLIS: "Language and Languages -- Political Aspects"
- HOLLIS: "Law -- Language" AND "Critical Studies"
- HOLLIS: "Legal Discourse"
- HOLLIS: "Linguistic Analysis" AND "Law OR Legal"
- HOLLIS: "Metalanguage" AND "Law OR Legal"
- HOLLIS: "Racist OR Sexist OR Ableist OR Discriminatory" AND "Language OR Discourse" AND "Law OR Legal"
- HOLLIS: "Semantics" AND "Law OR Legal"
- HOLLIS: "Semiotics" AND "Law OR Legal"
- HOLLIS: "Sociolinguistics" AND "Law OR Legal"
- HOLLIS: "Tone Policing" AND "Law OR Legal"

## CRITICAL LEGAL HISTORY

## Critical Legal History

Critical legal history scholars explore the ways in which legal systems are **functionalist**, in that they provide functional responses to social needs. Within the discipline, there are two schools of thought: (1) **formalism**, which focuses on the historical development of legal doctrine as a phenomenon separate from the meeting of social needs, and (2) **realism**, which explores how law is used to develop social and political systems, and in which law and society are bound. These principles are illustrated in detail by the legal historian **Robert W. Gordon** in his article in the 1984 *Stanford Law Review*, *Critical Legal Histories*.

## ADDITIONAL RESOURCES

### Additional Resources

The resources listed below do not fall under a particular category of critical legal studies, but are more general in nature and may include some content that would be of interest to critical legal studies researchers.

Additionally, critical legal studies researchers might find the resources listed in the **HLS Library's Law and Society research guide** to be of interest.

- Al-Press Watch (Database)  
Coverage of alternative and independent presses.
- American Bar Association Diversity and Inclusion Center
- American Civil Liberties Union: Racial Justice
- Anguish and Action (Obama Foundation)

- Anti-Racist Resources Guide

Harvard Law School Library's Diversity, Inclusion, and Belonging Committee



Black Americans in the Law

Volume 5, Issue 1 of The Practice, journal of the HLS Center for the Legal Profession.

Black America and COVID-19

Research guide from the Harvard Library

- Black Americans and the Law (Berkeley Law Library)  
Timeline-based overview of laws based in racial inequality.
- Black Lives Matter: Antiracism and Health Suggested Resources  
Written by Matthew Noe, Librarian at Countway Library, Harvard Medical School
- Black Lives Matter Resource Guide  
California State University San Marcos Library
- Black Perspectives: The Blog of the African American Intellectual History Society (AAIHS)
- Boston College Journal of Law and Social Justice
- Center for Urban and Racial Equity
- Charles Hamilton Houston Institute for Race and Justice (Harvard Law School)
- Civil Rights and Social Justice (HeinOnline Research Library)  
Library of primary and secondary materials on U.S. civil rights law, including legislative histories, Supreme Court briefs, and documents from the Commission on Civil Rights.
- Conducting Research Through an Anti-Racism Lens (Library Research Guide)



## University of Minnesota library

- Confronting Anti-Black Racism (Harvard Library)
- Critical Criminology (Journal)



ical Sociology (Journal)

rupting Whiteness in Libraries and Librarianship: A  
ading List

iversity of Wisconsin-Madison Libraries, Office of the  
nder and Women's Studies Librarian

- Dissent (Journal)
- Diversity in the Legal Profession (University of Washington Law Library)  
Resources for law students and legal employers that are interested in fostering diversity.
- Ethnic newsWatch (Secondary Source Indexing Service)  
Search for materials in scholarly journals, dissertation and theses, newspapers, magazines, and more.
- Harvard Black Law Students Association (BLSA)
- Harvard Law School Center on the Legal Profession (CLP)
- Harvard Law School Project on Disability (HPOD)
- Harvard Law School Women's Law Association (WLA)
- Harvard Muslim Law Students Association
- Harvard Native American Law Students Association (NALSA)
- Harvard South Asian Law Students Association (SALSA)
- The HistoryMakers (Video Library)  
Subscription database available to Harvard affiliates. Features videos on African American organizations and associations, slavery, reconstruction, the labor movement, the civil rights

movement and black authors.

- Immigration Law and Policy in the U.S. (HeinOnline Research Library)

includes primary and secondary materials related to US immigration law, including legislative histories, Supreme Court briefs, and BIA Precedent Decisions.

Indigenous Peoples of the Americas: History, Culture, & Law (HeinOnline Research Library)

includes primary and secondary sources for laws related to indigenous people in the United States (also called Native Americans or American Indians).

- Juneteenth and the Emancipation Proclamation  
Reading list from Jstor with links to open-access sources
- The Justice Collaborative
- La Alianza at Harvard Law School
- Lambda Legal
- Law & Critique (Journal)
- Law & Ethics of Human Rights (Journal)
- Law, Meaning, and Violence (Book Series)  
University of Michigan Press
- Law360: Access to Justice (News and Current Events)
- Legal Services Corporation
- NAACP
- National Police Funding Database  
Maintained by the NAACP LDF, provides data about federal funding for local law enforcement agencies (the acceptance of which means that officers are bound by federal civil rights laws)

- Papers of Pauli Murray, 1827-1985 (Electronic Finding Aid)  
Pauli Murray's papers are held by the Radcliffe Institute's Schlesinger Library.

•  Police Violence Research Guide  
University of Hawaii Law Library

• Prison Abolition Syllabus  
Includes critical, urgent, and informed writings on the history of prisons and prison rebellion, many of which are related to issues faced by people of color.

- ProQuest History Vault (Database)  
Several of the collections in this database address legal and civil rights struggles of marginalized groups in U.S. society.
- A Public Letter to the Associated Press: Listen to the Nation and Capitalize Black  
David Landham's excellent explanation of why "Black," when referring to Black people, should be capitalized.
- Race & the Foundations of American Law Course and Syllabus (Roger Williams University Law School)  
In 2021, RWU Law became one of just a handful of law schools nationwide to add a new required course on race and the law to its core legal curriculum.
- Race, Research, and Policy Portal (Harvard Kennedy School)  
Free online resource dedicated to summarizing and promoting research publications on diversity, racial equity and antiracist organizational change in private, public and non-profit firms and entities.
- Race, White Privilege, and Anti-Racism (Library Research Guide)  
University of Minnesota Library

- Racism in America: A Reader

Free eBook published by the Harvard University Press;  
foreword by Professor Annette Gordon-Reed.

- Ratio Juris (Journal)

igion and the Law (HeinOnline Research Library)

Library of primary and secondary sources exploring the  
intersection of law and religion, including religious freedom.

Remote Resources for Anti-Racism (University of South  
Caroline School of Law)

- Resource Guide: Prisons, Policing, and Punishment

Includes resources related to prison and police abolition,  
criminalizing blackness, gender justice, "crimmigration",  
LGBTQ criminalization, and more.

- Revisioning American History (Book Series)

Beacon Press

- Seattle Journal for Social Justice

- Slavery in America and the World: History, Culture, and Law  
(HeinOnline Research Library)

Library of primary and secondary materials related to slavery,  
including slavery statutes and judicial cases.

- Social Justice Guide (Howard Law School Library)

- Social Justice Research (Journal)

- Southern California Review of Law and Social Justice (Journal)

- Southern Poverty Law Center

- Talking About Race Portal (National Museum of African  
American History & Culture)

- Women and the Law (Peggy) (HeinOnline Research Library)

## Additional Suggested Reading: An Antiracist Reading List by Ibram X. Kendi

On May 29, 2019, Professor **Ibram X. Kendi** of American University published **An Antiracist Reading List** in the New York Times.

Links to the HOLLIS records for each of the titles in this list are added below.


- Fatal Invention: How Scientists, Politics, and Big Business Re-Crete Race in the Twenty-First Century, by Dorothy Roberts (2011)
- West Indian Immigrants: A Black Success Story?, by Suzanne Model (2008)
- The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America, by Khalil Gibran Muhammad (2010)
- Their Eyes Were Watching God, by Zora Neale Hurston (1937)
- The Negro Artist and the Racial Mountain, by Langston Hughes (1926)
- The Bluest Eye, by Toni Morrison (1970)
- The Blacker the Berry, by Wallace Thurman (1929)
- The Autobiography of Malcolm X, by Malcolm X and Alex Haley (1965)
- Dying of Whiteness: How the Politics of Racial Resentment is Killing America's Heartland, by Jonathan M. Metz (2019)
- Locking Up Our Own: Crime and Punishment in Black America, by James Forman Jr. (2017)
- Black Marxism: The Making of the Black Radical Tradition, by Cedric Belfrage (2003)

by Cecile J. Robinson (1983)

- Waiting 'Til the Midnight Hour: A Narrative History of Black Power in America, by Peniel E. Joseph (2006)
- How We Get Free: Black Feminism and the Combahee River Collective, edited by Keeanga-Yamahtta Taylor (2017)
- Well-Read Black Girl: Finding Our Stories, Discovering Ourselves, edited by Glory Edim (2018)
- Redefining Realness: My Path to Womanhood, Identity, Love & So Much More, by Janet Mock (2014)
- Sister Outsider: Essays and Speeches, by Audre Lorde (1984)


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