



Conclusion

The Lessons of Incongruity

THE CHIEF objection to this view of the critical legal studies movement may be simply the formidable gap it suggests between the reach of our intellectual and political commitments and the many severe constraints upon our situation. We must still decide what to make of this gap.

First, there is the disproportion between our transformative goals and the established social peace. We have not sought in the deceptions of a social and legal theory that claims to trump politics consolation for our political disappointments. Surrounded by people who implicitly deny the transformability of arrangements whose contingency they also assert, we have refused to mistake the ramshackle settlements of this postwar age for the dispensations of moral providence or historical fate.

Then we face the contrast between the scope of our theoretical concerns and the relatively limited domain in which we pursue them. But every truly radical movement, radical both as leftist and as deep cutting, must reject the antithesis of the technical and the philosophical. It must insist upon seeing its theoretical program realized in particular disciplines and practices if that program is to be realized at all.

Finally, there is the disparity between our intentions and the archaic social form that they assume: a joint endeavor undertaken by discontented, factious intellectuals in the high style of nineteenth-century bourgeois radicalism. For all who participate in such an undertaking, the disharmony between intent and presence must be a cause of rage. We neither suppress this rage nor allow it the last word, because we do not give the last word to the historical world we inhabit. We build

with what we have and willingly pay the price for the inconformity of vision to circumstance.

The legal academy that we entered dallied in one more variant of the perennial effort to restate power and preconception as right. In and outside the law schools, most jurists looked with indifference and even disdain upon the legal theorists who, like the rights and principles or the law and economics schools, had volunteered to salvage and recreate the traditions of objectivism and formalism. These same un-anxious skeptics, however, also rejected any alternative to the formalist and objectivist view. Having failed to persuade themselves of all but the most equivocal versions of the inherited creed, they nevertheless clung to its implications and brazenly advertised their own failure as the triumph of worldly wisdom over intellectual and political enthusiasm. History they degraded into the retrospective rationalization of events. Philosophy they abased into an inexhaustible compendium of excuses for the truncation of legal analysis. The social sciences they perverted into the source of argumentative ploys with which to give arbitrary though stylized policy discussions the blessing of a specious authority.

When we came, they were like a priesthood that had lost their faith and kept their jobs. They stood in tedious embarrassment before cold altars. But we turned away from those altars and found the mind's opportunity in the heart's revenge.