COLUMBIA LAW REVIEW FORUM

VOL. 126 JUNE 9, 2026 PAGES 123–151

# THE PART IV PROBLEM IN LEGAL SCHOLARSHIP

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*This Piece is a call to eliminate the de facto requirement that a law review article conclude with a list of actionable and feasible prescriptions, often law or policy reforms, that respond to the questions or analysis at the heart of the article. Traditionally, this is Part IV of the law review article, in which a scholar is expected to explain how the preceding twenty thousand words can and should bear on how we move forward in the world. These prescriptions can be valuable and even inspirational. They can lead to real changes in our laws and our material worlds. Yet this Piece labels the Part IV expectation in legal scholarship a problem because, too often, the expectation of a fix-it Part IV with feasible solutions leads to suggested prescriptions that do not meet the scale or distinctiveness of the problems at stake. This can cause intellectual and material harms, which this Piece parses out into three categories: the narrowing problem, the displacing problem, and the constraining problem. In each case, putting form over function constrains the possibilities of powerful normative legal scholarship. The Piece highlights these dangers of the Part IV norm in an effort to heighten legal scholars' self-reflexivity as we write, discuss, and evaluate the scholarship of other writers. The Piece concludes by urging flexibility in our expectations of how law review articles should end, making room for not just "feasible" prescriptions, but also imaginative ones, speculative ones, questioning ones, or, sometimes, no Part IV at all.*

## INTRODUCTION

As legal scholars, we have tremendous freedom to choose what we study and how we study it, to engage with the relationship between how law is and what legal arrangements might help move us toward a better world. In a conventional law review article, it is in the final section that a scholar is expected to explain how their analysis in the preceding twenty

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thousand words can and should bear on how we move forward in the world.[1] Traditionally, this is Part IV of the article, one which follows an explanation of an important problem or object of study, and a description, analysis, and/or framework to help understand it. Part IV gives answers. This "policy" or "implications" section may be a way to analyze doctrine in the future, or perhaps a proposal for new legislative, administrative, or judicial rules, or better lawyering strategies. The article may label these ideas "solutions," "prescriptions," a "proposal," or a "discussion of policy arguments."[2] It can be the most exciting part of the article, "where we, as legal scholars, can pursue our wildest, most idealistic dreams for society."[3] Often, a Part IV will not focus on one solution but rather will name a series of "implications" for how to think about law and the world. Or it may simply gesture at future directions for research—after all, workshop participants said that the first draft was really two articles. But, just as often, Part IV will be both brief and specific, telling the reader: Here are possible ways out of the problem I have explained.[4]

We do this because legal scholarship is normative.[5] In addition to studying and analyzing the rules, institutions, and ideas that structure our legal and political worlds, we have the disciplinary posture of providing explanations of how the law works in the context of broader theories of justice and how the law *should* work if it is to further a just society. Flowing from this normative posture is an expectation of suggesting solutions to the problems unearthed by those analyses, of connecting the "is" to the "ought." This is an exciting privilege in our scholarly corner of the world. Whereas in many disciplines the norm is to stick to explaining the findings of a methodologically appropriate inquiry, in ours we can propose solutions.[6] Scholarly methods certainly

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1. See Thaddeus Pope, Structure of a Law Review Article, https://www.thaddeuspope.com/images/Structure_Sample.pdf [https://perma.cc/U6QW-AEJ8] (last visited Jan. 22, 2026) (listing "IV. Make Proposal or Take a Position" as the fourth part in the traditional law review structure).

2. Gerald Lebovits, Academic Legal Writing: How to Write and Publish, N.Y. State Bar Ass'n J., Jan. 2006, at 50, 50–51; see also Eugene Volokh, Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review 25–26, 35 (5th ed. 2016) (advising law review article authors seeking publication to "[i]ncorporate prescriptive implications," "mak[e] a . . . politically feasible proposal," or "identify solutions").

3. Shari Motro, The Three-Act Argument: How to Write a Law Article That Reads Like a Good Story, 64 J. Legal Educ. 707, 709 (2015).

4. See Pope, supra note 1.

5. See Robin West, The Contested Value of Normative Legal Scholarship, 66 J. Legal Educ. 6, 11 (2016) [hereinafter West, Contested Value] ("Let me begin my response to the anti-normativity critique by noting the ubiquity or the ordinariness—the normalcy—of normative legal scholarship in the legal academy over the past century and a half."); see also infra Part I (discussing the value of normative legal scholarship).

6. Compare IMRAD Format Explained: How to Structure a Scientific Manuscript for Impact, Am. Med. Writers Ass'n (Sep. 8, 2025), https://blog.amwa.org/imrad-format-

differ,[7] but this default Part IV expectation holds true across most, if not all, of them.[8] And people read about those solutions and even implement them! Despite reports of their irrelevance, law review articles are read both within and outside of the academy; they are cited as sources of expertise; and they are used, albeit modestly, to craft legal and political strategies and policies.

An ending prescription can be a worthwhile thing. But to some legal scholars, this opportunity can feel like a burden. Having engaged in analysis that pushes forward our collective thinking about law, to encounter a de facto requirement to further fix the problems, and to do so in just a few short pages, presents difficulties along multiple dimensions. To begin with, it takes more work. A responsible Part IV will not just throw out the first suggestions that come to mind. Instead, it will engage with other pieces of scholarship and advocacy that think about whatever those solutions may be, and it will come to a nuanced conclusion about the limits of any suggestions, whether in particular cases or more broadly. To be done right, it will often require seeking out new sources of knowledge, bodies of research, or collaborators that were not necessary to write the first parts of the article. But this is not the heart of the problem. Part IVs are not extra credit; it is our job, after all, to do the work required to produce our scholarship as best we can.

This Piece labels the Part IV expectation in legal scholarship a problem because, too often, the de facto requirement of a fix-it Part IV with feasible solutions leads to suggested prescriptions that do not meet the scale or distinctiveness of the problems at stake. This can cause both intellectual and material harms. First, the Part IV problem might take the form of *narrowing*. Here, the problem is that the article might offer a set of proposals that are too modest or weak, or that merely tweak existing realities in a way that does not respond to the complex and structural

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explained [https://perma.cc/2FH9-LQ6F] (describing the standardized format for medical and scientific research as based in explaining "observations from the experiment or procedure"), with Pope, supra note 1 (providing a looser format for legal scholarship, not based in procedural standardization).

7. See Robert E. Lutz, On Scholarship in the American Legal Academy: An Essay, 46 Int'l Law. 673, 681–82 (2012) (listing a wide range of "Scholarship Queries" that legal scholars make); Martha Minow & Susannah Barton Tobin, Archetypal Legal Scholarship: A Field Guide, 2d. Edition, 71 J. Legal Educ. 494, 501–02 (2022) (describing the array of methods and approaches to law review articles).

8. See, e.g., Katerina Linos & Melissa Carlson, Qualitative Methods for Law Review Writing, 84 U. Chi. L. Rev. 213, 217 (2017) ("[Some law review articles] engage in policy analysis, identifying legal problems and proposing solutions."); cf. Robert L. Fischman & Lydia Barbash-Riley, Empirical Environmental Scholarship, 44 Ecology L.Q. 767, 803 (2018) (stating that "the norms of legal scholarship generally embrace policy recommendations, even where they may not be directly or strongly linked to empirical evidence" but finding that only slightly more than half of recent empirical scholarship in environmental law gave concrete policy recommendations).

phenomena that the article itself might be more interested in. Often, the narrowing happens out of a sense that a proposed solution must be feasible, defined in a range of ways that, as this Piece suggests below, can inhibit expansive thinking.[9] Second, the Part IV problem might take the related form of *displacing*: Here, the problem is that the closing emphasis on a set of law or policy prescriptions can paradoxically displace the very intellectual and normative impact of the article itself, by implying that the most important takeaway of a piece of scholarship is the prescription at the end rather than the innovative thinking that precedes it—thinking that is often the central contribution of the piece, the thing that moves us forward.[10] Third, the methodology and analysis that precedes Part IV might itself *constrain* the writer's sense of what is possible within a prescription that follows from the earlier parts of the article. The norms of academic legal writing suggest that one's prescriptions should follow from the preceding text.[11] Fair enough. But focusing too cleanly on crafting an answer using the text that precedes can in some cases preempt more creative thinking or sources of solutions that the scholar might otherwise be drawn to. Here, the pressure to land on concrete, feasible policy solutions has outsized, if unintentional, influence, limiting the creativity and clarity of analysis. Sometimes the most impactful new legal and political arrangements may be best generated outside the confines of a given methodology, outside a given set of current doctrinal or political or institutional realities, and outside the solitary space of a law professor's office.[12]

The Part IV problem is more pronounced than ever in our current moment. We are surrounded by acute legal and political crises and steadily growing economic, social, and ecological catastrophes that inevitably interact with, and are facilitated by, legal and political structures.[13] Legal scholarship has contributed to the ways in which law and policy reinforce

9. See infra section II.B.1.

10. See infra section II.B.2.

11. See Pope, supra note 1 (outlining that the conventional law review structure requires a proposal to follow and be justified by the preceding background, issue analysis, and development of arguments).

12. See infra section II.B.3.

13. See Jedediah Britton-Purdy, David Singh Grewal, Amy Kapczynski & K. Sabeel Rahman, Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis, 129 Yale L.J. 1784, 1789 (2020) (describing the interrelated crises of our times); Amna Akbar, Sameer Ashar & Jocelyn Simonson, Movement Law Under Fascism, L. & Pol. Econ. Project (Oct. 15, 2025), https://lpeproject.org/blog/movement-law-under-fascism/ [https://perma.cc/W9WW-MBD6] [hereinafter Akbar, Ashar & Simonson, Movement Law Under Fascism] (arguing that legal scholarship can play a part in collective efforts to fight fascism).

these real-world problems.[14] And legal scholarship can also be a tool to unmask these realities and help us imagine, and create, a more just world.[15] This is also a moment of fierce legal upheaval, with longstanding legal norms pushed aside, the rule of law itself up for grabs, fascism on the rise, and people on all sides of the political spectrum questioning the continued existence of our legal institutions, whether that be the Department of Education or a local police department, the Supreme Court or a town criminal court.[16] Here, too, legal scholarship has both paved the way for our current crises and provided a forum for capacious thinking about how we might resolve them, sometimes in new and unexpected ways.[17] The Part IV problem vexes these urgent and noble possibilities for legal scholarship by diluting the impact and force of our broader critiques and reimaginings.

By the same token, the current moment seems to raise existential questions for those legal scholars who see their work primarily in terms of its policy or prescriptive contributions—those scholars, in other words, whose primary focus is on writing Part IVs that avoid the problems named above. What, as Professor Elizabeth Popp Berman asked in a recent intervention,[18] does it even mean to study law and policy and propose alternatives in a world in which the very notions of the rule of law, democratic institutions, or good faith policy design and implementation are seemingly evaporating in real time before our eyes? Decoupling to some degree the critical and reimagining functions of scholarship from the technical prescriptive function—in part by freeing ourselves from the constraint of the conventional Part IV—can be helpful here. Berman herself suggests that one response to the current reality could be to "zoom out," to look at history and deeper critiques of power, political economy, ideology, and the like, to challenge current realities, and to help imagine alternative futures.[19] Alternatively, as Professor Luke Herrine suggests, perhaps the current crisis invites us to deploy our

14. Britton-Purdy, Grewal, Kapczynski & Rahman, supra note 13, at 1794–818 (arguing that mainstream twentieth-century legal scholarship authorized and enabled policies that deepened inequality).

15. See Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, Movement Law, 73 Stan. L. Rev. 821, 829 (2021) [hereinafter Akbar, Ashar & Simonson, Movement Law] (making this argument).

16. See Jedediah Britton-Purdy & David Pozen, What Are We Living Through?, Bost. Rev. (Oct. 15, 2025), https://www.bostonreview.net/articles/what-are-we-living-through/ (on file with the *Columbia Law Review*) (describing various articulations of the current crisis, circa late 2025).

17. See Akbar, Ashar & Simonson, Movement Law Under Fascism, supra note 13.

18. Elizabeth Popp Berman, In This Brave New World, Does Scholarship Even Matter?, L. & Pol. Econ. Project ( Jan. 28, 2025), https://lpeproject.org/blog/in-this-brave-new-world-does-scholarship-still-matter/ [https://perma.cc/VNA2-H5RR].

19. Id.

technical, legal, and policy expertise and wonkery in an entirely different mode, focused not on what is near-term practicable but instead on what might make more transformative visions *actually* workable, concrete, and actionable.[20]

Coming to a more nuanced approach to our respective Part IVs in legal scholarship is thus an important question of craft and methodology, especially in this moment. We have opened up some substantive and methodological questions about legal scholarship in previous work, especially in articles that we have co-authored with others on how scholars might think about "law and political economy" (LPE) and "movement law," respectively, as approaches to meeting the current crises.[21] In these works, we have wondered alongside our co-authors what it could mean to reorient legal scholarship with the explicit goals of pursuing liberation, antisubordination, and opening up sources of countervailing power in and through legal institutions.[22] We have emphasized the material harms that can flow from analyses that claim neutrality but reinscribe existing pathologies of inequality and market power, or that aspire to use the law to promote democracy but leave out the collective imaginings of those most directly impacted by antidemocracy and subordination.[23] Further, we have articulated our respective hopes that legal scholars can play a modest role in unmaking stagnant legal configurations and remaking our world in new and better ways. Our motivation for this Piece flows

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20. Luke Herrine, On Writing Down Our Dreams During a Living Nightmare, L. & Pol. Econ. Project (Feb. 10, 2025), https://lpeproject.org/blog/on-writing-down-our-dreams-during-a-living-nightmare/ [https://perma.cc/LTB9-GHJ3].

21. See Akbar, Ashar & Simonson, Movement Law, supra note 15, at 843 ("This moment calls on us to contest the dominant ideologies and institutions that undergird our legal and political configurations. Contemporary legal scholarship by and large fails to grapple with the material reality of people's lives."); Britton-Purdy, Grewal, Kapczynski & Rahman, supra note 13, at 1786, 1789 ("We live in a time of rolling political, economic, social, and ecological crises. . . . Together, these developments pose a deep challenge to prevailing models of legal thought and scholarship, which have been profoundly shaped by a misconception of the relationship between politics and the economy.").

22. Akbar, Ashar & Simonson, Movement Law, supra note 15, at 830 ("As scholars, we have an opportunity to respond to today's crises in ways that move us toward more justice and liberation for more people."); Britton-Purdy, Grewal, Kapczynski & Rahman, supra note 13, at 1829 ("What would it mean to reorient legal institutions and thought toward an explicit pursuit of democracy, with an emphasis on rebuilding a democratic power significant and durable enough to overcome the contemporary crises?").

23. See Akbar, Ashar & Simonson, Movement Law, supra note 15, at 872–76 ("This mantle of objectivity has its own profound status quo-enhancing implications. Indeed, for well over a century, legal scholars have unearthed ways in which our primary commitments to legal institutions and other elites perpetuate social and political hierarchies." (footnotes omitted)); Adam Davidson & Jocelyn Simonson, Expanding Sources of Knowledge in Legal Scholarship, 93 U. Chi. L. Rev. 351, 352 (2026) (arguing that scholars should more regularly look to bottom-up sources of knowledge, both in LPE scholarship and more broadly).

from this optimism about the potential of legal scholarship to be a part of material change.

At the same time, the Part IV problem is not just an issue for scholars who subscribe to the LPE or movement law frameworks. Every law review article is presumably about an important aspect of the law, broadly defined. And most legal scholars feel the pull of the default expectation of ending with concrete takeaways for the future, of moving from the "is" to the "ought."[24] More than that, they want to be a part of changing the law for the good, however they define it.[25] And so this Piece is for all legal scholars, and particularly for junior scholars or those without full-time jobs in the academy, who may feel a particularly acute pressure to conform to the default form of law review articles,[26] particularly knowing that student law review editors will themselves be expecting this form.[27]

In short, this Piece is a love letter to legal scholarship in the form of a critique.[28] We highlight the dangers of the Part IV norm in legal schol-

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24. There are, of course, some methodologies in which the Part IV norm is more pronounced than others. Some scholars of law and economics, for example, may follow a norm of ending their articles without prescriptions and might claim that this is a norm in that particular subfield. And yet, in law and economics scholarship, you can regularly find leading scholars suggesting prescriptions at the ends of their law review articles. See Joshua B. Fischman, Reuniting 'Is' and 'Ought' in Empirical Legal Scholarship, 162 U. Pa. L. Rev. 117, 120 (2013) (discussing the push to normative takeaways throughout empirical legal scholarship, in contrast to the field of economics).

25. Gary L. Blasi, What's a Theory For?: Notes on Reconstructing Poverty Law Scholarship, 48 U. Miami L. Rev. 1063, 1097 (1994) ("To most people, the point is not to produce clever insights, interpretations, constructions, and reconstructions. In the end, as one young scholar once put it, the point is not merely to interpret the world, but to change it."). This is not to say that this is the only motivation, or every scholar's motivation. Cf. Richard Delgado, How to Write a Law Review Article, 20 U. S.F. L. Rev. 445, 446 (1986) (listing reasons to write a law review article, including "because your colleagues are writing, because you have something to say, because you want to change the law, because it's enjoyable (at least sometimes), or because you want professional advancement and recognition").

26. See Goldburn P. Maynard Jr., Killing the Motivation of the Minority Law Professor, 107 Minn. L. Rev. 245, 247–48, 250 (2022) (arguing that "the legal academy disproportionately dampens the productivity of junior scholars with radical ideas or non-normative jeremiads by forcing them to moderate their arguments or forego truly radical ideas until after tenure or forever").

27. As much as we may deny or disapprove of it, most legal scholars are guided to some degree, and sometimes to a large degree, by what they think law review editors will be looking for when making publishing decisions. Even the critical scholar Mark Tushnet, reflecting on his own legal scholarship, noted that although he generally avoids normative prescriptions, "[s]ometimes, it's true, I tack on normative conclusions to works whose main focus is elsewhere. I'm not sure why—maybe to satisfy what I imagine to be the features law review editors are looking for." Mark Tushnet, Ephemeral Legal Scholarship, Balkinization (Dec. 2, 2023), https://balkin.blogspot.com/2023/12/ephemeral-legal-scholarship-subspecies.html [https://perma.cc/Y8UF-Z84C].

28. See generally Mary Beth Beazley & Linda H. Edwards, The Process and the Product: A Bibliography of Scholarship About Legal Scholarship, 49 Mercer L. Rev. 741,

arship in an effort to heighten legal scholars' self-reflexivity as we write, discuss, and evaluate the scholarship of other writers.[29] We speak, too, to law review editors who choose which pieces to publish and how to edit them, and all readers of legal scholarship as they decide how to digest, assess, and use what they read. Part I of this Piece articulates the value of normative legal scholarship, including the value of prescriptive interventions that help improve legal doctrine, procedure, and policy. Part II lays out the Part IV problem, first by fleshing out the dangers of focusing on feasibility, defined in a range of problematic ways, when evaluating normative takeaways in legal scholarship. Second, we articulate three versions of how Part IVs can be problematic, each of which flows from a de facto requirement that law review articles provide prescriptive takeaways and that those takeaways be feasible: the *narrowing* problem, the *displacing* problem, and the *constraining* problem. Part III suggests some questions and approaches that legal scholars might take to try to avoid the Part IV problem(s), including rethinking our notion of feasibility, as well as reconsidering whether an article needs a Part IV at all.

This Piece has no Part IV. Rather, we hope that our short conclusion will serve as an invitation for our fellow legal thinkers, broadly defined, to shift our expectations about legal scholarship and expand the range of interventions we hope to see in our writing and the world. This is not an argument against Part IVs but rather a call to eliminate the default expectation of one. We want to give ourselves permission to employ more variegated ends to articles, ends that better fit the overarching purpose and momentum of a particular piece of writing. Liberating ourselves from the straitjacket of the Part IV requirement means expanding the possible species of our interventions. It is not giving up on prescriptive work but rather fitting our writing to match with our wildest, most idealistic dreams, and the interventions, big and small, feasible and fanciful, that can help us get there.

## I. LEGAL SCHOLARSHIP AND NORMATIVITY: IN PRAISE OF PART IVS

Legal scholarship can and should be normative—it can describe, analyze, and critique how the law is or was *and* how the law should be. This is, indeed, what most legal scholarship does—it translates its empirical or theoretical insights into recommendations for how to move forward to a better place—whether that is a better way of litigating cases,

742 (1998) ("If the academy is to remain open to new ideas, we must critically examine what makes scholarship valuable and how best to produce that valuable scholarship.").

29. See Pierre Bourdieu, The Scholastic Point of View, 5 Cultural Anthropology 380, 381–88 (1990) (urging "sociological reflection" given how factors like power, position, and prestige interact with forces and stakes unique to the academic community to influence the outcome of academic scholarship).

lawyering, teaching, writing legislation, structuring institutions, organizing people toward social change, or engaging in legal thinking or scholarship itself. We believe that a normative orientation is a good thing. In this belief we are indebted to Professor Robin West's seminal articulation of the value of "impassioned normativity" in legal scholarship—scholarship that aims to push us toward what justice requires and therefore invokes both explicit concepts of justice and suggestions for how to move toward those ideals.[30]

There has been at least a century of vibrant debate over this aspect of the legal scholar's role and whether it makes sense for legal scholars to take a normative stance on the legal phenomena that they describe.[31] Critics have argued that law reviews are obscure,[32] unhelpful,[33] vapid ("Air Law," in the words of Professor Pierre Schlag),[34] or, more dangerously, that the "scholarly compulsion to point the way to reform" leads to milquetoast ideas that keep us enmeshed in a self-referential world of legalism.[35] For critics and fans alike, many think of prescription as the central feature that distinguishes legal scholarship from other forms of scholarly analysis.[36]

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30. West, Contested Value, supra note 5, at 16 (internal quotation marks omitted). For more on West's helpful scholarship in the area, see Robin West, The Ethics of Normative Legal Scholarship, 101 Marq. L. Rev. 981, 984 (2018); Robin West, Normative Jurisprudence: An Introduction 10 (2011) [hereinafter West, Normative Jurisprudence].

31. See Beazley & Edwards, supra note 28 (providing a list of sources discussing whether scholars should take normative stances). For some seminal critiques, see, e.g., Stanley Fish, Save the World on Your Own Time 169 (2002); Paul Kahn, The Cultural Study of Law: Reconstructing Legal Scholarship 3 (2000); Kenneth Lasson, Scholarship Amok: Excesses in the Pursuit of Truth and Tenure, 103 Harv. L. Rev. 926, 928 (1990) ("Analysis, research, and writing are overblown, while classroom competence, community service, and non-law review scholarship are under-credited. The system is askew. The academy has a problem."); Fred Rodell, Goodbye to Law Reviews, 23 Va. L. Rev. 38, 38 (1936) ("There are two things wrong with almost all legal writing. One is its style. The other is its content."); Pierre Schlag, Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art), 97 Geo. L.J. 803, 807–08 (2009).

32. For example, Chief Justice John Roberts claimed that a typical focus might be "the influence of Immanuel Kant on evidentiary approaches in 18th-century Bulgaria." Kenneth Jost, Roberts' Ill-Informed Attack on Legal Scholarship, Jost on Just. (July 19, 2011), http://jostonjustice.blogspot.com/2011/07/roberts-ill-informed-attack-on-legal.html [https://perma.cc/33JN-WGLB] (internal quotation marks omitted) (quoting Chief Justice John Roberts); see also Lasson, supra note 31, at 928; Cass R. Sunstein, In Praise of Law Books and Law Reviews (and Jargon-Filled Academic Writing), 114 Mich. L. Rev. 833, 837 (2016).

33. See, e.g., Harry T. Edwards, The Growing Disjunction Between Legal Education and the Legal Profession, 91 Mich. L. Rev. 34, 34 (1992) (critiquing legal scholarship for "emphasizing abstract theory at the expense of practical scholarship and pedagogy").

34. Schlag, supra note 31, at 803.

35. Kahn, supra note 31, at 6.

36. See, e.g., Edward L. Rubin, The Practice and Discourse of Legal Scholarship, 86 Mich. L. Rev. 1835, 1881 (1988) ("[L]egal scholarship is a practice, whose discourse

We are less interested in wading into these debates than in agreeing with West's arguments that normative scholarship is important and appropriate for legal scholars. It is also needed more than ever. When done well, and with an explicit theory of change or vision of justice, legal scholarship can impact the world in important ways. Indeed, legal scholars are often situated within or close to elite realms of power, including state power, so that their scholarly prescriptions influence legal and political outcomes directly and tangibly.[37] Legal scholars are also often well positioned to analyze legal problems and assess potential ways to work toward justice, in the sense that legal scholars—often but certainly not always professors[38]—have a particular set of resources, skills, and sometimes on-the-ground experience working in the law, each of which gives us the ability and privilege of being able to move the ball forward on a search for justice or liberation or efficiency or whatever north star a scholar might hold dear.[39] Our own view is that the thinking behind the output of law reviews is often done best with others, in community with people who have grounded understandings of how the law operates—whether those people are social movement actors, lawyers and policymakers, or directly impacted people in their individual capacities.[40] And when that collaborative thinking happens, there is all the more rea-

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consists largely of prescriptions that scholars address to public decision-makers for the purpose of persuading those decision-makers to adopt specified courses of action.").

37. See Ronald K.L. Collins & David M. Skover, The Future of Liberal Legal Scholarship, 87 Mich. L. Rev. 189, 189–90 (1988) (overviewing the historical relationship between legal scholarship, politics, and power); Jack M. Balkin, Online Legal Scholarship: The Medium and the Message, 116 Yale L.J. Pocket Part (Sep. 6, 2006), http://yalelawjournal.org/forum/online-legal-scholarship-the-medium-and-the-message [https://perma.cc/YZ2U-PZ72] (describing the expanded influence of law professors' policy prescriptions in the age of blogging and online scholarship).

38. We include in our definition of legal scholar all people who write scholarship about the law, whether or not they are in the academy, and even whether or not they have a law degree. This can include students writing papers, incarcerated people writing about their experiences with the criminal law, or any number of scholarly understandings generated in a grounded or collective way. Cf. Davidson & Simonson, supra note 23, at 352 (arguing for bottom-up sources of knowledge). On the example of scholars who generate scholarly ideas while incarcerated, see Rachel López, Participatory Law Scholarship, 123 Colum. L. Rev. 1795, 1797 (2023); Seema Tahir Saifee, Decarceration's Inside Partners, 91 Fordham L. Rev. 53, 64 (2022). At the same time, "[f]or better or worse (or, more precisely, for better and worse), law professors generate most legal scholarship." Michael Heise, The Past, Present, and Future of Empirical Legal Scholarship: Judicial Decision Making and the New Empiricism, 2002 U. Ill. L. Rev. 819, 828.

39. See West, Contested Value, supra note 5, at 16–17.

40. See Akbar, Ashar & Simonson, Movement Law, supra note 15, at 827 (describing the intellectual payoffs of "thinking and writing about law, justice, and social change" in "solidarity with social movements, local organizing, and other forms of collective struggle"); Davidson & Simonson, supra note 23, at 352 (describing the benefits of looking to bottom-up knowledge sources, including the insights of directly impacted people outside of the legal academy).

son to pursue scholarly writing that both names its normative commitments and draws conclusions for how to think about, reform, and/or abolish particular laws and legal structures.

Whether normative legal scholarship is a good thing is separate, though, from the question of the form of law review articles—of if, when, and how legal scholars articulate the prescriptive conclusions that flow from their normative approaches to the study of law. In writing this Piece, we revisited some of the pieces of legal scholarship in our own personal canons of inspiration—the ones that made us want to be legal scholars—with an eye toward their prescriptive conclusions. We thought of Professor Lucie White's *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G*, better known simply as *Mrs. G's Shoes*, a beautiful elucidation of power and voice in court known for its critique of subordination along lines of race and gender in poor people's courts and hearing rooms.[41] In *Mrs. G's Shoes*, White provides a short final "normative" part, in which, in just seven pages, she names the limits of legal change, suggests small moves that lawyers and judges can make to promote antisubordination, *and* calls for a broader reconstructive project that looks beyond formal legal equality.[42] We revisited Professor Gerald Frug's *The City as a Legal Concept*, noting that Frug's Part IV is dedicated to exposing the paucity of legal thought around city power and yet contains and concludes with concrete first steps to give cities "real power": the creation of city banks and city insurance companies.[43] And we noted that some of the articles we revisit most frequently are themselves full-throated normative calls for change in legal thought and methodology, whether it is Professor Mari Matsuda's *Looking to the Bottom*,[44] which lays out both a critical methodology and a framework for the substantive legal issue of reparations, or Professors Lani Guinier and Gerald Torres's idea of demosprudence in *Changing the Wind*, a conceptualization of how movements engage with the law that Guinier and Torres explain via in-depth case studies.[45] In both Matsuda's and Guinier and Torres's articles, the final section is a synthesis of how to move forward rather than a newly constructed set of solutions.[46]

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41. Lucie E. White, Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G., 38 Buff. L. Rev. 1 (1990).

42. Id. at 52–58.

43. Gerald E. Frug, The City as a Legal Concept, 93 Harv. L. Rev. 1057, 1149–50 (1980).

44. See Mari J. Matsuda, Looking to the Bottom: Critical Legal Studies and Reparations, 22 Harv. C.R.-C.L. L. Rev. 323, 398 (1987).

45. Lani Guinier & Gerald Torres, Changing the Wind: Notes Towards a Demosprudence of Law and Social Movements, 123 Yale L.J. 2740, 2749 (2014).

46. For more on the power of these two pieces, see Akbar, Ashar & Simonson, Movement Law, supra note 15, at 838–40 (discussing Matsuda's and Guinier and Torres's pieces).

As these examples from our own personal canons illustrate, normativity can take on different forms, and can, but need not always, entail fixes to the problem, or even first steps toward fixing the problem. It can, as with White's and Frug's pieces, suggest an array of ways forward that include reconstructive or radical reformulations alongside useful tweaks. It can avoid prescription altogether. Or it can frame entire pieces as prescription: As with Matsuda's and Guinier and Torres's works, the entire article can essentially be a Part IV. There are many ways to fit the goal of a piece of scholarship with its normative takeaways.

These examples, of course, reflect our own scholarly interests and dispositions, which lean politically left and crit. They also reflect our specific positionality and education, as three of the five scholars named above were our law school professors. We are confident that there are a similar range of seminally inspiring works in other areas of legal thinking and from other vantage points, though we do not intend to catalogue them here. Indeed, because legal methodology takes on so many forms, normative takeaways vary tremendously. Whether using law and anthropology, law and economics, positivist legal analysis, critical race theory, or feminist jurisprudence, there are important normative lessons that can follow from the heart of the article, and they likely look very different than the above examples. From each of these disciplinary approaches, there can be important intellectual and material payoffs.

Moreover, a terrific law review article need not move mountains or create new frameworks. Projects that take on a narrow set of legal issues or point out a small move forward can be as important as articles that take on entire fields of study or practice. To state the obvious, what is narrow in the grand scheme of things can still have a material impact on people's lives—it can be a tool for litigation, the basis of a policy or governance proposal, or a spark for a brainstorm at a community meeting.[47] In a 1990 takedown of legal scholarship, one professor believed that he was effectively lampooning the absurdity of legal scholarship when he referenced the title of an obscure law review article *Why Study Pacific Salmon Law?*[48] The next line followed, "Why, indeed."[49] And yet, when one actually reads the piece on salmon law by environmental law scholar Michael Blumm, the opening sentence gives a strong answer that speaks for itself: "Salmon and steelhead trout are to the water resource what the miner's canary is to air quality in a mine: they are effective barometers of the adequacy of the water resource to support a host of consumptive and

47. On the importance and difficulty of putting legal scholarship in literal conversation with the most subordinated groups—for example, in meetings of advocates, see Blasi, supra note 25, at 1094–95.

48. Lasson, supra note 31, at 930 (citing Michael C. Blumm, Why Study Pacific Salmon Law?, 22 Idaho L. Rev. 629 (1986)).

49. Id.

recreational uses."[50] When legal scholars and commentators make fun of obscure topics with material consequences for people, and the narrow prescriptions that may follow, these critics betray not the insignificance of legal scholarship but rather their own shallowness.

As one of us knows well, part of why scholars with PhDs in disciplines related to law may want to become a law professor, rather than join a department in their PhD's discipline, is because of the Part IV opportunity: How wonderful that in a world marred by injustice of all kinds, part of one's job can be to think about how to make ideas of justice and observations about legal phenomena translate into ideas for making the world more just (or equal, or liberatory, or efficient, depending on one's normative orientation). As the other one of us has experienced, for public interest lawyers, the chance at taking a normative view of the law is often part of the pull toward academia as well. To be able to step away from the day-to-day work of litigation, transactions, policy work, government lawyering, or movement lawyering and take a bird's-eye view of legal structures outside of the limits of those structures is not just a breath of fresh air; it can provide hope that change is possible where previously there was only inertia or doom. The Part IV opportunity is a joy and a privilege.

This does not mean, however, that the best practice for writing a law review article is *always* to end with a short prescriptive section with a list of solutions detailing how to move forward in an immediately actionable way. And it certainly does not mean that the prescriptions in that list must be *feasible*, a particularly damaging way of thinking about normativity that we discuss in the next Part. For, rather than an opportunity, feasible solutions have become a de facto requirement. Student editors look for them. Questions at workshops focus on them. And this is not always ideal. In fact, it can be harmful.

## II. THE PART IV PROBLEM

We refer to "Part IV" as the moment at the end of a law review article when a scholar reaches for solutions, implications, or fixes to the problems or issues unearthed up to that point. It may end up a Part III, V, or VI, depending on the organization of the article—but it is the final section, put forth in its tone as the concrete takeaway for the reader. We have explained above that having a normative takeaway can be a useful and important thing. But it is not always a useful and important thing, especially when the focus is on what is feasible over what is best. This Part critiques the concept of feasibility as it relates to the prescriptive section

50. Michael Blumm, Why Study Pacific Salmon Law?, 22 Idaho L. Rev. 629, 629 (1986) (footnote omitted). The article explains doctrines and administrative schemes, ranging from Indian law to water law, to international treaties, to administrative law, that law professors can teach in an effort to push for concrete reforms in these legal arenas. Id. at 640–55.

of law review articles and articulates three possible problems produced by a default requirement of a concrete, pithy, and feasible Part IV: the narrowing problem, the displacement problem, and the constraining problem. Taken together, these problems produce a body of legal scholarship that is less bold, less rigorous, and less transformational than it otherwise could be.

This Part of the Piece has fewer citations. We do not think it is productive to name individual articles that fall into the Part IV traps that we mention, although we should say that we have fallen into some of them ourselves in past work. We are not taking aim at law professors as writers, but at legal academia as an institution. This is about how we read, workshop, discuss, and cite the writing of legal scholars. It is about how we evaluate scholarship for hiring, promotion, and tenure decisions. It is about the law review submission process, and how student law review editors select articles for publication. These actions and norms inevitably influence what we write about and how we write it. The fault is with the expectation of a particular form, and not with any particular writer, editor, or reader.

### A. *On Feasibility*

Law review conventions encourage us to set aside our wildest dreams, or even just our most innovative ideas, in favor of what is feasible. Just think of how faculty workshops become taken up by questions about the specifics and feasibility of the suggestions in Part IV, precisely because they feel tangible and possible. And yet, turn to Parts I, II, or III, and you might read of a capacious set of interlocking and seemingly intractable problems. In a format in which we have the freedom to propose a new way out, why focus on what is legally or politically feasible in the moment, especially this moment? Why not aim higher?

We dwell here on the idea of feasibility because law review editors seem to dwell on it, too, when deciding which articles to publish. A recently leaked set of memos by student editors of a leading law review confirms that their assessment rubric requires answering the question, "Are the [article's] proposed solutions, policy recommendations, and prescriptive advice reasonably feasible?"[51] Indeed, this is the only prompt

51. See Memoranda from student editors to Harvard Law Review Articles Committee (July & Aug. 2024), https://freebeacon.com/wp-content/uploads/2025/06/HLR-Memos_Final.pdf [https://perma.cc/9S3N-62NC]. There are two version of the assessment rubric contained in the HLR memos. One includes the category of "Persuasiveness," which contains the question, "If the article has a prescriptive component, did you find the solution feasible?" Another version of the rubric asks, "Are the proposed solutions, policy recommendations, and prescriptive advice reasonably feasible?" Id. We should note that our overall impression of these hundreds of pages of memos is that law students worked diligently and thoughtfully to evaluate scholarship, and we disagree with any implications otherwise.

given to these editors when evaluating prescriptions; they are to assess whether the Part IV is feasible, full stop, nothing more.[52]

Feasibility can mean a host of different things. As students of evidence know well, feasibility is a capacious concept, ranging from a literal question of whether something is "physically, technologically, or economically possible" to a narrower definition that limits feasibility to "that which is capable of being utilized successfully."[53] The notion of feasibility in the law of environmental regulation contains a similar range of understandings, falling somewhere between "safe" and "efficient."[54] In regulatory policy debates, a focus on feasibility means conducting studies to determine how to "reduc[e] an activity's risks as far as possible consistent with the long-term flourishing of the activity"—or, how to regulate an industry without shutting down that industry.[55] A feasible reform will not crash the system. Law review editors and legal scholars seem to use a similarly wide spectrum in assessing feasibility, from literally possible to likely to happen successfully and without widespread disarray.

Following this wide understanding of feasibility, a de facto requirement of feasible prescriptions in law review articles boils down to two elements: a suggested prescription should be (1) likely to happen (i.e., legally or politically feasible sometime soon) *and* (2) likely to have the effect that the author claims it will (i.e., likely to succeed on the author's terms). Both of these aspects of feasibility limit Part IV prescriptions in harmful ways.

The first part of the feasibility mandate—a focus on what is likely to happen in the short term—restricts the scope of our normative visions down to ideas that are conventionally understood to be possible within our current political and legal climates, removing ideas and concepts that might be possible sometime in the future under different conditions. A student editor might be correct in labelling these ideas infeasible

52. See id.

53. See Tuer v. McDonald, 701 A.2d 1101, 1109–10 (Md. 1997) (explaining this range of definitions of feasibility from different courts in relation to the bar on admission of subsequent remedial measures, equivalent to FRE 407); cf. Dan M. Kahan, The Economics—Conventional, Behavioral, and Political—of "Subsequent Remedial Measures" Evidence, 110 Colum. L. Rev. 1616, 1627 (2010) (critiquing this range of understandings of feasibility because when we "describe a course of action as 'infeasible,' we typically mean to convey that it is unreasonably costly or inconvenient").

54. See Gregory C. Keating, Is Cost-Benefit Analysis the Only Game in Town?, 91 S. Cal. L. Rev. 195, 203 (2018) (describing this range and describing how "[f]easible precaution calls for reducing an activity's risks as far as possible consistent with the long-term flourishing of the activity").

55. Id.; see also David M. Driesen, Two Cheers for Feasible Regulation: A Modest Response to Masur and Posner, 35 Harv. Env't. L. Rev. 313, 314 (2011) (describing "the feasibility principle" as "the idea that administrative agencies should regulate serious health and environmental hazards as stringently as possible without causing widespread plant shutdowns, not as a perfect ideal for regulation, but as a rational norm among several plausible ones").

in this limited sense, but that would not mean that they are not possible, or that thinking about them cannot help us push through to new and better understandings of our current conditions. Indeed, imagining and crafting solutions that respond to the realities of the problems diagnosed—whether or not immediately "feasible" in the conventional sense—is an important way in which scholarship and free inquiry push conversations forward. Scholarship can even make currently infeasible ideas more likely to be actionable, moving them from "off the wall" to "on the wall" of what is possible.[56] While there is a place and role for proposals tailored to current political constraints, there is also a place for questioning those constraints and pushing against them. A legal academic would be asking a germane question about an article in a workshop or job talk if they were to push a writer to confront unstated hurdles in moving a doctrine, law, or concept into mainstream discourse, but although those hurdles should be stated, they should not rigidly suppress bolder, more inspiring, or more compelling alternatives.

The second component of the feasibility mandate emphasizes a different dimension: the technical efficacy and impact of the proposal. This is the question that we often engage in a workshop or presentation: "Would this actually work?" Here too, there is a place for this question and for scholarship that takes current legal, institutional, or sociological constraints seriously. A central concern here is that a seemingly too-bold proposal might be so radical as to disrupt, perhaps fatally, existing legal and institutional structures. This is a common challenge not just in legal scholarship but in policy debates more broadly. (Think how often proposals for, say, an expanded safety net are met with a chorus of challenges asking, "But how would we pay for it?") From this understanding of feasibility—a fear of crashing the system—the implication is that genuinely serious scholarship that takes technical realities seriously should suggest a modest and technically-sound solution. Indeed, the modesty of the solution is itself an emblem of sophistication. Yet the irony is that if we take feasibility to mean "efficacy in solving the problem described," it may well be that *genuine* efficacy *requires* more structural change to existing laws and institutions—and that such structural changes may in their own way be more efficient, achieving more widespread positive impact.[57]

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56. Cf. Jack M. Balkin, From Off the Wall to On the Wall: How the Mandate Challenge Went Mainstream, The Atlantic (June 4, 2012), https://www.theatlantic.com/national/archive/2012/06/from-off-the-wall-to-on-the-wall-how-the-mandate-challenge-went-mainstream/258040/ (on file with the *Columbia Law Review*) ("The history of American constitutional development, in large part, has been the history of formerly crazy arguments moving from off the wall to on the wall, and then being adopted by courts.").

57. We can see versions of these different views of efficacy in, for example, debates over anti-monopoly and financial regulation. Arguably, structural constraints on concentrated financial and corporate power, while disruptive to existing business models and

### B. *Three Aspects of the Part IV Problem*

In this section we explore three facets of the Part IV problem. Although they can and do overlap, each aspect of the Part IV problem stems from the expectation that a law review article contain a final section with prescriptive takeaways, and, moreover, that those prescriptions be feasible in both senses of the word discussed above.

1. *The Narrowing Problem.* — The default Part IV expectation can narrow a writer's vision as they conclude their work, leading to weak solutions that do not meet the scale of the problem and often legitimize the status quo. By weak we do not mean small: A small move in doctrine, policy, or pedagogy can improve a life, or be a single step on the way to something better. What we do mean is that in an effort to be both pithy and feasible, legal scholars often propose solutions that appear too modest or relatively unimaginative, even as the other parts of the article may be informative, original, and revealing of deeper dynamics.[58] The danger of a weak or reformist solution is that it will dampen the potential of the analytical moves made in the article, legitimize the underlying conditions that enabled the problem in the first place, and impede our imaginations for bigger change.[59] A weak set of solutions becomes amplified when it is

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representing a shift in late-twentieth century norms of antitrust law, are in fact *more* effective in sustaining competition and innovation. For arguments along these lines, see e.g., Tim Wu, The Curse of Bigness: Antitrust in the New Gilded Age 9 (2018) (investigating "how the classic antidote to bigness—the antitrust and other antimonopoly laws—might be recovered and updated to face the challenges of our times"); Lina M. Khan, The Separation of Platforms and Commerce, 119 Colum. L. Rev. 973, 1001–04 (2019) (discussing how a lack of structural appropriations has allowed Facebook to engage in information appropriation); Jonathan R. Macey & James P. Holdcroft, Jr., Failure Is an Option: An Ersatz-Antitrust Approach to Financial Regulation, 120 Yale L.J. 1368, 1371, 1403–08 (2011) (proposing a bright-line rule limiting financial institutions' aggregate liabilities); Rory Van Loo, In Defense of Breakups: Administering a "Radical" Remedy, 105 Corn. L. Rev. 1955, 1958 (2020) (arguing that disrupting monopoly power through breakups is possible); Lina M. Khan, Note, Amazon's Antitrust Paradox, 126 Yale L.J. 710, 716–17 (2017) ("[T]he current framework in antitrust—specifically its equating competition with 'consumer welfare,' typically measured through short-term effects on price and output—fails to capture the architecture of market power in the twenty-first century marketplace." (footnote omitted)).

58. Cf. David Greenberg, Why Last Chapters Disappoint, N.Y. Times (Mar. 18, 2011), https://www.nytimes.com/2011/03/20/books/review/why-last-chapters-disappoint-essay.html (on file with the *Columbia Law Review*) (observing that "[p]ractically every example" of a book "aspiring to analyze a social or political problem . . . finishes with an obligatory prescription that is utopian, banal, unhelpful or out of tune with the rest of the book").

59. See Amna A. Akbar, Non-Reformist Reforms and Struggles Over Life, Death, and Democracy, 132 Yale L.J. 2497, 2518–20 (2023) (cautioning that reformist legal analyses risk "orient[ing] action toward entrenching . . . fundamentally corrupt system[s]" and shielding "status quo power relations," thus "consolidat[ing] the hand of those in power and deepen[ing] preexisting inequalities"); cf. Jonathan Masur & Eric A. Posner, Against

taken up by lawyers and policymakers, makes its way onto a law school syllabus, or becomes the thing that the article is used or cited for without context.[60]

The menu-like nature of many Part IVs can compound this narrowing. When you divide a Part IV up into two sections, for example, one that lists immediately actionable steps and one that is more capacious, it is often but not always the first list that gets cited and remembered.[61] Frug's *The City as a Legal Concept*, which was described in the previous Part, is a counterexample here: This seminal article in the field of local government law is not known for its suggestion that we create city banks and city insurance companies, although perhaps it has been used toward those ends. Instead, it is known for its reconceptualization of cities and its optimism about local power in the face of structural inequality and deficits of democracy.[62] Moreover, the concrete suggestions of city banks and city insurance companies are actionable but not reformist: creating them would build local power rather than legitimize the domination of states in the name of the wealthy and privileged.[63]

Looking beyond feasibility, another way to think about the narrowing problem is in the language of "reformist reforms" and "non-reformist reforms."[64] The idea of a "non-reformist reform," initially generated by democratic socialist André Gorz, is used today by many left social movements and organizers to refer to the idea of a reform that moves us toward a long-term radical horizon even as it may make a small

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Feasibility Analysis, 77 U. Chi. L. Rev. 657, 705–06 (2010) (arguing that an overemphasis on feasibility in legal analysis leads to "massive[] underregulati[on]" among agencies).

60. For more on how ideas in scholarship bleed into how we teach and lawyer, see, e.g., Sameer M. Ashar, Pedagogy of Prefiguration, 132 Yale L.J. Forum 869, 881–83 (2023), https://yalelawjournal.org/pdf/F7.AsharFinalDraftWEB_hmfbmt5r.pdf [https://perma.cc/Z779-Q2MN] (describing how law schools influence legal practice via clinics); Alice Ristroph, The Curriculum of the Carceral State, 120 Colum. L. Rev. 1631, 1635–36 (2020) (suggesting a connection between legal pedagogy in criminal law and the rise of mass incarceration).

61. Cf. Austin Sarat & Susan Silbey, The Pull of the Policy Audience, 10 Law & Pol'y 97, 103 (1988) (noting that policy audiences can be "more interested in conclusions than method," preferring "solutions for immediate problems" to a "tentative or cautious bottom line").

62. See, e.g., Richard Briffault, Our Localism: Part II–Localism and Legal Theory, 90 Colum. L. Rev. 346, 389–91 (1990) (summarizing Frug's contributions to legal theory as concerning the decline in city power and the development of the city as a legal concept).

63. See Frug, supra note 43, at 1074–94.

64. See André Gorz, Strategy for Labor: A Radical Proposal 7 (Martin A. Nicolaus & Victoria Ortiz trans., Beacon Press 1967) (1964) (describing reformist reforms as those which remain within the strictures of a given system and non-reformist reforms as those which reject the premises of the system itself); Akbar, supra note 59, at 2527 ("[A] non-reformist reform aims to undermine the political, economic, and social system or set of relations as it gestures at a fundamentally distinct system or set of relations in relation or toward a particular ideological and material project of worldbuilding.").

intervention in the world.[65] A non-reformist reform might tweak legal doctrines and statutes and work within existing governance structures. Whether a reform is non-reformist depends not on which legal tools it uses but on its relationship to the possibility of broader change and its stance toward state power or, in the parlance of socialists, the hegemony of the ruling class. In contrast, a reform may be reformist if it capitulates to existing power structures, increases the resources available to harmful institutions, or exacerbates power imbalances.[66]

This idea can be transported, to a degree, to the Part IV problem.[67] Not all legal scholars write in solidarity with left social movements, but many legal scholars aim their Part IVs at improving material conditions for people who are subject to subordination, either individually or as a group.[68] And for many of us, part of our analysis involves recognizing the background legal structures and institutions that facilitate and maintain the subordination and domination that motivate us to write in the first place. When legal scholars writing in this vein suggest reforms or legal solutions to social problems simply because they are the most politically or legally possible in the short term, we risk legitimizing the background forces that sustain the problems we care about, that relegate the most promising solutions to absurd or utopian impracticalities. If we describe our article's takeaways flatly and without attention to power, to structure, and to the co-constitutive nature of law and inequality, then we reinscribe the legalist framing that makes these problems seem intractable.[69]

2. *The Displacement Problem.* — The de facto requirement of a pithy Part IV can also distract from the power of a piece of scholarship, displacing the emphasis on the inquiry or analysis with an emphasis on a solution. Often, the greatest value of a piece of legal scholarship is not its

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65. A classic intervention along these lines is the chart from abolitionist collective Critical Resistance on reforms that further abolition. See Critical Resistance, Reformist Reforms vs. Abolitionist Steps to End Imprisonment (2021), https://criticalresistance.org/wp-content/uploads/2021/08/CR_abolitioniststeps_antiexpansion_2021_eng.pdf [https://perma.cc/9W3Z-6TNZ].

66. See Akbar, supra note 59, at 2515–27 (describing the main features of reformist reforms and how they shield the status quo, making meaningful change more difficult).

67. As Professor Amna Akbar reminds us, "non-reformist reforms" are a decidedly leftist endeavor, "part of a progressive battle for democratic power over all aspects of the economic, social, and political domains—far greater than what liberal legal discourse considers." Id. at 2575.

68. See, e.g., Sumi Cho, Post-Racialism, 94 Iowa L. Rev. 1589, 1644–49 (2009) (arguing to preserve meaningful responses to racial subordination); Frug, supra note 43, at 1120–49 (arguing that reallocating legal power to cities can expand the collective self-determination of marginalized groups over the conditions of urban life); Matsuda, supra note 44, at 398–99 (discussing reparations-focused legal strategies aimed at material improvement for people of color).

69. Cf. Britton-Purdy, Grewal, Kapczynski & Rahman, supra note 13, at 1790–91 (arguing that much legal scholarship over the last century "has muted problems of distribution and power throughout public and private law").

prescription, but what comes before: a rich description of the law at work, through any number of methodologies; a new vocabulary through which to understand law and society; or an illumination of connections between areas of law or modes of thought that sparks new ways of thinking and acting. When such brilliance concludes not with questions, vocabularies, or frameworks for future thinking, but rather with a bullet-point list of concrete to-dos stated in a confident, scholarly tone, a reader might naturally focus on these tangible, and sometimes less intellectually challenging, conclusions, rather than on the deep questioning that the rest of the article demanded of them. The list of policy takeaways, when framed as a feasible conclusion to the article's analysis, become a distracting set of actionable items that cloud the new forms of thinking and action—praxis—that the reader might otherwise leave the piece with.

One pronounced version of this displacement problem is that it can undermine the productivity of critique—of critical forms of scholarship that open up contradictions, shake up our assumptions, or unsettle given understandings of the law and the world.[70] Such critical legal scholarship may advance a better world, however defined, but not by proposing specific solutions in the moment. Indeed, one of the ideas behind critical legal scholarship in its multiple forms is that there are certain problems that law cannot solve, or at least cannot solve in its current configurations.[71] Critical race theorists and others push us to recognize this tension between critique and reform, between the emancipatory potential of legalism and its repressive tendencies.[72] For example, Professor Angela Harris has described the deep tension between "radical critique and racial emancipation"—between a commitment to uncovering deep structural problems and a faith that deep critique can help reveal a path toward liberation.[73] Harris's conclusion is that the tension is productive:

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70. See Corinne Blalock, Neoliberalism and the Crisis of Legal Theory, 77 Law & Contemp. Probs. 71, 102 (2014) (arguing that critique is a way to open up thinking about law beyond neoliberalism and the market state and stating that "critique is simply a means of asserting that things can be different than they are in a world that constantly insists that there is no alternative"). See also Cho, supra note 68, at 1648 ("Heightening the contradictions between the rhetoric and reality of rights and demanding redistribution and structural transformation has been central to Critical Race Theory's first two decades.").

71. Cf. Angela P. Harris, Foreword: The Jurisprudence of Reconstruction, 82 Calif. L. Rev. 741, 747–50 (1994) (noting several examples of critical legal scholarship looking beyond law for solutions to social problems).

72. See Kimberlé Williams Crenshaw, Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law, 101 Harv. L. Rev. 1331, 1335 (1988) ("[A]ntidiscrimination law represents an ongoing ideological struggle in which the occasional winners harness the moral, coercive, consensual power of law. Nonetheless, the victories it offers can be ephemeral and the risks of engagement substantial.").

73. Harris, supra note 71, at 743–44.

"The task is to live in the tension itself . . . ."[74] Living in this tension does not mean setting aside calls for change or action; to the contrary, it can push us toward forms of praxis that open up new ways of living together or seeking change.[75] But to live in such tension is inherently to be uncomfortable. Neat takeaways, in contrast, bring us comfort.

We want to improve the law, our communities, our worlds. And so it is naturally tempting to grasp for feasible prescriptions when finishing an article or when reading an article and then describing its value to others. The prescriptive section of an article is also a natural place to pick up debate and discussion, especially in faculty workshops and job talks, giving us all something concrete to grasp onto. But some writers are so good at making their prescriptions sound actionable that they dilute the significant insights and deep critiques within the rest of their article.

3. *The Constraining Problem.* — The third problem occurs when legal scholars are constrained by their own methodologies and internal analyses as they arrive at the end of their articles and get ready to craft prescriptions. The problem here is that sources of solutions can and often are different from sources of challenges, and to look for solutions internal to the logic of these structures is to limit our imaginations.[76] Here, again, caveats do not fix the problem: When a scholar looks internally to the legal tools and doctrines within the article, drawn in by the expectation that they be the one to provide actionable and feasible solutions, they imply to the world that those legal doctrines and tools are the only way forward. Rather than a capacious analysis narrowing down to a list of actionable items (what this Piece calls the narrowing problem above), here the methodological and epistemological approaches in Parts I through III constrain the possibilities for the solutions that follow.

In some ways, this is a problem of fit: A particular methodology might be useful to generate a descriptive analysis or framework but not to shift toward prescription. Legal scholars using a variety of disciplines have identified similar pathologies or tendencies to force a solution where it does not belong. Some scholars have critiqued empirical legal scholarship that moves to normative solutions following empirical

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74. Id. at 744.

75. Cf. Bernard Harcourt, Critique and Praxis 15–22 (2020) (arguing that critical theory can and should be oriented toward praxis).

76. See West, Normative Jurisprudence, supra note 30, at 189 (critiquing scholarship that "incorporates limited moral baselines into legal doctrine or discovers them there, but the moral baselines are both generated by past law, themselves become part of the law, and then serve to regulate its development"); Monica C. Bell, Safety, Friendship, and Dreams, 54 Harv. C.R.-C.L. L. Rev. 703, 708 (2019) ("[A]pproaches that center traditional legal analysis must give way to approaches that situate law within a much broader conversation about the distribution of power and voice throughout society.").

findings without defending the leap from one to the other,[77] often by using amorphous normative reasoning following a rigorous empirical methodology.[78] When an article has used quantitative methods to bring forth concrete descriptive analyses, for example, it is tempting to solve the problem with similarly quantitative reasoning; Professor Joshua Fischman critiques this as "conflat[ing] the measurable with the good, [and] justifying policy proposals on the basis of the measurable objects."[79] Similarly, qualitative sociolegal analysis can too cleanly lead to policy solutions internal to existing legal systems, thus reinforcing the status quo.[80] The answer that flows from one's normative outlook cannot always be given in the same terms as the descriptive analysis. Nor can it always be given with the same tone of scholarly confidence that a descriptive claim might elicit.[81] It might require a pivot, a new way of thinking about things, or a different set of background conditions. When we reach too easily for solutions, we risk circling back into a form of legalism that reinscribes the central structures of the issues at hand.

This is not a problem limited to law review articles. In a 2011 essay entitled *Why Last Chapters Disappoint*, Professor David Greenberg laments something similar when it comes to books that deal with social problems: "Practically every example . . . , no matter how shrewd or rich its survey of the question at hand, finishes with an obligatory prescription that is utopian, banal, unhelpful or out of tune with the rest of the book."[82] Greenberg focuses on the banality—pedestrian solutions that he believes

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77. See, e.g., Fischman, supra note 24, at 120 (describing how scholars engaged in empirical legal scholarship are "are still struggling to balance the methodological imperatives of social science with the desire for legal reform").

78. See, e.g., Matthew S. Erie, The Normative Anthropologist, 73 Ala. L. Rev. 803, 814 (2022) (critiquing the amorphous concept of normativity in legal scholarship and stating that "the ways legal scholars go about making normative claims often lack one of the defining features of anthropological reasoning—reflexivity").

79. Fischman, supra note 24, at 121. Professor Adam Kolber critiques legal scholarship that does not cleanly distinguish between descriptive and normative claims as "scholarmush." See Adam J. Kolber, How to Fix Legal Scholarmush, 95 Ind. L.J. 1191, 1193–94 (2020) (coining the term "scholarmush" and arguing that legal "scholars must be more clear, transparent, and rigorous about the extent to which their claims are descriptive as opposed to normative (and what sort of normativity is at issue)").

80. See Sarat & Sibley, supra note 61, at 97, 98 (describing the harm of "the pull of the policy audience" in sociolegal scholarship, which leads to research that "presents itself as if the empirical product leads naturally, and necessarily, to a consideration of a rather limited set of policy issues").

81. Making a related argument, Professors Lee Epstein and Gary King have critiqued empirical legal scholarship for its lack of scientific rigor in using rules of inference, leading to descriptive claims that are "stridently stated, but overly confident, conclusions." Lee Epstein & Gary King, The Rules of Inference, 69 U. Chi. L. Rev. 1, 6–7, 9 (2002). The problem with this, as they note, is that these law review articles then contain suggestions for public policy reform with a similarly overly confident tone in their concluding sections, which are aimed at, and influence, judges, legislators, and bureaucrats. Id.

82. Greenberg, supra note 58.

could be found in a magazine and do not need a full book to defend.[83] Channeling essayist H.L. Mencken, Greenberg argues that there may be something uniquely American about the hubris of assuming that an intellectual grasp on an issue means that there is always an accompanying solution.[84] A similar hubris may sometimes infect the law review article's norm of a Part IV, especially when the scholar reaches back to the article's own internal logic to craft its solution. This is particularly damaging because, unlike a book for a general audience about a social problem, a law review article is aimed at a specialized audience that is relatively close to the article's suggested changes.

Unpacking this scholarly hubris means recognizing that sometimes the same expert or legal scholar who describes or analyzes a problem is not going to be the source of the best solution. The solution may require different collaborators than the first three parts of the article did, different or collective sources of knowledge, and new methods of interpreting that knowledge. When we look to just ourselves, or even just our colleagues—traditional legal experts—as the sources of collective imagining of how law could be structured, we dampen the epistemological possibilities through which we might otherwise find ways to move forward.[85] Indeed, not all legal problems can be solved with the law, or at least not with our dominant forms of state legality.[86] Sometimes it is collective imagining—"freedom dreams"—that can help us imagine new or as yet nonexistent configurations through which we can thrive together.[87] This

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83. Id.

84. Id. ("It is one of the peculiar intellectual accompaniments of democracy that the concept of the insoluble becomes unfashionable—nay, almost infamous." (internal quotation marks omitted) (quoting H.L. Mencken, Notes on Democracy 207 (1926))).

85. See Akbar, Ashar & Simonson, Movement Law, supra note 15, at 829–31 (discussing the importance of "collectives of people struggling together to generate new ideas and ways of living together"); Davidson & Simonson, supra note 23, at 5–7 (discussing the importance of bottom-up knowledge in the context of law and political economy scholarship); Saifee, supra note 38, at 126 (arguing that, in the context of decarceration, "it is essential to think alongside different ideas, actors, and partners" in order to make "transformative change"); cf. Frederick Schauer & Barbara A. Spellman, Analogy, Expertise, and Experience, 84 U. Chi. L. Rev. 249, 262 (2017) ("[T]he expertise of experts tends to be limited to their domain of detailed knowledge.").

86. See Amy J. Cohen & Stephen Healy, Diverse Legalities: Towards a Legal Theory for a Postcapitalist Political Economy, 88 Law & Contemp. Probs. 79, 82–83 (2025) (describing generative ideas that flow from looking to forms of legality beyond the state); cf. Sarat & Sibley, supra note 80, at 134 ("Too often sociolegal scholars act as if the solution for legal problems is to be found within the law itself . . . .").

87. See Robin D.G. Kelley, Freedom Dreams: The Black Radical Imagination 9–10 (2002) ("In the poetics of struggle and lived experience, in the utterances of ordinary folk, in the cultural products of social movements, in the reflections of activists, we discover the many different cognitive maps of the future, of the world not yet born."); cf. Amanda Alexander, Nurturing Freedom Dreams: An Approach to Movement Lawyering in the Black Lives Matter Era, 5 How. Hum. & C.R.L. Rev. 101, 102 (2021) (urging that lawyers and scholars "remain in the habit of listening" when working with movements).

requires asking "what might be" before moving from the "is" to the "ought."[88] Sometimes the solutions that flow from such collective inquiries are not fully formed. They may be prefigurative—they seem to be outside the law, but they enact ways of thinking, relating, or acting that are in fact living out alternative understandings of how the law could operate.[89] They may still be ill-formed or unknown, taking the shape of questions and possibilities, shadows and light.

It is possible, of course, to engage in pathbreaking description and stick the landing with a prescriptive part. Some articles do actually have a good fit between method and solution. And for those that don't, they can pivot in effective and rigorous ways that do not circle back to the limiting frames that precede. To take one recent example of such a pivot, in the 2022 article, *The Fat Prisoners' Dilemma*, Professor Rabia Belt catalogues the ways in which the state "produce[s] fat incarcerated people" by producing fatness, criminalizing fatness, and then creating conditions of incarceration that create and sustain fatness.[90] Belt demonstrates how all these things interact with each other, and she spends a substantial part of the article showing how existing laws and doctrines, including the Americans with Disabilities Act, the Prison Litigation Reform Act, and various state tort claims, do not allow for claims of disability stemming from fatness.[91] *The Fat Prisoners' Dilemma* does have a final normative takeaway—but it is not a set of doctrinal or legislative fixes to the problems above.[92] Instead, Belt suggests a framework for thinking about disability more broadly, one that combines an understanding of the intersectional nature of the condition with the slow violence of state action and

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88. Robert M. Cover, The Supreme Court 1982 Term, Foreword: Nomos and Narrative, 97 Harv. L. Rev. 4, 10 (1983) ("To live in a legal world requires that one know not only the precepts, but also their connections to possible and plausible states of affairs. It requires that one integrate not only the 'is' and the 'ought,' but the 'is,' the 'ought,' and the 'what might be.'"); see also Susan Sturm, What Might Be: Confronting Racism to Transform Our Institutions 116 (2025) (describing "the 'is' (the problematic way things are), the 'ought' (the world [we] want to see in its place), and the 'what might be' (the ways [we] can work together to close the gap between the 'is' and the 'ought'")).

89. See Ashar, supra note 60, at 877–84 (explaining how lawyers can "engage in and facilitate prefigurative practice"); Amy J. Cohen & Bronwen Morgan, Prefigurative Legality, 48 Law & Soc. Inquiry 1053, 1054 (2023) (describing how activists "use legally inflected tools and forms to enact in the present, and anticipate for the future, their own desired understandings of legality—understandings that exceed what is officially available to them now").

90. See Rabia Belt, The Fat Prisoners' Dilemma: Slow Violence, Intersectionality, and a Disability Rights Framework for the Future, 110 Geo. L.J. 785, 788–89 (2022).

91. See id. at 804–20 ("The law provides multiple legal avenues for incarcerated people to challenge the conditions of their confinement. Most of them, however, structure the odds against incarcerated people . . . winning their claims.").

92. See id. at 821–30.

austerity that produces and maintains fatness.[93] From this, Belt is able to move beyond doctrinal fixes—indeed, she states clearly that her suggested framework for thinking about disability requires looking beyond doctrine and litigation, and toward broader structural issues like the distribution of resources under the welfare state, food justice, and mass incarceration.[94] This is unabashedly normative. But it does not attempt to fit a solution into the legal problems the article has unearthed.

Pivots as deft as these require rigor, time, and additional discussion of the normative subject at hand. They cannot be written in two quick weeks in anticipation for law review submission season, or as a three-page throwaway at the end of an article. And they are not always appropriate for every law review article's subject, methodology, and focus—a pivot can be a distraction, too. And so it can also be generative to end a law review article without any prescriptions at all, simply by asking questions, gesturing toward new ways of thinking, or saving one's "Part IV," instead, for another article. The discussion that follows suggests some possible moves and questions for a scholar to consider when approaching the structure of and prescriptions within their law review articles.

## III. THE PART IV POSSIBILITIES: BEYOND FEASIBILITY

There are infinite ways to end a law review article effectively. The law review form should not *require* prescriptions so much as welcome them when they make sense in a particular case. This Part suggests some alternative approaches to crafting the concluding sections of legal scholarship. First, we might broaden our conception of what feasibility means and requires. Second, we might look beyond the concept of feasibility altogether. Third, we should be more self-conscious in tailoring our concluding sections to the kinds of interventions we hope to make; to that end, this Part offers some possible prompts for authors to consider.

One way to open up space for a wider array of concluding sections in legal scholarship is to take a broader view of feasibility. As noted above, feasibility often operates as a de facto requirement that law review articles offer solutions that are (1) likely to happen in that they are legally or politically feasible in the near term under current conditions and (2) likely to have the effects the author claims they will have.[95] But one might imagine this feasibility mandate quite differently, taking an approach to feasibility that prioritizes the second dimension over the first. Indeed, if

93. See id. (explaining the intersection of disability and "slow violence" within greater discussions of fatness and discrimination).

94. See id. at 830 ("[D]iscussion about fatness in prison and slow violence is not just about current doctrinal outcomes; it is . . . about the gradual whittling away of resources in poor and Black and brown communities, the rise of mass incarceration, and the shifting of resources from the welfare state to the carceral state.").

95. See supra section II.A.

our scholarship reveals deeper structural and systemic failures of existing legal institutions or social arrangements, it might well be that a truly efficacious set of solutions, one that addresses the root problems, requires interventions that are effective but not plausible under current legal conditions. These solutions might still be precisely the kind of technical, in-the-weeds institutional design proposals at which many legal scholars excel. Here, the task would not be to seek near-term political viability but rather to build legal frameworks that are in fact fit for purpose to address the deeper problems identified in the scholar's critique. These proposals may not be acted on soon, but they might help build a stable of ideas and proposals whose time has not yet come.[96]

A second way of opening up space for more capacious endings to legal scholarship is to look beyond the feasibility mandate altogether. Articles might offer empirical or historical analysis, or normative or conceptual frameworks, *without* precise prescriptions, laying groundwork on which others can build. As suggested above, the approach here would be for an article to recognize that the task of building actionable alternatives might well require different thinkers, doers, and leaders, and a different mode of analysis than what the initial article offers.[97] Perhaps the task of developing solutions requires more participatory, interactive, and collaborative conversations with impacted communities, movements, policymakers, and practitioners. Rather than expecting the author to offer solutions in the mode of the all-knowing expert, scholarship in this vein would lean into contributions that are critical, visionary, or that open up important questions and then move the task of solution-building to a different venue. Concretely, this could take different forms: perhaps other interventions written by different voices (scholars, practitioners, and impacted people alike) that respond to or build on the critiques offered in the initial article, or more interactive workshops and convenings that move the task of solution-building out of the academy and into more direct dialogue with civil society actors. Put differently, sometimes the takeaway is in other parts of being a scholar and citizen: teaching, public discussion, service, governance, lawyering, organizing, and activism.[98]

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96. Professor Luke Herrine seems to be saying a version of this in his recent essay. See Herrine, supra note 20 ("The weeds are where we . . . need to be to think about how to build new and better institutions out of the wreckage. . . . It's precisely because it will *not* be business-as-usual for the foreseeable future that even those . . . who are more accustomed to critique should be readying . . . for technocratic struggle.").

97. See supra notes 87–89 and accompanying text.

98. See, e.g., Ashar, supra note 60, at 881–83 (identifying clinical teaching and lawyering as forms of prefiguration); Christina John, Russell G. Pearce, Aundray Jermaine Archer, Sarah Medina Camiscoli, Aron Pines, Maryam Salmanova & Vira Tarnavska, Subversive Legal Education: Reformist Steps Toward Abolitionist Visions, 90 Fordham L. Rev. 2089, 2092 (2022) (outlining steps to take within various positions in law schools).

This Piece closes by suggesting some questions that a scholar might ask themself as they write a law review article and approach its ending. This Piece has argued that the Part IV problem stems from a mismatch between the goals and strengths of an article and the concluding solutions offered. To overcome this problem, an author might simply be more self-conscious about their approach, enabling them to tailor a Part IV in ways that fit with the article itself. That might mean a particular approach to providing solutions, or it might mean deliberate resistance to the pull to provide solutions, leaving such work for future follow-up by the author or others in the field or on the ground. An author might ask themself:

*How do I envision my article impacting the conversation?* Every scholarly contribution has a theory of change, even if it is implicit.[99] We imagine our scholarship will advance current thinking in some form. This Piece suggests authors be honest about their motivations and goals for the article. Some articles might in fact be motivated by a desire to offer specific solutions to a problem. Other articles might have very different motivations. It might be the author aims to offer a normative account or to push a particular normative vision closer to reality. It might be that the article is primarily meant to be critical and deconstructive. Or empirical and descriptive. Or visionary and imaginative of another future. Each of these goals is different and implies different kinds of closing sections.

*Does my Part IV fit or flow from the sections that precede it?* Here, a scholar should consider what kind of Part IV—if they have a Part IV at all!—would be best suited to accompany the prior sections of the article in light of the author's goals for the article. If the author indeed seeks to provide specific actionable solutions, those should flow from the analysis offered and match the analysis's scale and ambition. If a methodological shift is needed to arrive at prescriptions, then it should be as rigorous as the methodology of the rest of the article. Or perhaps the best fit is to suggest points of departure for future conversations that could pick up the problem-solving baton in ways that incorporate the author's primary points, but from other perspectives, methods, or collective conversations. The hope would be that by being clear about one's intervention and fitting form to function, authors avoid giving short shrift to their own big ideas and their implications.

*If I do intend to offer feasible prescriptions, what is my understanding of feasibility?* For those articles that do seek to offer prescriptions, authors might ask themselves what *kind* of feasibility they are aiming for. Some prescriptions are concrete and actionable under current political conditions. Other prescriptions might be focused more on how one might

99. See Joseph William Singer, Normative Methods for Lawyers, 56 UCLA L. Rev. 899, 982 (2009) ("Normative method is meaningless without some substantive vision—both of human beings and the just society. At base, the fundamental premise of all normative method is humanity.").

operationalize a big alternative vision for an area of law under very different, not-currently-in-place political conditions. Authors can bring their expertise to bear on concrete and specific proposals but need not be on the hook for answering for the vagaries of the current political or policymaking environment. Other variations are possible here, too. Perhaps the author intends to provide prescriptions that are not as feasible or comprehensive but are *illustrative* of a particular vision or approach. An author can embrace the multiple meanings of feasibility and accept or reject them transparently.[100]

*Should this article even have a prescription section at all?* Here, the author might consider whether the article would be more powerful without prescriptions in the first place. Perhaps the punchline of the article should be simply to let the descriptive, normative, critical, or imaginative contribution speak for itself. Perhaps the work of prescription-designing might be better accomplished through different kinds of collaboration with other voices and other methods beyond those used in the article. This does not mean that the article cuts to black out of nowhere. Instead, the author can ask themselves what inspiration, if any, they might offer to others who might want to brainstorm future prescriptions and directions for change.

These prompts are not comprehensive, but this Piece offers them to generate a more capacious set of approaches to the Part IV problem. For many legal scholars, their analyses and prescriptions may already feel well-aligned and comfortable. But for those who see the challenge of offering feasible prescriptions as in tension with their intended contributions and approaches, the hope is that this Piece offers some affirmation of what has perhaps been nagging you, and, more importantly, alternative ways of approaching your Part IVs.

## CONCLUSION

We began to conceive of this Piece nearly a decade ago when we were untenured scholars worried about how our work would be received and used by a broader audience of scholars, editors, and impacted communities on the ground. Since that time, we have seen legal and political upheaval all around us,[101] sometimes in ways that have inspired us, and

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100. See supra notes 53–57 and accompanying text (outlining multiple understandings of feasibility).

101. See Michael C. Dorf, A Constitutional Law Casebook Symposium in an Era of Constitutional Upheaval, Justia: Verdict (Mar. 5, 2025) https://verdict.justia.com/2025/03/05/a-constitutional-law-casebook-symposium-in-an-era-of-constitutional-upheaval (on file with the *Columbia Law Review*) (describing the "multiple constitutional crises" of the Trump Administration); Mitchell A. Sobieski, From Mao to MAGA: How Trump's Decade of Political Chaos Echoes China's Cultural Revolution, Milwaukee Indep. (June 4, 2025), https://www.milwaukeeindependent.com/editorial/mao-maga-trumps-

sometimes in ways that have made us cower. As we write this conclusion in 2026, commentators from a range of political backgrounds have declared an end to the rule of law, and, whether or not the rule of law is dead, it is undeniable that many of our long-standing legal and political institutions are being actively transformed in unrecognizable ways.[102] There is too much work ahead—and the depths of the crises we face are too great—for us to be content with conventional approaches to policy prescriptions in our scholarship. Now is not the time to limit our thinking to only those policy prescriptions that we think fit in conventional legal forms, let alone the conventional law review format. We need greater inquiry, analysis, critique, and imagination than ever. Legal scholarship provides a wholly unique form of combining these modes of writing in ways that are flexible and porous to a wide range of methodologies, influences, and collaborations. By looking beyond the Part IV problem, fellow legal thinkers can generate insights and critiques that more readily have the kinds of impact needed, particularly in this moment of crisis.

decade-political-chaos-echoes-chinas-cultural-revolution/ [https://perma.cc/DBW4-KJ78] (describing a moment of "national self-destruction").

102. See, e.g., Elie Mystal, The Rule of Law Is Dead in the US, The Nation (July 30, 2025), https://www.thenation.com/article/politics/the-rule-of-law-is-dead-in-the-us/ [https://perma.cc/C9X5-Y36A] ("[T]he rule of law is functionally dead in this country . . . . Nobody can know if the rights they have today will be the rights they have tomorrow. Nobody can know if a thing that is illegal for the government to do to them today will be illegal . . . tomorrow."); Martin Pengelly, Conservative Former Federal Judge Says Trump Has 'Declared War' on US Rule of Law, The Guardian (Mar. 19, 2025), https://www.theguardian.com/us-news/2025/mar/19/trump-court-order-immigration-constitutional-crisis [https://perma.cc/2E9T-7ZBA] (highlighting how the retired conservative judge J. Michael Luttig described a current constitutional crisis and "war" on the rule of law (internal quotation marks omitted)).