

12-1-2006

Introduction

John Henry Schlegel

University at Buffalo School of Law, schlegel@buffalo.edu

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>

Part of the [Law Commons](#)

Recommended Citation

John H. Schlegel, *Introduction*, 54 Buff. L. Rev. 549 (2006).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol54/iss3/2>

This Introduction is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

BUFFALO LAW REVIEW

VOLUME 54

DECEMBER 2006

NUMBER 3

INTRODUCTION

The *Review* again tenders a volume of essays for its readers. As the first introduction to this series made clear, to essay is to try. To try is to accept the possibility—indeed the likelihood—of being less than wholly successful. And so, every author here presented has accepted the risk that the effort undertaken may be felt to be wanting in some respect by at least some readers. All have been willing to abandon in one or more ways the formal, but false security of the law review article form, to give up speaking as if in the first person impersonal pronoun that is the speech of law. Each is willing to recognize that, as Duncan Kennedy is wont to say, “There are no killer arguments,” and to proceed anyway, presenting the best understanding he or she may offer of whatever problem is worth the time, effort, and personal insecurity that accompanies the resort to the written word. We hope that each of our readers will approach this volume with this understanding in mind.

We also hope that each our readers will find one or more of these essays enjoyable. But readers may face a problem: How does one choose? A volume such as this one might well be examined as would a box of chocolates, though not in the way that Forrest Gump would urge everyone to do. We recognize that not everyone likes creams, clusters, caramels, nuts, and toffees, so not every piece in such a box is likely to please the recipient of the tendered gift. Similarly, not every essay offered here is likely to grab the fancy, stimulate the intellect, or enflame the passion, of every reader. However, in the spirit of Juliet Binoche in *Chocolat*, we believe that with the aid of the brief comments that follow, each reader will be able to find one or more sweet treats.

Jack M. Beermann works to explain why a federal court might have chosen not to intervene in the Terri Schiavo case even after having been directed to do so by Congress. Anita and Joseph Bernstein suggest reasons why drug regulation needs to provide doctors, patients, and pharmacy benefits managers with more information about the experience of drug users after marketing approval is granted. Richard O. Brooks provides readers with an understanding of the way that law does and does not follow us through the stages that humans regularly, if not uniformly, pass through as they live and end their lives. Paul D. Carrington uses the form of a simple book review to offer an extended excursion into the politics of the famed Bishop Estate and its Kamehameha Schools in Hawaii. Shari Seidman Diamond brings readers an update about what is and is not known about the ways that juries operate. James Thuo Gathii tries to understand the difference between the way that the United States Government treated questions of international economic relations during the British and French conflicts that followed the Revolution and the treatment of similar relations between our government and Native American tribes in these years. Shubha Ghosh suggests that belief is founded solely on neither reason nor a leap of faith, and offers several examples of how this understanding might be helpful when applied to law. Peter Goodrich tries to explain the differing ways of comprehending the role of the law school dean that might be gleaned from examining the portraits of several of them. William R. Greiner reflects on the role that contemporary university presidents fulfill by examining their ability to speak their minds freely. Ethan J. Leib introduces readers to his version of deliberative democratic theory while offering objections to the actual practice of direct democracy. Makau Mutua explores the ways that ethnic and sectarian problems in post-war Iraq might be handled with reference to international human rights principles. George L. Priest attempts to explicate the shift in our understanding of civil law from a focus on individual culpability to measures of group risk. And lastly, David A. Westbrook explains how the nature of radical Islamic neo-fundamentalism makes impossible military triumph against it and then explores the ways that United States military and economic policy might be reformulated so as to be more suited to the conflict that he names Bin Laden's War.

Bon appetite.

John Henry Schlegel†

† Professor of Law, State University of New York at Buffalo, and Roger and Karen Jones Faculty Scholar.

