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## Introduction (2nd Annual Essay Issue of the Buffalo Law Review)

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## INTRODUCTION

This is the second annual essay issue of the *Buffalo Law Review*. The Introduction to the first essay issue announced the *Law Review's* hope of beginning a tradition of publishing essays "in the neighborhood of law." I am happy to announce that the tradition, while still young, appears to be a healthy baby.

The first essay issue has been very well received. The *Review* has garnered praise both for individual pieces, and for the general idea of focusing on the essay as a genre in some tension with the dominant mode of legal scholarship, the article. More important than compliments (well, maybe), the essay issue is establishing a fine reputation. Individual essays have already been cited in prominent places, quite quickly in light of the glacial pace of scholarly publication.<sup>1</sup> The list of scholars who have contributed to the first and now the second essay issues is impressive; few law reviews have so many notable contributors. And perhaps most tellingly, the *Review* has begun receiving unsolicited expressions of interest from quite prominent scholars who believe that they have an essay in them and that the *Buffalo Law Review* is the place to publish such

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1. See LINDA GREENHOUSE, *BECOMING JUSTICE BLACKMUN: HARRY BLACKMUN'S SUPREME COURT JOURNEY* xii (2005) (discussing Nancy C. Staudt, *Agenda Setting in Supreme Court Tax Cases: Lessons From the Blackmun Papers*, 52 *BUFF. L. REV.* 889 (2004)); Peter Goodrich, *Atirical Legal Studies: From the Legists to the Lizard*, 103 *MICH. L. REV.* 397, 404 n.43 (2004) (citing Pierre Schlag, *My Dinner at Langdell's*, 52 *BUFF. L. REV.* 851 (2004)).

things. They want to be invited to write.<sup>2</sup> The members of the *Review* (and its advisors) are, of course, delighted by these developments.

This second essay issue promises to be every bit as successful as the first. I will not walk through the table of contents, describing each piece. Our authors are more than capable of writing for themselves, indeed giving them the chance to do so is a major reason to have an essay issue. Just a quick glance at the titles of the various contributions, however, is enough to suggest the range of ideas on the table, and anyone even modestly familiar with the American legal academy is sure to recognize some of the very good minds who have contributed. Minds, I add perhaps superfluously, marvelously varied—which, too, is a reason to collect and publish essays.

Quite apart from the absolutely necessary enthusiasm and talent of those involved, both authors and editors, I would like to suggest a more general reason for the success of the essay issue. In short, I think it fulfills intellectual needs that are not being met elsewhere. The essay affords law professors at least three possibilities that are difficult to achieve in law review articles. First, topical freedom: the essay is written largely on the writer's authority (hence "author" is more precise than "scholar"), and therefore the discussion is not bound to what used to be called "a review" of the law, nor even by "the literature." Essays range. Second, freedom to think: because it need establish so little authority (just be interesting), the essay allows for speculation, for tentative thoughts not yet ready to be defended by copious citation and ironclad argument. Essays are about thinking, not demonstration. Third, readers: the essay is a communicative form, at its best almost dialogic, and even scholars like to be read sometimes. In sum, many prominent scholars, who can and do publish articles more or less anywhere in the legal academy, publish essays in the *Buffalo Law Review* because it is a good place, perhaps the best place, to do what they want to do: to treat the unfamiliar, to think openly, and to hope to be read, even understood. On good days.

In the Introduction to the first essay issue, I tried to express what we meant by "essay," and more generally,

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2. Citations omitted.

what we believed an essay issue might achieve. This Introduction is more modest, because it can afford to be. The *Review* now has accomplishments in, as well as aspirations for, the publication of essays in the neighborhood of law. The successes of the essay issue, and especially the intellectual spirit that underlies the venture, enhance the reputation of the entire *Review*. So, as should be clear by now, the members of the *Review* can be justly proud of their annual essay issue. In light of this healthy success, it is not unreasonable to hope that this young tradition of the *Buffalo Law Review* has a long and happy life.

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