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EDITORS' PREFACE

Some books are to be tasted, others to be swallowed, and some few to be chewed and digested; that is, some books are to be read only in parts; others to be read but not curiously; and some few to be read wholly, and with diligence and attention. Some books also may be read by deputy, and extracts made of them by others.

Francis Bacon, Of Studies

This issue of the Michigan Law Review contains only book reviews. This issue is, in part, an act of modesty, an acknowledgment that not all legal truth is printed in law reviews. It is an act of confession, a tacit admission that law reviews have generally ignored books. And it is an act of penance and a promise to go and sin no more, since we plan to print annually an entire issue which reviews books of which lawyers and legal scholars should be aware.

It has become increasingly hard to deny that an important part of the legal community's discourse now takes place through books. But unless those books are systematically reviewed, that discourse must be incomplete and unsatisfactory. Without book reviews, it takes authors almost as long to receive their colleagues' comments as it did to write the book. Readers have difficulty finding out what has been written, much less what is worth reading. And those who want to respond to a book must either be silent or somehow fit the response into whatever article they are currently writing.

There are, of course, reasons law reviews have ignored books. Principally, reviewers are hard to find. Many legal academics will not accept nomination. Those who agree to run often decide, a year or two later, not to serve. This reluctance apparently has several causes. We detect some feeling that reviewers get very few
points for writing a book review and that the effort-to-pages ratio is unrewarding. Some reviewers fear that, because of the vagaries of the ILP, what they write will never be noticed. Younger faculty often hesitate to review a book for fear of committing lèse majesté. The small size of the law school world creates additional difficulties. Reviewers often know authors and sometimes must recuse themselves, and they anticipate having to meet and work with authors. This apparently accounts for the common refrain: “I don’t want to review that book unless I can review it favorably.” It also, occasionally but most unfortunately, makes reviewers hesitate to say unfavorable things in a review, or to say them so obliquely that the criticism is indiscernible.

Of course none of these problems is insuperable, as other disciplines have shown. What other disciplines have, and what we lack, is a tradition of frank and vigorous reviewing as a duty owed to the intellectual well-being of the profession. This annual book review issue is our contribution to establishing that tradition.

We have invited all manner of reviews and reviewers. Most of the reviews are five to ten pages long and serve the time-honored purpose of reporting the book’s publication and themes, identifying its virtues and vices, and advising the reader whether to trouble with it further. We have also welcomed, indeed sought, essay reviews. Some books seemed to repay such attention; others seemed to provoke, or at least permit, an exposition of the reviewer’s own notions. We believed this useful, since essay reviews can provide a forum for ideas that could not conveniently be related otherwise. Not every important legal thought, after all, necessarily expresses itself in a fully caparisoned, forty-page Article.
One other motive for this issue should be disclosed: We did it for the fun of it. It let us break the rule that law review seniors must read only galleys, page proofs, and articles submitted for publication. We have browsed dissolutely through the New York Review of Books and the Book Review section of the Sunday Times. We have dissipated hours matching books and reviewers. When the reviews began to come in, we loosed ourselves from the solemnity and monotony of Law Review Style and the Bluebook. We enjoyed editing because there was generally so little editing to do—by and large the reviews arrived coherent, literate, and stimulating. We have tried to keep them that way.