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## **This Is Not an Article, or Scholarship: The Greek Salad**

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Abrams: This Is Not an Article, or Scholarship: The Greek Salad

Roger I. Abrams\*

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[Scene: Amphitheater, barren stage. Two actors enter in masks.]

ION: Did you enjoy Clark Byse's fine paper?

MENO: [No reply]

ION: The scholarship paper — all about interdisciplinary research.

MENO: I heard it, but I did not listen. It didn't contain enough jargon.

ION: Byse was *so* reasonable.

MENO: Reasonable is only appropriate when you seek consensus. I seek creative chaos.

ION: You've made it to the right place.

CHORUS: [arranged in a semi-circle at the front edge of the stage, dressed in white, sing:]

Scholarship, oh scholarship, we love to write about you.

You're literal, so sensible, and oh so righteous, scholarship.

MENO: Byse said nothing about footnotes. How can you talk about scholarship without a long diatribe on the notes that show you care enough to send the very best?

ION:<sup>1</sup>

MENO: Very funny, but footnotes are serious business. Did you know I once set a record for the most footnotes in a foxtrot danced by two lefthanded pitchers for the St. Louis Cardinals?

ION: Quite a distinction.

MENO: Seriously, footnotes are the mark of good research. You can show off by citing esoterica that no one has read, including yourself.

ION: Don't the law review editors check the cites?

MENO: Some second year student who could care less verifies my verities.

ION: Semper fi.

[Inquisitor enters left]

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\* Dean, Nova University Center for the Study of Law; B.A., Cornell, 1967; J.D. Harvard, 1970.

1. This is not a footnote.

INQUISITOR: The good teacher will refrain from writing because it will detract from his or her performance in class. True or False?

MENO: The question cannot be answered, because there are no good teachers, only good citizens.

ION: Thank you, HAL.

MENO: This teacher-scholar dichotomy leaves a lot of meat on the bone.

ION: Well, don't stew about it.

MENO: There you go again making light of a genuine concern. Lots of law professors say they can't do research because their primary responsibility is teaching and there are only so many hours in the day.

ION: Twenty-four, last time I checked.

MENO: Banal.

ION: Do you teach?

MENO: Yes.

ION: Do you write?

MENO: Yes.

ION: Do you also have time for other pastimes, like watching the sunset and tending your vegetable garden?

MENO: Sure.

ION: Then why can't others do both as well? It doesn't take forty hours a week to prepare for class after you've been teaching for more than a decade.

MENO: But how do you convince a good teacher that he or she should do research.

ION: The power of the purse.

MENO: Thank you, King George.

ION: The key is role-modeling. We do what we should do as academics. If scholarship should be part of what we do, then we demand it of each other.

MENO: Boy, that sounds like a bowl full of farina.

ION: Those who can, do; those who cannot, complain that what they cannot do is not important.

MENO: Puff pastry.

ION: Did you know that I became a law professor because of Clark Byse?

MENO: So he's the one we have to blame.

CHORUS: (Sings interlude of Mozart's *Some Small Night Music*, with the notes translated from the German. Soloist sings just a little bit of large day music, *acapulco*.)

MENO: Professor Byse insists on moderation and balance. That's so middle-of-the-roadish, so balanced, so reasonable. Why not be outrageous, small and nasty? Like Toulous-LaTrekkie, an intergalactic impressionist?

ION: But would that be scholarship?

MENO: Scholarship is what we say it is, no more, no less.

ION: Iconoclasicism.

MENO: Why can't legal analysis be emotional, multimedial, profane, sacrilegious, lyrical?

ION: Nice thought. I give it a 10; it had a good beat and was fun to dance to.

MENO: Scholarship is so "planned." Why can't we be spontaneous?

ION: How would it be measured? If it is unconventional, the troglodytes won't know it is good.

MENO: Who cares?

ION: If you are untenured, you care.

MENO: If tenure means blandness, then who wants to be beige?

ION: I do. I am.

MENO: So sad.

**WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE ABSENCE OF SCHOLARSHIP IS HAZARDOUS TO YOUR TENURE. WATCH IT BUSTER!**

CHORUS: Bo-o-o-ring

[Tune: Beethoven's 5th]

[Chorus loses interest and leaves.]

MENO: But once you get tenure, then it's playtime.

ION: Except if you want to get paid.

MENO: Why do we bother?

ION: Because scholarship is valuable.

MENO: Is that why we spend so much energy stringing words together like horse-and-carriage, love-and-marriage?

ION: We do it because we must.

MENO: Like breathe?

ION: We do it because we should.

MENO: Now you're changing your tune.

[ION sings the theme from L.A. Law, patron saint t.v. show for all legal educators.]

ION: Scholarship helps inform judges and lawyers.

MENO: Inform them what *we* think. How much *weltschmerz* can someone bear?

ION: We help push the law along. Isn't that useful?

MENO: It depends down whose steps the baby carriage is falling.

ION: Everyone has the chance to move the law as he or she wishes. Democratic scholarship.

MENO: And like most democracies, it is mostly crap.

ION: Not so, my friend. Certainly, some articles leave a lot to be desired, but some of it is quite good.

MENO: Who told you that? Some student editor?

ION: No, I read it once in a law review article.

MENO: And most of it is so much of the same.

### ALL PURPOSE LAW REVIEW ARTICLE OUTLINE

#### Title

[Must contain a colon, for example,

"Section 1497 of the Code:

Why the Pitter-Patter of Small Feet?"]

#### I. Introduction

[Why this is the most important article of the season.]

#### II. Nature of the Issue

[The Inevitable Split in the Circuits.]

#### III. How the Stupid Courts Have Screwed Up the Issue (Again)

#### IV. Your Brilliant Insight

#### V. Conclusion

ION: There *is* a certain predictability about legal writing.

[Meno, Ion, Inquisitor and a member of the audience perform a reasonably prudent minuet.]

MENO: This way we know how it is going to come out before we start.

ION: There really has been some innovative legal scholarship published recently — more short essays, some good interdisciplinary work, some provocative jargon-filled diatribes.

MENO: Is that like a Larry Tribe?

ION: Certainly not.

MENO: The real problem is we take ourselves too seriously.

ION: Moi?

INQUISITOR: Byse's interdisciplinary focus is good, but does it go far

enough? Shouldn't we combine legal scholarship with arts, music, sports, stone crabs, and wine before its time?

MENO: I especially like the stone crab idea.

ION: You would, Joe.

MENO: Scholarship should be tangy, like a Greek Salad.

#### LEGAL RESEARCH COOKBOOK

RECIPE: *CRITS GRITS*: START WITH FRUSTRATION, ADD BRILLIANCE AND A TYPEWRITER. MIX RAPIDLY AND EAT FOR BREAKFAST.

MENO: There is just too much scholarship, and you are aiding and abetting this third degree misdemeanor.

ION: There is never enough good scholarship.

MENO: Platitudinous dribble.

PROPOSAL: LAW SCHOOLS SHOULD ENTER INTO A NON-PROLIFERATION TREATY ON LAW REVIEWS. NO NEW REVIEWS, GRADUAL DESTRUCTION OF EXISTING STOCK-PILES UNTIL ALL ARE DESTROYED.

ION: Would there be on-site inspection teams?

MENO: Jim White could handle that easily.

ION: We must get organized soon and find a place to publish our play so that others may read it.

MENO: Thanks Ollie, now look at the fine mess you've gotten us into.

ION: Dangling participle. Unacceptable.

MENO: And since we are all scholars, there is no one left to read our work. If no one reads it, it doesn't matter what it says.

ION: That is very profound.

INQUISITOR: Are you making fun of scholarship?

MENO: I am just sliding down the slippery slope.

ION: Now, there must be a line drawn somewhere . . .

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Professor Byse's elegant paper addresses the major currents of modern legal scholarship. This frolic, by comparison, raises issues of post-modern scholarship. Is legal scholarship forever tradition-bound, or might it reach out beyond our sister social science disciplines to other modes of expression?