

# Tenth Anniversary Symposium

## New Directions in Law & the Humanities

### Introductions

### **Note from the Editors**

Two years ago, the editors of the *Yale Journal of Law & the Humanities* came together to discuss how best to celebrate the tenth anniversary of the *Journal's* founding. While anniversaries generally compel us to look into the past, we thought it best instead to look ahead—to consider what the next ten years of scholarship in Law and Humanities might look like.

To this end, the *Journal* chose to undertake three broad projects under the title “New Directions in Law & the Humanities.” First, we invited academics from a variety of fields in legal humanities to the Yale Law School to discuss their current work and to suggest “new directions” in interdisciplinary research. To facilitate reflection and discussion at these events, we invited members of the Yale faculty to respond to the remarks of our visiting speakers. Second, we asked members of our Editorial Advisory Board to write brief comments

reflecting upon the past decade of scholarship in legal humanities and to give their own views of the present state of the field. In doing so, we wanted to provide an occasion for those scholars who have supported us over the years to consider both the field and the *Journal's* role over the previous ten years. Finally, inspired as much by his provocative views as by his continuing moral support, we invited Professor Austin Sarat to share his thoughts on the future of legal humanities at a concluding panel. We also asked several members of the Yale faculty to respond to his discussion; two of them kindly agreed to allow us to publish their responses. The products of all three of these tenth anniversary projects are represented here.

As editors of the New Directions Symposium, we sought to identify and highlight significant trends in the burgeoning interdisciplinary field the *Journal* has helped establish. When we approached this task, we were faced with a definitional question that all of our readers no doubt have confronted at some point: Just what does "Law and Humanities" encompass? After two years of work, we remain—at once contentedly and ruefully—without a clear answer. A primary difficulty in attempting to articulate a definition, of course, is the assumption that one can be constructed; that the two terms "law" and "humanities" identify coherent wholes, the intersection of which can be described with some precision. Despite this and other objections, however, we ultimately came to agree on how the Symposium could best contribute to charting legal humanities scholarship in the years to come.

In particular, confident that the *Journal's* readers would assume our continuing commitment to legal history—a discipline that, Professor Hendrik Hartog notes in his comments, has been increasingly accepted within the academy—we chose to focus our attention on recent work in law and literature and sociological research explicitly oriented toward questions of culture. Professor Austin Sarat's remarks at the Symposium's final panel go so far as to suggest abandoning "Law and Humanities" altogether in favor of a "cultural studies of law." While Professor Peter Brooks's skepticism about this proposal indicates the enduring strength of other models of interaction between Law and Humanities scholarship, Sarat's proposal demonstrates the promise inherent in merging legal academic work with the developing field of cultural studies and its associated theories and methodologies. This is not to claim that the birth of a cultural studies of law might spell an "end of history" for Law and Humanities. Instead, we offer it as yet another approach within the polyvocal field that has flourished in the pages of the *Journal*, and one that all of the Symposium papers address, albeit in remarkably distinct ways.

Law and Humanities at its best has been defined by its dedication to open intellectual inquiry and its catholic approach to interpretative and methodological questions. If the contents of Volume 10 are any indication, the *Journal* will continue to be a site for new and compelling explorations of law in all its forms and practices. With that in mind, we wish to conclude not with an attempt to identify or forge some larger intellectual synthesis, but by extending our thanks. Thanks are due to all those who helped make our celebration of the *Yale Journal of Law & the Humanities* possible. Dean Anthony Kronman, Dean Stephen Yandle, and Dean Mike Thompson of the Yale Law School provided generous institutional and financial support. The Departments of Comparative Literature and American Studies at Yale also assisted with funding. Professors Robert Burt, Shoshana Felman, Robert Gordon, Robert Ellickson, James Scott, Jonathan Simon, Stanton Wheeler, and Bryan Wolf graciously volunteered their time to serve as respondents to our Symposium speakers. Dean Kronman moderated and Professors Austin Sarat, Peter Brooks, Judith Resnik, and Carol Rose participated in our final panel discussion. Our editors-in-chief for Volume 8, Laura Dickinson and Michael O'Hear, first supported the possibility of a tenth anniversary celebration. Our editors-in-chief for Volumes 9 and 10, Deven Desai, Jeannie Sclafani Rhee, Marie DeFalco, and Susan Schmeiser, were unwavering in their support for the project. Executive Editor Jacob Cogan's work during the first year of "New Directions" was especially helpful. Thanks are due also, of course, to our contributors, who made this celebration a reality.

More generally, however—and most importantly—we wish to thank our readers. Without your comments, criticism, attention, and analysis, the wonderfully contentious intellectual community that has grown up around the *Journal* could not have been sustained. We look forward to your continued support and involvement over the next ten years.

—Mark Fenster, Wendie Schneider, and Mark S. Weiner

