



# Less is More. Really.

*Robert C. Berring*

ON FEBRUARY 9, Thiru Vignaraja, the President of the *Harvard Law Review*, sent the following letter to authors who had articles currently being edited, former authors and the usual list of suspects.

H A R V A R D  
L A W R E V I E W

February 9, 2005

*Harvard Law Review*  
1511 Massachusetts Avenue  
Cambridge, MA 02138  
Re: Articles Length Limitations

Dear Professor,

I wish to report an important development in the *Harvard Law Review's* policy regarding the length of law review articles. As many of you know, last December, the *Harvard Law Review* conducted a nationwide survey of law faculty regarding the state of legal scholarship. Nearly 800 professors completed the survey and submitted their feedback. As promised, we will soon post complete tabulations of the survey on the web.

Importantly, the survey documented one particularly unambiguous view shared by faculty and law review editors alike: the length of articles has become excessive. In fact, nearly 90% of faculty agreed that articles are too long. In addition, dozens of respondents submitted specific comments, identifying the dangers of this trend and calling for action. Survey respondents suggested that shorter articles would enhance the quality of legal scholarship, shorten and improve the editing process, and render articles more effective and easier to read.

We are very grateful for your feedback and have shared your concerns with a number of law reviews across the country. Recently, these law reviews issued a statement that reflects a commitment to play an active role in moderating the length of law review articles; we have posted this statement on our website at the following address:

*Joint Statement:* [www.harvardlawreview.org/articles\\_length\\_policy.html](http://www.harvardlawreview.org/articles_length_policy.html)

Ultimately, however, individual law re-

views will have to decide for themselves how best to resolve these concerns. At the *Harvard Law Review*, we agree with your diagnosis and apologize for whatever role we have played in encouraging the submission and publication of lengthier articles. In an effort to respond to these concerns, we are committed to doing our part to counter this troubling trend and to break what we perceive as a vicious cycle. To that end, we now adopt the following articles submission and publication policy:

The Harvard Law Review will give preference to articles under 25,000 words in length – the equivalent of 50 law review pages – including text and footnotes. The Review will not publish articles exceeding 35,000 words – the equivalent of 70–75 law review pages – except in extraordinary circumstances.

Although academic publications from a range of other disciplines regularly use length limitations, we are aware that we are abruptly introducing a constraint to which the legal academy is unaccustomed. Not surprisingly, then, we anticipate growing pains and acknowledge that our approach runs certain risks. Still, we hope the policy we announce today will play a modest role in reversing a trend that has cost legal scholarship dearly. To ease the transition, we have installed a fully functional electronic submission system and recommend the following practices:

We encourage contributors who have submitted articles that exceed the new length limitations to *resubmit* abbreviated versions of their articles. We are sorry for the inconvenience this mid-year change will cause and the additional work it will surely require. Please understand that these policies, however burdensome, are intended to enhance legal scholarship in the long run. Indeed,

the *Review* conceives of this new policy as a modest first step in a longer process toward substantially shorter articles.

The electronic submission system allows contributors to submit articles and request expedited review through a web interface. Contributors who are resubmitting a piece to meet length requirements may feel that the material removed from the original submission would be helpful background for a reader unfamiliar with the subject matter. If so, please feel free to include the material as a supplementary document through the new electronic system, which can be reached at the following address: [www.harvardlawreview.org/manuscript.html](http://www.harvardlawreview.org/manuscript.html).

We are well aware that our policy will draw some praise and some criticism. Rest assured that we plan to monitor this issue carefully, and we acknowledge that modifications may be needed in years to come. For now, though, we announce and adopt these policies to try to catalyze some change for the good. We hope you will support our efforts. If you have any questions, feel free to contact me at [tvignara@law.harvard.edu](mailto:tvignara@law.harvard.edu).



All the best,  
Thiru Vignarajah  
President, Volume 118  
*Harvard Law Review*

If you wish to be removed from this list of law faculty, please email [lawrev@law.harvard.edu](mailto:lawrev@law.harvard.edu). We apologize for the intrusion.



To quote the bard, this letter rocked my world. The *Harvard Law Review* (HLR) is not just a law review, it is the *Harvard Law Review*. It does not have an editor-in-chief, it



Volume 1 of the *Harvard Law Review* ran to 408 pages in 1887–1888; volume 116 marathoned to 2,719 in 2002–2003. Will the HLR’s commitment to brevity hold, and will this effort gratify its early “hope[] that the REVIEW may be serviceable to the profession at large”? *Notes*, 1 HARV. L. REV. 35 (1887).

has a President. In the hierarchical universe of legal education where change comes at a pace more deliberate than the most cautious of glaciers, the *Harvard Law Review* sits at the pinnacle of encrusted prestige. In its pages one has been able to find the most serious of scholarship, the most powerful of analysis and some of the longest most abstruse articles ever written. The *Harvard Law Review* is the ur-law review.

Law reviews have stood steadfast against the mewlings of the faint hearted who found the articles too long, too boring, too festooned with mindless footnotes. My personal favorite observation came from Fred

Rodell. A Yale law professor who wrote books for an audience wider than legal academe, he celebrated his achievement of tenure by publishing an article in the *Virginia Law Review* in which he bade farewell to publishing in law reviews. He wrote

And though it is in the law reviews that the most highly regarded legal literature ... is regularly embalmed it is in the law reviews that a pennyworth of content is frequently concealed beneath a pound of so-called style.<sup>1</sup>

Professor Rodell is hardly alone. A tap-  
estry of criticism has dogged the academic law review for years, leading commentators

<sup>1</sup> Rodell, “Goodbye to Law Reviews,” 23 *Univ. of Va. L. Rev.* 38 (1936). The whole article is still worth a read. It contains wonderful imagery. The mental picture presented in the sentence “But the average law review writer, scorning the common bludgeon and reaching into his style for a rapier, finds himself trying to wield a barn door” is just lovely.

into mixing metaphors and calling for reform. But nothing has brought about change. Endless texts, mindless footnotes and bizarre citechecking have sailed on unimpeded until now. Is something afoot?

Indeed, the whole tone of the letter seems suspicious to me. The *HLR* conducted a user survey and intends to respond to the criticisms voiced therein? I am not sure that I trust them. Granted the *HLR* grew from modest origins. I have always treasured this sentence from volume one, number one, "The review is not intended to enter into competition with established law journals, which are managed by lawyers of experience, and have already a firm footing in the profession."<sup>2</sup> But over the years the *HLR* grew to be the biggest, baddest forum for academic thought. It has been decades, perhaps centuries, since it deferred to "lawyers of experience." Why now?

Of course this letter is not presented in deference to the world of lawyers. This letter is written in response to a survey of academics. No one could believe that many working lawyers, other than brand new associates who are scheming to land one of these cushy jobs in academia, actually read it. The *Harvard Law Review* is the lawyer's version of Stephen Hawking's *A Brief History of Time*, the book that everyone bought but no one actually read.<sup>3</sup> Academics are the right audience.

So what is up? Is it the shift to the new digital reality? SSRN and BEPRESS are knocking at the doors. These online data bases allow one to post a working paper or

article as soon as one wishes. More and more academics are doing just that and are thus sparing themselves the excruciatingly bizarre rigor of the law review edit and the unconscionably long delay in seeing their thoughts appear as words on the printed page. Good old competition might explain things. The market may be working its magic here. Yet I suspect that there is more to it.

It was almost ten years ago in the autumn of 1997 that the *Green Bag* was launched. In a one page manifesto printed on the inside cover to the first volume of the first issue the three present at the creation wrote "By providing material that is interesting yet brief, we endeavor to be a journal which is actually read ..."<sup>4</sup> I think that this idea, that law professors, judges and lawyers might write articles that people actually read, has legs. I think that it is catching on.

The concept cuts against the grain. Law schools are hiring more and more folks with Ph.D.s to stock the faculty and the literature of academic thought has been growing more and more remote from the world inhabited by most lawyers. But this could be a tipping point. Perhaps we can pull a 180 degree turn and head back towards brevity and readability. It is enough to make one believe. The question of whether anyone will really want to read what we in the legal community wish to write remains open, but what the heck, you have read this far. I think it is time that we all gave it a go. The *Green Bag*, while only eight years ahead of the *Harvard Law Review*, was on the right track.

Less is more. *GB*

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2 1 *Harvard Law Review* 35 (1887).

3 Asking one's friends to nominate titles that everyone acts like they have read but that no one actually ever made it through can be great fun. George Rutherglen, a law school friend, once told me that he thought that no one ever got past about page one hundred of Karl Llewellyn's, *The Common Law Tradition*. Otherwise how could one explain the very strange goings-on therein?

4 As a long time enemy of footnoting it delights me to say that the inside cover bears no page number. If you want to check my veracity on this one you will have to muck about a bit. Maybe I made it up. I'm like that.