No matter how you measure it, the University of Chicago Law School has long been, and continues to be, the nation's premier institution of legal scholarship.

At our 1987 Entering Students Dinner, Professor Paul Bator observed to the first-year class that "garbage is garbage, but the history of garbage—ah, that's scholarship!" In the past year, two law schools—Northwestern and Chicago-Kent—have produced rather extravagant studies of the scholarly productivity of the faculties of the nation's leading law schools. Leaving no stone unturned, these studies examined several years of publications and generated more than twenty complex statistical measures, including pages per faculty member in the top twenty law reviews, pages per faculty member in the top ten law reviews, articles per faculty member in the top twenty law reviews, articles per faculty member in the top ten law reviews, percentage of faculty in the top ten percent of scholarly productivity of all faculty members in the top twenty law schools, percentage of faculty above the median scholarly productivity of all faculty members of the top twenty law schools, and on and on and on.

Here's the interesting part. On virtually every measure of consequence, the University of Chicago Law School ranked first. Let me give you just three of many possible examples. From the Northwestern study, pages per faculty member in the top ten law reviews: Michigan—50; Columbia—63; Harvard—73; Yale—86; Chicago—171. Also from the Northwestern study, percentage of faculty in the top 10 percent of scholarly productivity of all faculty members in the top twenty law schools: Stanford—12 percent; Harvard—12 percent; Pennsylvania—13 percent; Yale—15 percent; Chicago—30 percent. Finally, from the Chicago-Kent study, the average ranking of each law school on the eight statistical criteria used in the study: Pennsylvania—27.0; Michigan—13.0; Columbia—7.6; Stanford—7.5; Harvard—5.2; Yale—2.6; Chicago—1.7. (The Northwestern study is unpublished; the Chicago-Kent study is published at 65 Chicago-Kent Law Review 195 (1989).)

Needless to say, I don't really want to make too much of all this, for as you well know, studies of this sort are at best superficial, and at worst ridiculous. The truth is that one truly extraordinary article is worth more than a dozen good ones, and quantity (even if one considers only articles published in the most selective law journals) is hardly a reliable proxy for quality. Nonetheless, these studies do reflect an important truth—no matter how you measure it, the University of Chicago Law School has long been, and continues to be, the nation's premier institution of legal scholarship.

Why is this so? What is it about the University of Chicago Law School that preserves and nurtures this extraordinary tradition? In my view, our Law School's tradition of scholarly preeminence is due first and foremost to a shared conviction,
passed on from one generation of faculty to the next, that legal scholarship is important and that it makes a difference. One simply cannot be a self-respecting member of the University of Chicago Law School faculty without being actively engaged in the scholarly enterprise.

workshops, in Criminal Justice, Law and Government, Law and Economics, Legal Theory, Legal History, and Work-in-Progress; our informal discussions in the halls and offices of the D’Angelo Law Library; or our constant dialogue with students, both in and out of class; we learn from one another. Our whole is, and always has been, greater than the sum of its parts. The result is a true university law school.

Now, I know some of you, no doubt the most cynical, are thinking, “Big deal. Who cares who’s the best at something that just doesn’t matter?” Well, scholarly research does matter. In its purest form, legal scholarship, like other forms of scholarly research, enables us to understand who we are, how we got here and where we’re headed. It illuminates and defines our legal, political, intellectual, and social cultures. Moreover, and rather more instrumentally, legal scholarship strengthens legal teaching. It brings an immediacy, a freshness, and an excitement to the classroom. Finally, and perhaps most important, legal scholarship plays an essential role in the evolution of the law. Lawyers, judges, and government officials rarely have the time systematically to re-think complex legal issues. Professors, on the other hand, have the luxury—perhaps more accurately the duty—to devote months and even years to the often daunting task of intensive research, analysis, discussion, and re-evaluation of our legal concepts and institutions. This effort can and, indeed, does have an important and salutary impact on the course of the law.

Phil Kurland’s scholarship on freedom of religion has profoundly altered the debate over the meaning of the religion clauses of the Constitution; Grant Gilmore, Soia Mentschikoff, and Karl Llewellyn revolutionized the law of commercial transactions; and Harry Kalven’s work on libel, the heckler’s veto, and the public forum left an indelible mark on the jurisprudence of free expression. And then there is Henry Simons’ and Walter Blum’s work on taxation; Brainard Currie on conflicts; Posner and Landes on antitrust; Morris on criminal justice; Davis on administrative law; Fischel and Easterbrook on corporations and securities; Meltzer on labor law; Epstein on torts; and on and on and on. In innumerable ways, large and small, our laws, our society and our lives have been shaped by the work of these scholars. It is a different and, indeed, better world for their efforts, and as alumni of their Law School we take great pride in our faculty’s extraordinary contributions.

Such a consensus about the value of scholarly research is essential if the scholarly enterprise is to succeed, for original, cutting-edge scholarship is difficult, even painful work. The terror of the would-be scholar is the empty desk. What should I write about? What do I have to say? One can fill the desk in desperation with class notes, committee reports, judicial opinions, and colleagues’ articles, but the desk remains empty. Scholarly research requires self-discipline, imagination, confidence and persistence. The ideal is never to evade or to simplify: always to probe, to question, and to follow the analysis wherever it leads.

The scholarly enterprise is most likely to thrive in a collegial environment, for the very best scholarship usually reflects both the author’s own ideas and the shared comments and criticisms of others. The University of Chicago Law School is unique in this regard. Whether at the faculty roundtable, which meets for lunch four days each week; our six scholarly