

Something Old, Something New, Something Borrowed, Something Blue

Jim C. Chen†

The Bluebook: A Uniform System of Citation, 15th ed. The Harvard Law Review Association, 1991. Pp xvii, 343.

The Bible of legal citation?¹ I prefer to think of the *Bluebook*² as a legal *Pilgrim's Progress*. Like Bunyan's allegory, the *Bluebook* has remained a perennial best-seller, the last trace of a rapidly disappearing common legal culture. Even as external pressures accelerate the decline of law as an autonomous discipline,³ hordes of lawyers and law students cling to the *Bluebook* as their final article of faith in a world that has become increasingly agnostic toward law as a religion. In 1986, Judge Richard Posner proclaimed himself a leading heretic by bidding "Goodbye to the *Bluebook*."⁴ Just this once, however, Judge Posner may have proved a false prophet. The *Bluebook* is here to stay; "bluebook" has even become a verb. Few other unofficial works can boast authoritative status in such disparate legal institutions as the *Harvard Law Review* and the Federal Energy Regulatory Commission.⁵ The *Bluebook* has even

† J.D. 1991, Harvard University. I would like to thank Brad Berenson, Jayne Bultena, Lance Bultena, Adam Charnes, Greg Katsas, Amy Folsom Kett, Kyle McSarrow, Andrew Schlafly, and Elizabeth Young for comments on earlier drafts. I especially thank my wife, Anne, for patiently enduring this and all my other pet projects.

Regrettably I must explain my qualifications for writing this book review. As an executive editor of the *Harvard Law Review* from 1990 to 1991, I joined my fellow executive editors in interpreting the fourteenth edition of the *Bluebook*. Charged with interpreting this "statute" in the jurisdiction most widely credited with developing it, Harvard's executive editors are, for better or worse, experts in *Bluebook* form and lore.

¹ See Byron D. Cooper, *Anglo-American Legal Citation: Historical Development and Library Implications*, 75 L Libr J 3, 21 (1982), citing Jonathan Jacobson, *Book Review*, 43 Brooklyn L Rev 826 (1977).

² *The Bluebook: A Uniform System of Citation* (Harv L Rev Assoc, 15th ed 1991). All parenthetical page numbers in the text and footnotes refer to this book.

³ See Richard A. Posner, *The Decline of Law as an Autonomous Discipline: 1962-1987*, 100 Harv L Rev 761 (1987).

⁴ Richard A. Posner, *Goodbye to the Bluebook*, 53 U Chi L Rev 1343 (1986).

⁵ FERC has officially adopted the *Bluebook*. See 48 Fed Reg 17066 (Apr 21, 1983).

inspired its own brand of scholarship.⁶ Now in its fifteenth edition since 1926, the *Bluebook* has transcended its role as a legal citation manual. For those who think too intensely about law—including anyone who ever edited or wrote a law review article—the *Bluebook* serves as a morality play too dull to endure but too conspicuous to ignore.

Three diverse analogies link the *Bluebook* to the larger legal world. As the citation creed for the four leading law reviews that own its copyright,⁷ the *Bluebook* acts as the contract, combination, or conspiracy in restraint of trade that keeps its publishers solvent. Second, the *Bluebook* expresses in condensed form the familial relationship between legal academia and student-edited law reviews. In effect, it is the fifteenth prenuptial contract between the professors and the journals. Finally, as the unofficial “Uniform Citation Code,”⁸ the *Bluebook* is a legislative waste dump, a statutory release for the pent-up frustrations of the fragmented groups interested in citation politics.

PROLOGUE: THE *BLUEBOOK*'S NEW CLOTHES

Let us first contemplate the visual setting. The editors of the new edition (*Bluebook 15* for short) self-consciously tried to distinguish the new *Bluebook* from its predecessors. They have adopted “The Bluebook” as its official title, relegating the stodgy “A Uniform System of Citation” to subordinate status. The obligatory rear-cover index reflects drastic structural changes inside. Long hounded by accusations of favoring academic users over legal practitioners, *Bluebook 15*'s revisers have set aside ten pages of “practitioners' notes” on distinct blue pages (pp 10-19). The editors have also segregated all tables into a blue compartment toward the rear (pp 164-305). Accommodating this elaborate structure, cross-references to tables and practitioners' notes populate *Bluebook 15*'s margins.

Graphic changes as dramatic as these disclose an intent to abandon the bad old days. By appearances alone, the revisers certainly accomplished this objective. Ideally, the changes should ease

⁶ See, for example, W. Duane Benton, *Book Review: Developments in the Law—Legal Citation*, 86 Yale L J 197 (1976); Peter Lushing, *Book Review*, 67 Colum L Rev 599 (1967); Book Review, *Technical Due Process: ?*, 12 Harv CR-CL L Rev 507 (1977); Book Note, 32 NY L Sch L Rev 199 (1987). The best survey of legal citation literature appears in Mary I. Coombs, *Lowering One's Cites: A (Sort of) Review of the University of Chicago Manual of Legal Citation*, 76 Va L Rev 1099 (1990).

⁷ Harvard, Yale, Columbia, and the University of Pennsylvania.

⁸ Posner, 53 U Chi L Rev at 1349 (cited in note 4).

actual use of *Bluebook 15*, but here the revisers faltered. At the risk of judging a book by its cover, I confess that I find the visual reconstruction of the *Bluebook* somewhat dizzying. The new chapter headings mostly consist of the letter “R” (for “Rule” or “Rules”) and microscopic numbers. Deprived of helpful (if arbitrary) letter headings, the user must remember that rules fifteen through seventeen cover books, periodicals, and other secondary materials (pp 100-25). At least the old system of letters, “A” through “I,” added extra information; veteran bluebookers learned that “D” covered books and other secondary materials. *Bluebook 15* resists the cold truth that its rule numbers are meaningless.

Separate blue pages seem helpful, but collecting the tables in one place offers mixed blessings. The *Bluebook*'s editors have always been better at compiling tables than at drafting decipherable rules, and most users seem to consult the tables more than any other offering. Now all the most frequently used material appears together on blue pages spanning 140 of *Bluebook 15*'s whopping 343 pages. This convenience comes at a price. A reader using the tables can't find the corresponding rules without following annoying cross-references. Worse, *Bluebook 15* isn't merciful enough to provide cross-references to pages; it insists on meaningless rule and table numbers. This practice reinforces the twisted examples in the *Bluebook*'s rule on internal cross-references, the most egregious of which is “*See supra* notes 12-15, 92-97, and accompanying text” (p 39). *Bluebook 15*'s revisers have learned well one of Judge Posner's “anti-lessons”: “Use a lot of cross-references—see if you can make the reader spend his time flipping backwards and forwards in your work.”⁹

But enough on aesthetics. *Bluebook 15*'s preface lists twenty-four significant changes, including some striking departures from *Bluebook* tradition. To place these changes, and the equally significant lack of changes, in the proper context, I begin by examining *Bluebook 15* as the charter of America's leading legal citation cartel.

ACT I: THE CITATION OCTOPUS—A TALE OF THE EAST

An authoritative short history of the *Harvard Law Review* recounts the rise of the *Bluebook* and its publishing cartel:

[The *Bluebook*] goes back at least to the 1920s, when an “Instructions for Editorial Work” was prepared by student edi-

⁹ Id. at 1350.

tors and put in the hands of the new members of the *Review*. In due course, this booklet developed and was revised: other law reviews heard about it, and made suggestions for its improvement. This led to a meeting of the Presidents of the *Harvard*, *Columbia* and *University of Pennsylvania Law Reviews*, and the *Yale Law Journal*. As a result of this meeting, the four journals now publish the *Bluebook* jointly and share the revenues; but virtually all the editorial work is still done at Harvard, which earns the largest share of the income.¹⁰

What Dean Griswold writes is, of course, gospel. But even the Dean's Word deserves a good apocrypha. Inspired by the orally transmitted institutional history of the *Harvard Law Review*, I now tell a somewhat mythical tale. At the height of the *Bluebook's* Eastern cartel, the *Harvard Law Review* ruled two worlds, the lesser world of legal citation and the greater, parallel world of legal academia. As the *Bluebook* enters middle age, Harvard has begun to learn about the inherent instability of cartels.

Unlike most other law review products, the *Bluebook* makes money.¹¹ Profits from the *Bluebook* still sustain the *Harvard Law Review's* and the *Yale Law Journal's* much vaunted claim to being among America's only self-financed student-edited law journals. New editions appear not when the revisionist spirit grips law review editors in Cambridge, New Haven, New York, and Philadelphia, but when revenues from *Bluebook* sales dip unacceptably. Such sensitivity to profits befits an institution that has crowned legal citation the new dismal science.

Among legal citation manuals, the *Bluebook* once bestrode the narrow world like a Colossus. Originally published in 1942, the *California Style Manual*¹² might qualify as the first significant competitor in this somewhat specialized market. Sometime during the 1970s, Harvard faced a greater threat. Formerly content to contribute suggestions for the *Bluebook's* periodic revisions, Yale, Columbia, and Penn threatened to issue a competing manual. As classical microeconomics would predict, these potential competitors found greater gains in collaborating. Harvard decided that

¹⁰ Erwin N. Griswold, *The Harvard Law Review—Glimpses of Its History as Seen by an Aficionado*, in *Harvard Law Review: Centennial Album* 1, 12 (1987) (footnote omitted).

¹¹ Ordinarily I would spare Harvard from public exposure of this embarrassingly capitalistic aspect of the *Bluebook*, but Harvard has already conceded the profitability issue. See Book Note, *Manual Labor*, *Chicago Style*, 101 Harv L Rev 1323, 1323 n 5 (1988).

¹² The *Manual* is now in its third edition. See Robert E. Formichi, *California Style Manual* (3d ed 1986 & 1989 Supp). It is the official manual of the California Supreme Court.

sharing its monopoly would be more profitable than letting the others shave off a market share. Given the proper opportunity, one member of the cartel might defect, surreptitiously publishing a rival manual while superficially respecting the existing cartel. But let's not delude ourselves. These are law reviews, two notches below savings and loan associations in competitive evolution.

Harvard cannot convince its fellow conspirators in restraint of trade to follow the *Bluebook's* most basic rules. The *Bluebook* syndicalists have apparently spawned chaos for its own sake, and rampant disagreement reigns in the journals' footnotes. For example, the four journals disagree on how to implement the *Bluebook's* typeface conventions, one of the manual's most distinctive traits (pp 30-32). Columbia, for example, fails to use roman, italic, and large and small capitals as the *Bluebook* commands. As comprehensive as the *Bluebook* purports to be, Harvard has long felt compelled to catalogue its own "common law" interpretations of ambiguous rules.¹³ Furthermore, *Bluebook 15's* examples on the use of parentheticals contradict the *Harvard Law Review's* practice (pp 27-28). A Harvard parenthetical on *Roe v Wade*¹⁴ would never say, "holding that right to abortion is grounded in constitutional right of privacy" (p 28). *Bluebook 15* may not believe in the use of articles within parentheticals, but Harvard does. Other examples abound. The rule on introductory signals (pp 22-24) remains so vague that Harvard, Yale, Columbia, and Penn appear unable to draw a consistent line between "[no signal]" and "see." Similarly, the example *Bluebook 15* gives to illustrate the line between "contra" and "but see" would be incorrect at the *Harvard Law Review*. I have never seen "contra" followed by anything stronger than "see also" (p 24). Indeed, "accord" and "contra" have fallen into nearly complete disuse at Harvard.

The confusion should not shock veteran *Bluebook* observers. Despite the four journals' collective arsenal of legal talent, the *Bluebook* cannot articulate the difference between its most basic signals. The fourteenth edition had used the meaningless distinction between "states" and "supports" to separate [no signal] from "see" and "contra" from "but see."¹⁵ *Bluebook 15* purports to resolve the problem by adding the adverb "clearly" to both verbs

¹³ Harvard Law Review, *Executive Editor Handbook* 11-17 (on file with U Chi L Rev).

¹⁴ 410 US 113 (1973).

¹⁵ A *Uniform System of Citation* 8-9 (Harv L Rev Assoc, 14th ed 1986) ("*Bluebook 14*").

and italicizing the whole verb clause (pp 22-23).¹⁶ I prefer the following interpretation of the *Bluebook's* introductory signals:

Use *no signal* when you've got the guts. Use *e.g.* when there are other examples you are too lazy to find or are skeptical of unearthing. Use *accord* when one court has cribbed from the other's opinion. Use *see* when the case is on all three's. Use *cf.* when you've wasted your time reading the case. Insert *but* in front of these last two when a frown instead of a smile is indicated.¹⁷

That's some legal realism that would bring tears to Karl Llewellyn's eyes.

Now that The University of Chicago has finally challenged the Eastern cartel by publishing *The University of Chicago Manual of Legal Citation* (the *Maroonbook*),¹⁸ the long-awaited infusion of superior citation rules has begun. Nevertheless, Harvard has not responded to the *Maroonbook's* competitive threat by improving the *Bluebook*. Harvard initially reacted in the fashion of the robber barons. It punished Chicago's entry into the market by publishing a blistering book review of the *Maroonbook*.¹⁹ *Bluebook 15* commemorates this act of attempted monopolization²⁰ in examples that mock its competitor (pp 115, 118). When the market eventually adjusts,²¹ consumers of citation rules will be able to choose the type of regime under which they draft footnotes until partnership, tenure, or appointment to the bench confers the privilege of letting a subordinate fret about citation. The market for legal citation manuals can accommodate the opposing philosophies represented by the *Bluebook* and the *Maroonbook*. For big-shouldered legal giants, the *Maroonbook's* greater flexibility leaves the mind uncluttered, free to think about real issues. For spoon-fed scribes, the aroma of home-cooking rides on an east wind.

The *Maroonbook* offers specific rule choices that *Bluebook* users should consider. At the most basic level, the *Maroonbook* counters the *Bluebook's* brittle dogma with a refreshing bit of flex-

¹⁶ The *Bluebook* instructs writers to use "[no signal]" when the cited authority "clearly states" the proposition and "see" when the cited authority "clearly supports" the proposition (pp 22-23).

¹⁷ Lushing, 87 Colum L Rev at 601 (cited in note 6).

¹⁸ *The University of Chicago Manual of Legal Citation* (Lawyer's Co-op, 1989) ("*Maroonbook*").

¹⁹ See Book Note, 101 Harv L Rev at 1323 (cited in note 11).

²⁰ See 15 USC § 2 (1988).

²¹ See Ronald Coase, *The Problem of Social Cost*, 3 J L & Econ 1 (1960).

ibility. As would befit the product of a cartel, *Bluebook 15* lacks a decent rule of reason. *Bluebook 14* did admit that "when unusual circumstances make [its] forms confusing or otherwise inadequate, a different citation form should be substituted,"²² but the fifteenth edition has abandoned even this modest concession. Having forsworn the *Bluebook's* ambition "to write a particular rule for every sort of citation problem that might arise,"²³ the *Maroonbook* allows miscellaneous sources to "be cited in any unambiguous form consistent with the general practice of this manual."²⁴ Supporters and detractors agree: the overly fastidious adherence that the *Bluebook* engenders is one of its greatest weaknesses.²⁵ To be sure, *Bluebook 15* shows admirable resilience in developing new citation forms for electronic databases (pp 68, 122-23), unpublished materials (pp 119-21), and sound recordings (p 124). Yet law review editors, the most hidebound *Bluebook* users, might profit more from one extra rule: "If any rule proves unduly oppressive in any context, violate it."

Even though *Bluebook 15* improved its rule for newspapers, a rule of reason approach could have attained similar results with less anguish. The fourteenth edition had required that newspapers be cited both by page and by column.²⁶ As citations to newspapers proliferated, pressure arose to reform this rule by eliminating the onerous column requirement. Because most researchers discover newspaper articles on line, the column rule added no value. Nevertheless, *Bluebook 14* dispatched far too many law review editors on mindless missions to microform rooms. Without fanfare, *Bluebook 15* finally eliminated the useless column rule (p 113). Just as silently, however, the fifteenth edition restored the practice of using large and small capital letters for newspaper names (id).²⁷ The rule of reason would have jettisoned the pointless column requirement long ago and let individual writers choose the appropriate typeface for newspapers.

To the *Bluebook's* embarrassment, the *Maroonbook* has produced more innovations with fewer rules. Citation aficionados may choose between the *Bluebook's* rigid insistence on citing all subse-

²² *Bluebook 14* at iv (cited in note 15).

²³ *Maroonbook* at 7 (cited in note 18).

²⁴ Id at 24.

²⁵ Compare Griswold, *Glimpses of History* at 12-14 (cited in note 10), with Posner, 53 U Chi L Rev at 1344 (cited in note 4).

²⁶ See *Bluebook 14* at 106 (cited in note 15).

²⁷ Five years ago, the fourteenth edition had switched to "ordinary roman type." Id at v, 105.

quent dispositions of cases in the United States Supreme Court (p 65) and the *Maroonbook's* wise counsel to omit "a denial of review . . . that has no precedential authority (for example, a denial of certiorari by the United States Supreme Court) unless it is particularly recent and thus indicates finality."²⁸ Likewise, the *Maroonbook's* rule on cross-references and subsequent references to secondary sources²⁹ eliminates three of the most pompous words in law: "*supra*," "*infra*," and "*hereinafter*." By promoting words of Latin and Legalese, *Bluebook 15* reinforces lawyers' perverse predilection for dead and deadening languages.

Unfortunately, the market has adjusted slowly. Despite the *Maroonbook's* overwhelming price advantage,³⁰ the *Bluebook* retains a massive market share. Perhaps brand loyalty among consumers of citation manuals is unbelievably strong. Or perhaps the *Bluebook* represents an elusive Geffen good: the higher a citation manual's price, the greater its demand. Most likely, some *Bluebook* users cannot find an adequate substitute. The fourteenth edition provided inconsistent examples on whether to underline the period in "*id.*" in legal memoranda. An embarrassingly high number of letters and phone calls requested the *Harvard Law Review's* clarification on this pressing issue. These desperate souls must really believe that the *Bluebook* is divinely inspired. In such matters of personal faith, I suppose economic rationality is at best irrelevant and at worst blasphemous.

ACT II: FOR BETTER OR FOR WORSE . . .

Law reviews. Law review editors. Law professors. Law professors' law review articles. The progression merits a pregnant pause. On one hand, the intimate nature of the relationship between law reviews and the professors who fill their pages demands a family law analogy. On the other hand, to describe law professors and law review editors as wedded smacks of incest. Editors and professors distrust each other with an intensity that dwarves the animosity displayed in some marriages, most divorces, and all prenuptial contracts. In lieu of a more explicit marital arrangement, the principal players of legal academia have adopted the *Bluebook*. Law reviews set different conditions on the hundreds of hopeful proposals they receive in academia's greatest lottery. Almost all agree on one con-

²⁸ *Maroonbook* at 17 (cited in note 18).

²⁹ See *id.* at 25-26.

³⁰ As of December 1, 1991, Chicago Law Books sold the *Bluebook* for \$9.50 and the *Maroonbook* for \$5.

dition: "Citations should conform to" Such widespread acceptance qualifies the *Bluebook* as one of the few common elements of a law review culture marked by increasing specialization. Consequently, many disputes between law review editors and authors revolve around *Bluebook* form. The editors' often superior grasp of *Bluebook* arcana enables them to enjoy a rare edge over their professors. For example, *Bluebook 15's* three-page rule on the order of authorities within each signal (pp 25-27) gives editors leverage over uncooperative authors who insist that an obscure article by the chairman of the tenure committee better supports a point than does a recent Supreme Court decision. This feature alone may explain many law reviews' preference for the *Bluebook* over the *Maroonbook*, which provides that "[a]uthorities may be organized in any manner that seems desirable."³¹

Most citation disputes end amicably, usually with the edge to the editor. The loser may whine, wheedle, and wheeze, but the thrill of publication eventually overcomes any hard feelings. Two professors, however, did not accept defeat in the ordinary, sportsmanlike fashion. They chose to engrave their complaints into their hallowed footnotes. A feminist author "had wanted to humanize and particularize the authors whose ideas I used in this Article by giving their first as well as last names,"³² contrary to *Bluebook 14's* convention of omitting first names.³³ After all, personhood is essential in an article discussing "rational empiricism, standpoint epistemology, postmodernism, and positionality."³⁴ Likewise, a book reviewer "object[ed] to the transformation in law reviews of what I understood to be the First Amendment to the 'first amendment'."³⁵ Though the right to free speech recognizes that "one man's vulgarity is another's lyric,"³⁶ "Capitalize the First Amendment" proved too unsavory a slogan for Harvard.

But wait. The *Bluebook* is not the Clayton Act of legal citation, under which the editor always wins.³⁷ The editors of *Bluebook 15* have changed the two rules that sparked an open academic

³¹ *Maroonbook* at 12 (cited in note 18).

³² Katharine T. Bartlett, *Feminist Legal Methods*, 103 Harv L Rev 829, 829 n * (1990).

³³ See *Bluebook 14* at 91 (cited in note 15).

³⁴ Bartlett, 103 Harv L Rev at 832 (cited in note 32).

³⁵ Floyd Abrams, Book Review, *A Worthy Tradition: The Scholar and the First Amendment*, 103 Harv L Rev 1162, 1162 n 11 (1990).

³⁶ *Cohen v California*, 403 US 15, 25 (1971).

³⁷ Compare *United States v Von's Grocery Co.*, 384 US 270, 301 (1966) (Stewart dissenting) ("The sole consistency that I can find is that § 7 [of the Clayton Act], the Government always wins.").

revolt in the *Harvard Law Review*. Proper *Bluebook* form now requires giving a cited author's full name (p 101). One suspects that *Bluebook 15's* editors were less motivated by the *Maroonbook*, which instructs users to supply full names in the interest of providing full information,³⁸ than by the complaint that omitting first names eliminated "one dignified way in which women could distinguish themselves from their fathers and their husbands."³⁹

Other aspects of *Bluebook 15* suggest that interest group appeasement dominated the revision. As though to atone for snubbing feminist interests, *Bluebook 15* cites Catharine MacKinnon in at least five separate examples (pp 34, 35, 40, 41, 101), and one essay by Kay Deaux and Brenda Major appears three times (pp 12, 29, 106). In Kaldor-Hicks fashion, however, these gains came at the expense of coauthors. If a work has more than two authors, the first author gets full credit while all others disappear into an "et al." (p 101).

Yet no one can accuse *Bluebook 15* of not taking personhood seriously. Citations to signed student works in law reviews now include the authors' full names (p 114). Like the full name rule, this change conceals an ulterior purpose. Citing student writing by author punishes the few journals whose student editors still publish anonymously. Though mostly misguided, the fad of signing student notes and comments does have its virtues. Some students often retain more innate writing ability than do their jaded professors. Besides, as long as some professors feel entitled to sign articles prepared by their "research assistants,"⁴⁰ why shouldn't the students take credit for their own pieces? Then again, any enterprising student can cure imposed anonymity by publishing after graduation and citing himself gratuitously.⁴¹

By conceding the rule on capitalizing "first amendment," *Bluebook 15* accommodated not only sublime issues of personhood but also trivial ones of typography. Now, free speech scholars may "capitalize parts of the U.S. Constitution when referring to them in text, but not in citations" (p 51). In yielding, the *Bluebook* succumbs to the cheap fashion of random capitalization. Legal writers

³⁸ See *Maroonbook* at 14 (cited in note 18). Posner, 53 U Chi L Rev at 1344-45 (cited in note 4), also criticizes the old *Bluebook* rules directing the omission of authors' first names.

³⁹ Bartlett, 103 Harv L Rev at 829 n * (cited in note 32).

⁴⁰ Professors might rethink this practice. Feathering the chiefs' headdresses through the labors of the braves may eventually hurt the tribe.

⁴¹ See Note, *Preemption and Regulatory Efficiency in Federal Energy Statutes*, 103 Harv L Rev 1306 (1990); *The Supreme Court, 1989 Term: Leading Cases*, 104 Harv L Rev 129, 319 (1990).

often capitalize, italicize, and punctuate at random, as though BIG, *ornate* letters decorated with dashes convey deeper thoughts. These writers seem to believe that capitalizing "Republican Guarantee Clause" or "Ninth Amendment" will infuse these provisions with legal significance. *Bluebook 15* inflates the trivial by commanding needless capital letters. Decent writing need not be a demonstration of available typefonts.

ACT III: CITATION LOBBYISTS IN THE SLOUGH OF DESPOND

Not every change in the *Bluebook* helps the cartel attain its stated goal of a comprehensive, internally consistent system of citation rules. Virtually every change, however, reflects the interests of its proponents. As the chosen citation manual for much of the legal profession, the *Bluebook* must please a diverse market. *Bluebook 15's* greatest success, therefore, lies in satisfying its discrete and insular constituencies.

Some reforms, of course, are desirable. Previous editions had instructed users to place cases before all other authorities within a single citation.⁴² To positivists' delight, *Bluebook 15* has relegated cases to fourth priority, after constitutions, statutes, and treaties. The international and foreign law lobbies succeeded in producing some of *Bluebook 15's* most visible changes. Just in time for 1992, the *Bluebook* offers substantially revamped rules for European Community materials (pp 158-60). It has introduced a table for intergovernmental organizations (pp 259-61). The foreign tables have abandoned the traditional distinction between common law and civil law jurisdictions (pp 219-58) and have added Austria, China, Czechoslovakia, Hungary, and Spain (pp 223-48). Shifting political fortunes threaten to render obsolete the tables for the Soviet Union (pp 256-57), but in this respect *Bluebook 15* is as much a victim of timing as formerly employed Communist apparatchiks.

Despite these reforms, most *Bluebook* rules remain as inconsistent and vague as before. Bad drafting subverts the *Bluebook's* stated goals: furthering citation uniformity. Abbreviations for the same word differ arbitrarily. Why "So. 2d" instead of "S.2d" when every other "S." represents every other instance of "Southern"? Why signify "Supplement" two different ways, as in "F. Supp." and "N.Y.S.2d"? And why should "Federal" be "F." in "F. Supp." and "F.2d" but "Fed." in "Fed. Reg."? The *Bluebook* also encourages prolixity. No one would be confused if "P.L.," "F.R.," and

⁴² See, for example, *Bluebook 14* at 10-11 (cited in note 15).

"F.S." replaced the longer "Pub. L. No.," "Fed. Reg.," and "F. Supp." No wonder the revisers banished the title "Uniform System of Citation" to subordinate status. The *Uniform Citation Code* is no more uniform than its commercial law counterpart.⁴³

For the typical law student, however, the list of periodical abbreviations (pp 276-93) carries the greatest weight. The sheer volume of letters that Harvard received from law reviews not listed in the fourteenth edition suggests that this table confers some sort of legitimacy. At least one law review insisted that its funding depended on being listed. Until this edition, the *Bluebook's* rather limited list did carry an elite aura. That the slimmer *Maroonbook* boasted a more comprehensive list⁴⁴ severely undercut *Bluebook 14's* claim to superior coverage. The fifteenth edition has taken great strides toward curing this deficiency, but it still falls short of completeness. Among the more glaring omissions: *Energy Law Journal*, *Journal of Law and Economics*, *Journal of Law and Policy*, *Journal of Legal Education*, and *Journal of Legal Studies*. The *Maroonbook* lists all of these journals. Though *Bluebook 15's* revisers graciously accommodated every law review that requested to be listed, they somehow overlooked some of the more prominent publications in legal academia. Lack of space would be an obscene excuse for a 343-page manual.

Bluebook 15 leads the way in listing specialty journals that have seceded from the legal mainstream such as the *Stanford Journal of Law, Gender, and Sexual Orientation* and the *Yale Journal of Law and Liberation*. Frustration with established academia partly explains the explosion of specialty law reviews.⁴⁵ In addition, the increasing prominence of cross-disciplinary studies in legal education has created publication opportunities for law students and professors with otherwise unmarketable degrees in sundry strains of sociology.⁴⁶ Appearing in the *Bluebook* list "legitimizes" these specialty law reviews. Conversely, the status of being listed in the *Maroonbook* seems too staid unless the publication specializes in law and economics or energy law.

If *Bluebook 15's* list of publications accelerates fragmentation in legal circles, it does so only incidentally. Not so with the most

⁴³ See Jim C. Chen, *Code, Custom, and Contract: The Uniform Commercial Code as Law Merchant*, 27 *Tex Intl L J* (forthcoming 1992).

⁴⁴ See *Maroonbook* at 47-54 (cited in note 18).

⁴⁵ See, for example, Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 *U Pa L Rev* 561 (1984).

⁴⁶ Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 *Harv L Rev* 926 (1990), has collected gems from every political and philosophical perspective.

substantial *Bluebook* change spurred by interest groups: the abandonment of citations to state reporters (p 61). Even the streamlined *Maroonbook* advises users to cite state as well as regional reporters, though it concedes that "it is permissible to give the particular pages supporting the text for one reporter only."⁴⁷ In light of its putative quest for completeness, *Bluebook 15* strangely forsakes state reporters. Indeed, deserting parallel citations contradicts the information-enhancing effect of requiring authors' first names. When one considers the politics of *Bluebook* revision, however, the apparent incongruity evaporates. A citecheckers' lobby seems to have persuaded the revisers to alleviate the burden of tracking down pesky state reporters. Whereas lowly legal practitioners must follow state court rules, which formally or informally require citation to state reporters (pp 14-15), all others (read: law review editors) should "cite *only* to the relevant regional reporter, if the decision is found therein" (p 61).

Relieving law review editors of the duty to cite state reporters arose solely from sloth. For law reviews, this sin is unforgivable. Practitioners often refer to law review articles for case citations rather than legal analysis. If adopted widely, this *Bluebook* rule would substantially diminish law reviews' value. Imagine the annoyance of a lawyer at the firm of Scrooge & Marley, P.C., who must go on line to find a parallel citation that a law review article failed to provide. As between law review editors and law review readers, the burden to supply parallel citations should fall upon editors. In appeasing their multiple constituencies, the editors of *Bluebook 15* apparently placed state court practitioners at the bottom of their list.

Despite threatening to widen the gap between legal academia and legal practice, the new rule on parallel citations will have little real impact on documents that practicing lawyers file in the courts. The Massachusetts Supreme Judicial Court's cite to the *Bluebook* as persuasive authority on the meaning of commas⁴⁸ does not typify the state courts' view of the manual. Although the *Bluebook* insists that the Official Code of Georgia Annotated be cited "Ga. Code Ann. § x (Michie 19xx)" (p 179), the Georgia Supreme Court prefers "O.C.G.A." I predict that state courts will also promote the use of parallel citations for the foreseeable future.

⁴⁷ See *Maroonbook* at 16 (cited in note 18).

⁴⁸ See *Muchnick v State Harness Horse Racing and Breeding Assoc.*, 341 Mass 578, 171 NE2d 163, 166 (1961).

When the blood from *Bluebook 15*'s jihad against state reporters clots, West Publishing Company may emerge as the only party to gain from the abandonment of parallel citations. By renouncing state reporters, *Bluebook 15* won't hurt sales of West's regional reporters. Westlaw will surely do its best to replace law reviews as a source for parallel cites. By requiring jump cites and granting a monopoly on state case citations to the regional reporters, *Bluebook 15* has also enhanced the franchise value of Westlaw's star paging feature.⁴⁹ Mead Data Central may rue the day it agreed to help publish the *Maroonbook*.

EPILOGUE: AFTER THE GOLD RUSH

Little lies at stake in specific citation rules. *Bluebook 15* was destined to turn a fat profit regardless of its content. The true prize at stake in the *Bluebook-Maroonbook* tussle is the relative prestige of the law reviews at Harvard and Chicago. Law schools don't have football teams; they have law reviews. That these schools' contestants battle for recognition and status through footnotes⁵⁰ better describes the pettiness of legal academia than any other observation about the student-driven legal culture. Whatever the eventual outcome of this struggle, the *Bluebook* has already inflicted heavy losses. The intricate *Bluebook* diverts scarce intellectual energy from thinking, writing, and rewriting in legal scholarship. Among the hundreds of student-edited journals almost all read the *Bluebook* as a map to the promised land. The *Bluebook* lights a path down some road, but surely not to salvation. If this be heresy, let the minions of Cambridge come. I'll take my stand.

⁴⁹ See *West Publishing Co. v Mead Data Central, Inc.*, 799 F2d 1219 (8th Cir 1986), which established West's proprietary interest in the page numbers of its regional reporters.

⁵⁰ See, for example, Arthur D. Austin, *Footnotes as Product Differentiation*, 40 Vand L Rev 1131 (1987); Lasson, 103 Harv L Rev at 937-41 (cited in note 46).