Seattle University School of Law Digital Commons

Faculty Scholarship

1991

: An Appraisal

Sidney DeLong

Follow this and additional works at: http://digitalcommons.law.seattleu.edu/faculty

Part of the Legal Writing and Research Commons

Recommended Citation

Sidney DeLong, : An Appraisal, 41 *J.LEGAL EDUC.* 483 (1991).
http://digitalcommons.law.seattleu.edu/faculty/333

This Article is brought to you for free and open access by Seattle University School of Law Digital Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Seattle University School of Law Digital Commons.

: An Appraisal

Sidney W. DeLong

Like a staple in the belly of a centerfold, the colon is an intrusive and disconcerting element in the title of a law review article. *No, wait, try:*

Punctur-ation.

Like the fang marks of a pit viper in the neck of a still-quivering tapir, the colon evidences a fatal internal conflict in the title of a law review article. *No, No, now I've got it, really:*

Colonial Entitlements.

Like an overdrawn, self-referential metaphor in the first sentence of an article that you already know is going to be a dud, the colon in the title of a law review article confirms the author's insecurity with himself and his subject. Because the colonized title is a well-nigh ubiquitous characteristic of the genre, the theoretical and practical implications of this phenomenon bode not well for modern legal scholarship.

Theory. What after all is a colon, lit-critically speaking? In dividing the title, it establishes a relationship between what went before and what after the division. The colon bifurcates the title, turning it back upon itself in a moment of privileged reflexivity. This fundamental rupture at the core of the title's being is the existential source of self-consciousness as the persona of the author attempts to seize and understand itself. The dominant half of the caesura seizes the subordinate half and explains it to the reader, cozying up to the reader as it holds the subordinate half up to arm's-length, critical examination. Thus, the self of the author is alienated from itself at its core.

This alienation reinscribes the critical movement of the author's analytic approach, which is seen to attack even itself at the moment of its birth, to call itself into question even as it calls the subject of its inquiry into question, to begin a restatement of itself before it has even begun to state itself, and so to destroy itself even as it brings itself, through this destruction, into its full being as critical process. Or so some might say. On the Continent.

Practice. A review of law reviews reveals a basic pattern of colonization in which the colon couples a serious component with a cute component. The serious component is a long, noun clause describing in scholarly terms some painfully dry subject. The cute component is a short, often punning

Sidney W. DeLong is Assistant Professor of Law, University of Puget Sound School of Law.

reference to the same subject. The two subvariants of this scheme are precolonial cuteness and postcolonial cuteness.

The author's choice between precolonial and postcolonial cuteness is significant. The key to understanding the choice is awareness of the privileged position of postcolonial placement. The precolonial component is explained by the postcolonial, not the other way round. Compare the following two choices taken from the same issue of a law review:

"Tort Creditor Priority in the Secured Credit System: Asbestos Times, the Worst of Times."[1]

"Duncan's Do Nots: Cost-Benefit Analysis and the Determination of Legal Entitlements."[2]

Each author has set himself a mighty task. You have to be a "special" sort of person to get a giggle out of the secured credit system or cost-benefit analysis. The strain proves too much for the first author, who succumbs to a wretched pun. This student writer peers out from around his colon to say: "All right, I know the subject is a yawner, but really, I'm a funny guy. No kidding." The postcolonial placement of his quip tells the whole story: You just know he had grown sick of this thing long before the galley proofs were printed.

In contrast, the second author, a professorial title-master, deftly anchors his precolonial, cls-trophobic cuteness with a weighty description of what the article is really about. Squatting ponderously in its privileged second position, cost-benefit analysis is no laughing matter. We have had our little chuckle: it is time to get down to business.

Whether tyro or pro, the author of the colonized title is revealed as self-conflicted, unhappy with the sober and authoritative self that the academy insists upon, and eager to express the playful and irreverent self that he really is. Which of the two personae will prevail? This conflict is not without its uses. The colonized title uses this dramatic tension to draw the reader into the text.

Alas, however, for those unhappy articles containing neither humor nor serious academic content, only one appropriate title remains:

1. Note, 36 Stan. L. Rev. 1045 (1984).
2. Richard S. Markovits, 36 Stan. L. Rev. 1169 (1984).