The Genius of One Million Volumes

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Foreword

The Genius of One Million Volumes

Kathleen Chen†

"Yet the books will be there on the shelves, well born, Derived from people, but also from radiance, heights."¹

From a disciplinary perspective, the intersection of law and literature can be a difficult thing to pinpoint. Are we concerned with law and literature, law in literature, the laws of literature, literature in law? The permutations are endless. But at least one intersection of law and literature is not only obvious, but also tangible. It is a law library, home both to laws and to the literary (and not-so-literary) works written in relationship to those laws. A law library is a physical space that demonstrates the interconnection of law and literature. This tribute to the University of Minnesota Law Library, occasioned by the acquisition of its millionth volume, celebrates this physical manifestation of the relationship between law and literature.

In his essay, Unpacking My Library, Walter Benjamin writes of a book collection being like a dwelling, “with books as the building stones.”² This metaphor is particularly apt when thinking about the University of Minnesota Law Library, a place that now has one million volumes as its building stones, but also about law libraries in general, as they are themselves the foundation stones of law schools. Everything that is necessary to teach, learn, or interpret the law is housed in the law

† Ph.D. Candidate, University of Minnesota. Thank you to Jim Chen and Gil Grantmore. Thank you also to Delia Sherman, for her kindness to a fan. This Foreword is dedicated to the wonderful librarians and staff of the University of Minnesota Law Library. Congratulations, and good luck on the next million.


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library. Not only the laws themselves, but court decisions interpreting these laws; treatises, written by experts in the field, explaining the laws; texts, written by and about people affected by the laws; and scholarly articles, advocating new interpretations of the laws, are all found in the law library.

But why does a law library need to contain so many items? Is it not true that one need only read the law to learn the law? Well, not exactly. Law, like everything else in life, exists in context. "For every constitution there is an epic, for every decalogue a Scripture." And even Justice Antonin Scalia, champion of excluding context from text, reads more than just the law to know the law when faced with the jurisprudential black hole of the Eleventh Amendment.

All right, but why literature? Even if we concede that a law library should hold more than merely volumes of law, why does it need to contain the plays of William Shakespeare, the poetry of Seamus Heaney, or the mysteries of Sir Arthur Conan Doyle? Why should we, as legally trained thinkers, ever include literature in the context of law? "Literature... sheds light on law's gaps, rhetoric, and moral stance. It elucidates law's limits and highlights law's exclusions." Literature reminds us that law is about people—Filburn's Legacy gives a much fuller description of Roscoe Filburn than any found in the U.S. Reports. Farewell to Manzanar relates the personal consequences caused by Executive Order 9066, 18 U.S.C. § 97a, and Korematsu v. U.S. Literature removes the masks from the law.

3. Cf. Jane B. Baron, Law, Literature, and the Problems of Interdisciplinarity, 108 YALE L.J. 1059, 1063 (1999) ("From the perspective of at least some within the law-and-literature movement, this 'only law' approach is misguided.").
5. See Blatchford v. Native Vill. of Noatak, 501 U.S. 775, 779 (1991) (Scalia, J.) ("Despite the narrowness of its terms, since Hans v. Louisiana, we have understood the Eleventh Amendment to stand not so much for what it says, but for the presupposition... which it confirms....") (using nontextual sources to construe the meaning of the Eleventh Amendment) (citation omitted).
6. Baron, supra note 3, at 1060.
Which returns us to where we began—the shelves of a law library. A law library, especially one like the University of Minnesota Law Library with its million volumes, really serves to guard the character of its attendant law school. Delia Sherman sets her lovely short story, CATNYP, in a New York almost like the one we know. Except, her "New York Between" "exists beside it, in the walls and crawlspaces and all the little pockets and passages of its infrastructure." In this New York Between, we meet the most helpful of research librarians, the Genius of the New York Public Library. When a "building . . . is around long enough, with people loving it and thinking it's important," a genius appears. Genius, of course, from the Latin genius loci, or guardian of the place. Yet loci can also mean "of a passage in literature," making it particularly apt that a library would acquire its own genius.

In acquiring its millionth volume, the papers of Clarence Darrow, the University of Minnesota Law Library has certainly demonstrated that people love it, and think it is important. It has become one of the premier guardians of law, and literature, in the country. Perhaps, along with its millionth volume, it has acquired a Genius. Just be careful how you use your library card.

12. Id. at 40.