SAVING PRIVATE REVIEW: REFLECTIONS ON THE LAW REVIEWS OF TODAY

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I. INTRODUCTION

“Occasionally, very occasionally, a bit of beery humor does get into print. But it must be the sort of humor that tends to produce, at best, a cracked smile rather than a guffaw. (...) The best way to get a laugh out of a law review is to take a couple of drinks and then read an article, any article, aloud. That can be really funny.”

- Fred Rodell, GOODBYE TO LAW REVIEWS, Virginia Law Review

“Whereas most periodicals are published primarily in order that they may be read, the law reviews are published in order that they may be written.”

Harold C. Havinghurst, LAW REVIEWS AND LEGAL EDUCATION, N.W.L. Rev.

The most prominent and widely circulated law review, the Harvard Law Review (HLR), has seen its readership decline drastically. From a total number of 10,895 subscribers in 1963-64, the subscriber base for 2010-11 stands at a mere 1,896.\(^1\) If that be the case with the HLR, legal scholarship indeed faces an existential crisis. Too many people are asking too many questions. Some of them,\(^2\) are ringing the death knell for what has allegedly become of these law reviews: bulky bastions of esoteric legal erudition. Others meanwhile are almost melancholically asking for a reinvention which would rejuvenate legal academia.\(^3\)

The study of law, as the study of any profession poses a unique challenge. The study of the profession cannot be isolated from its practice. For example, while analysing the different schools of thought on the jurisprudence of ‘rights’ is important (academic), it is also important for people

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\(^2\) Walter Olsen, supra note 1.

\(^3\) Nicholas Kristof, Professors We Need You, THE NEW YORK TIMES (February 15, 2014), available at http://www.nytimes.com/2014/02/16/opinion/sunday/kristof-professors-we-need-you.html?_r=0.
to dedicate themselves towards developing a rights theory to decriminalise or criminalise consensual homosexual acts for those who support and oppose it respectively (practical).

However, overemphasis on either is undesirable. While practice cannot develop in isolation from theory, stressing the study to the exclusion of practice can render any discipline devoid of much meaning.

The evidence of this paradox can be seen in how academic growth is contingent not on the years of professional practice, but on PhDs and periodic publications. That sort of an attitude screams out loud the irony of entrusting the training of lawyers to those who were only too eager to leave the practice of law behind.

The origin of law reviews can be traced to the 19th century when legal scholarship was more of a professional venture than an academic one.4 It used to serve a distinctly ‘relevant’ purpose in that it provided lawyers and judges a doctrinal analysis of a given subject area. For example, it would reconcile divergent lines of authority. On other occasions, it would bring to fore the evident contradiction over the same question of law by different courts. Sometimes, it would criticise a particular line of cases and provide an alternative approach that could be envisaged or even adopted at the appellate stage. Law reviews’ foundations therefore have been grounded in how it assisted the practice of law rather than just the study of law.

However, they encompass a different set of utilities today. They are being read by people who are trying to remain at par with the developments in their field of academic or professional interest. Others are reading it to find answers to their specific research questions. For the inclined few, it is a source of recreation. While for others, it may be a source of getting a fair idea of subject areas outside their own specialisation. Students are probably reading articles to figure out how to author one. To each her own; people are finding their own reason to pick up a law review.

However, the real question is, how many of us are really picking up a law review? We have at our disposal today, one of the most powerful tools that has thus far been deprived to every generation of the legal fraternity before ours: the World Wide Web.

Compare the ease of a term search (Google search, or a ‘Ctrl+F’ on a webpage or a document), to the process of finding out the relevant law review (through word of mouth, prior

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citation, or sheer luck), and then within that issue, skimming through the table of contents or the index to find the relevant article, and then within that article, browsing to find the relevant portion which would satisfy the purpose for which we picked up the law review in the first place. But, this still merely questions the need to have printed law reviews. If law reviews are available online, we are still saved from the cumbersome process of finding what we are seeking. The larger question is, do we really need law reviews to begin with?

They have allegedly become too long, too obscure, too irrelevant, and just plain difficult to read. While this needs a concrete data point to be persuasive, the Indian judiciary is rarely, if ever, giving a chance to legal scholarship to persuade it. One also wonders if much of the Indian legal scholarship is persuasive.

Despite the above factors, which are going to be discussed subsequently, there has been an unprecedented proliferation of the journal culture. While this journal-population explosion does some good to the legal academia, the bad and the ugly of it (not just in India, but globally) is something that is slowly yet increasingly being noticed; raising doubts about the utility and viability of the law review.

Admittedly, this editorial hopes to provoke rather than persuade. It has its limitations in being credible due to the lack of empirical data available regarding the Indian legal academic writing and generally, the impact of legal scholarship on the Indian judiciary.

Nonetheless, I hope that it will provide a perspective on the circumstances that today’s law reviews exist in. I hope that it will interest the current and future editorial boards into deliberating about the course that NLUJ Law Review should take. Is it time for NLUJ Law Review to become web-only? Is it time for us to become more flexible about our style? How do we get practitioners, students, academicians, advocates, judges and even members outside the legal fraternity to read what we publish?

A little soul searching is required. I only hope that this editorial initiates that.

II. THE CRITICISM

A. IRRELEVANCE

The need for law reviews to remain practically relevant is for more than just intuitive satisfaction; it has a certain philosophical basis too. Law has been seen as the only alternative to
force as a means of dispute resolution. Law displaced might. In doing that, it guaranteed to all individuals, rights which would never have been theirs to enjoy. If law loses that quintessence, we are headed towards the surrendering of every benefit that accrues to us through the rule of law. If we agree to that, let us test the law reviews of today at the anvil of how relevant they are.

1. **The Possibility of Relevance**

The effects of such practical relevance have been seen often in the USA. As far back as in 1980, the Californian Supreme Court made use of a law review article to determine individual liability in a tort claim. The claim was filed on behalf of the women afflicted with cancer whose mothers had taken a synthetic estrogen during pregnancy. The Court despite finding favour with the plaintiffs, could not find any authority to determine the liability of individual manufacturers. A student note in the Fordham Law Review came to the rescue by proposing the theory of market share liability. That became Californian law for the times to come.

More recently, Ted Cruz, a junior senator from Texas and a Harvard alumnus raked up a controversy with his essay titled “Limits on the Treaty Power”. The essay ventured into the possible use of international treaties by a devious federal government to acquire a larger realm of jurisdiction for itself by chipping away at the states’ powers. While this essay did not affect a judicial decision (not yet!), it nevertheless hit at the heart of the American federal-constitutional structure.

It was contemporary enough to generate a whirlpool of discussions. It was relevant.

However, off late, that relevance seems to be fading. Arguers of the growing obscurity of law reviews have regularly quoted Chief Justice John C. Roberts Jr.’s remarks at the Fourth Circuit Judicial Conference held in 2011:

> “Pick up a copy of any law review that you see and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in eighteenth century Bulgaria, or

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5 An analysis of how often Indian judges cite law reviews would probably make for an extremely interesting study. Concrete authorship on the same is severely lacking.


something, which I’m sure was of great interest to the academic that wrote it, but isn’t of much help to the bar.”

Nicholas Kristof adds that academicians too often engage in technical debates at the cost of real ones. As proof, Kristof points (in a direction other than law) to the obliviousness of political scientists to the possibility of the Arab Spring. According to him, the failure to predict the same was a natural corollary of the recent absence of policy prescriptions by political scientists.

2. MISPLACED FOCUS

An evergreen trend in legal writing has been to focus on cases dealt by the higher judiciary of a country. For example, law reviews will regularly carry pieces about an upcoming or a recently concluded case at a supreme court or a high court. Further, law reviews tend to concentrate more on the subject areas that these higher courts generally deal with such as constitutional law.

However, this emphasis is disproportionate to the subject areas dealt with and judgments delivered by the lower courts. The need to make doctrinal contributions is in fact more at the lower courts where there is a plethora of divergent authority and no academic support to streamline the same.

Nevertheless, the shower of arrows hurled at law reviews do not restrict themselves to the loss of this original purpose; that of being relevant to the practice of law. People are not just grieving the growing irrelevance of law reviews, they are also grieving what remains of it despite its irrelevance.

B. STYLE: TRY HARDER TO BE EASY

1. TURGID PROSE

One of the recent storm brewers in evaluating academia at large was Nicholas Kristof. He believes that the problem is due to a combination of multiple factors. According to him, academic disciplines have become more specialised and hence less accessible for the ordinary

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9 Nicholas Kristof, *supra* note 3.
10 Id.
individual. Doctorate programmes encourage obscurity while disdaining impact and audience.\textsuperscript{11} To further aggravate the problem, the style of writing is akin to ‘turgid prose’.

However, there are is a more diverse range of criticism when it comes to style; almost Miranda Priestly-esque.

2. \textbf{LENGTH}

A while back, in 2004, the Harvard Law Review invited feedback from approximately 800 professors through a survey. The results of the survey showed that an overwhelming number (about 86\%) of the respondents felt that law review articles are too long.\textsuperscript{12} This led to a declaration through a joint statement regarding articles length issued by 11 leading American law journals. It reflected the commitment of those journals to play an active role in moderating the length of law review articles.\textsuperscript{13} The survey’s respondents also advocated that the reduced length would have multiple advantages to the tune of enhancing the quality of the scholarship, simplifying the editorial process and making the articles more readable.\textsuperscript{14}

However, truth be told, the optimum ‘length’ of an article is best not quantified. The keen and the inclined will not mind the length and should not be denied extensive analysis of a legal issue. Length is often the necessary evil for analysis. Assertions require few words; arguments, a little more. Accusations, anyone can make; proving them, only a select few.

Of course, if the length is without purpose or utility, it takes away from the appeal of the article. Consequently, it should deservingly be edited or refused publication.

\textsuperscript{11} To back his allegations of the academia’s conscious effort to be obscure, Kristof points towards the Executive Council of International Studies Association’s proposal to ban its editors from blogging (seemingly because blogging prefers impact and reach to obscurity and pedantry). \textit{See} Erik Voeten, \textit{Another Ill-conceived Attempt at Regulating Academic Blogging}, \textit{Washington Post} (January 28, 2014) available at http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/01/28/another-ill-conceived-attempt-at-regulating-academic-blogging/.


\textsuperscript{14} \textit{Id}. 
Equally problematic is the quantification of how much is too much. Today’s reader base is so diverse that it is making defining the ‘new normal’ extremely tough. It is thus, that despite the joint statement, the length limitations of the Harvard Law Review state the following:

“The Review strongly prefers 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 30,000 words — the equivalent of 60 law review pages — except in extraordinary circumstances.”

Hardly a moderate length, is it?

3. **LOOSING THE HUMAN TOUCH**

Fred Rodell looked to be in sublime form when he decimated the content and style of a typical law review article. He argues that people read either to be convinced or entertained. In fact, according to him, even when people are reading to be convinced or informed, everybody likes a dash of humour. According to him, the typical law review article fails on both counts.

The failure on account of style and entertainment is exhibited best by certain puritanical prohibitions and prescriptions. For example, thou shalt not use pronouns of first person; as though, not using ‘I’ would somehow render anonymity to the article. Equally intriguing is the prohibition to use ‘firstly’ and instead use ‘first’ first and then use the ‘–ly’ suffix subsequently (secondly, thirdly, etc.).

However, despite all of the above, what is more nauseating is the fixation with footnotes.

4. **FOOTNOTE FETISH**

Rodell aptly defines footnotes as the, “pet peeve of everyone who has ever read a law review piece for any other reason than that he was too lazy to look up his own cases”. The obsession for footnoting the most trivial excerpts is born out of this unnatural urge to show that everything stated in the article is backed up by prior-existing authority and is hence, proved.

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One can understand the need to cite data sources, or to develop a ‘reasonability’ rider to footnoting. In fact, footnotes serve an important function of not just verifying the information, crediting the original source but also leading keen readers to further reading or explanations.

However, you only need to glance through an average law review article to see the absolute frivolity of some of the referencing and cross-referencing. It almost seems like authors take pride in the number of footnotes as though they were runs scored by batsmen in a cricket test match. For example, Judge Richard Posner points to the stylistic revisions to the tune of providing parenthetical summaries of authorities, including entire books.\textsuperscript{18}

With footnotes, what is problematic is the greed to have more of it. In fact, if allowed to become the obsession that they are developing into, citations can become cash equivalents for academic corruption. ‘Citation cartels’ have allegedly cropped up where an insular group of renowned scholars cite each other and leave out those who fail to conform to their viewpoint.\textsuperscript{19} Probably, these renowned scholars often are the powers that be in the academic circles as members of tenure committees or occupy other significant administrative positions. As usual, cartelisation is an extremely problematic phenomenon to prove. However, the scope for abuse is hardly a preposterous notion.

We are often cautioned to put our faith not in people, but processes. However, the disillusioned have found much to be desired even in that regard from law reviews.

\section*{C. PROCEDURAL PREDICAMENTS}

Walter Olsen while crucifying the law reviews found three major procedural problems.\textsuperscript{20} Firstly, the long lead time to publication; which means that an entire issue might get held up because of one author who is hindering the issue from going to print. Secondly, the lack of peer review and the consequent reliance on student editing. Thirdly, the lack of scope for post-publication improvements. Among these three however, critics have resoundingly echoed the concerns regarding student editing.

\textsuperscript{18} Richard Posner J., supra note 4. It is ironical that I insert a footnote here, but this delightfully crisp article is strongly recommended for further reading.

\textsuperscript{19} Phil Davis, The Emergence of a Citation Cartel, THE SCHOLARLY KITCHEN (April 10, 2012), available at http://scholarlykitchen.sspnet.org/2012/04/10/emergence-of-a-citation-cartel/.

\textsuperscript{20} Walter Olsen, supra note 1.
1. **ADOLESCENT EDITING**

Adam Liptak joins the rhetoric by asking if we would want our medical scholarship to be edited by medical students.\(^1\) Liptak feels that the student editors are amateurs in both their knowledge of law and at editing prose. In fact, there is a good chance that they might have never studied the subject area which encompasses the article that they are going to edit.

Judge Posner's reservations too are hinged around the lack of peer-review.\(^2\) He believes that a peer-review affords a more informed feedback and revisions which contributes towards significantly improving an article. Further, the paucity of space in peer-reviewed journals incentivises brevity. The concern is more acute in contemporary articles because of their interdisciplinary nature which further impediments an already novice law undergraduate.

2. **GOING THE WEB WAY**

The problems regarding the long lead time and the lack of an opportunity to improve post-publication have also started irking an increasing number of authors and editors alike. There are growing voices in the academic community to completely do away with print versions of the law reviews. Going web-only has several advantages. First and foremost, instead of having to wait for the author who is delaying the issue, it allows publishers to upload the finalised articles as soon as they are ready.

Secondly, it saves tremendous amounts of paper, and consequent printer costs. We are witnessing a time when most educational institutions in India are battling a heavy opportunity cost for every rupee spent. The printer costs that the institution saves can be invested in student welfare such as sponsoring students in their extra-curricular activities, or inviting guest lecturers, etc.

Thirdly, being available on the internet means that you are there for everybody. The sheer reach from being online cannot be matched by any print version. The increased reach of the review contributes positively to the need for freer access to bridge the national and global academic disparity.

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An ethical consultancy firm is probably better placed to pass a judgment on the social costs that will be saved, but the economics of doing away with the print versions are for everyone to see.

Moreover, Olsen suggests that technology affords possibilities of increasing visual appeal that can help in reviving the law reviews. The potential is in better information and understanding too. Ready hyperlinking gives the inclined reader an immediate access to further material to understand the article better. The use of ‘moving pictures’ or interactive charts can greatly enhance the reading experience.

It is no wonder then that academicians are being encouraged from all corners to engage with their readers more over the internet through blogs (such as The Volokh Conspiracy, Balkinization, Spicy IP, IndiaCorpLaw, or the recent rage Indconlawphil, etc.), professionally edited web outlets (such as The Atlantic, The New York Times, The Hindu etc.), and social media.

3. The Prestige

However, despite the mounting clamour for more engagement over the internet, law reviews and academicians are probably reluctant to do so because of a seemingly trivial reason: prestige. The understanding about this prestige, or the lack of it, is probably found in two aspects.

Historically, the law reviews have been in print. Moreover, law reviews’ reputation is almost always staked on its subscriber base. The latter is probably indicative of the merit of a law review in that it investigates whether the review is good enough for the fraternity to be willing to pay good money to read it. Or is it dispensable enough, with perfect or close enough substitutes available for free? Presumably, for the above, and reasons unknown, it is widely believed that printed is how reputed law reviews have been, and should always be.

Exclusivity is the other factor. The ease of uploading something over the internet makes it something anyone can do. Publishing print volumes on the other hand is not everyone’s cup of coffee. However, this is at best, a mirage now, if not an outright lie. One only needs to take a look at the number of reviews that are mushrooming in law schools across India. Moreover, there is a sea of non-law school reviews (such as the Taxmann, Madras Law Journal, etc.).

There really seems to be no stopping any institution to come up with an ever-increasing number of print journals because that apparently is an indicator of academic earnestness, or a matter of academic pride.
Is the party really that exclusive then?

III. LEONIDAS’ ARMY

The believers are a faithful few; much like Leonidas’ Spartan army. It is only too apparent that for most things, art, literature, cinema, writing, etc., much of what is produced is forgettable. Thus, since there is a sea of legal scholarship out there, it’s easy to find articles that are irrelevant. The relevant ones are probably out there in lesser numbers, but nevertheless, by the grace of internet, equally accessible.

Moreover, academicians have been seen to make a constant effort to regularly engage with a larger group of people. The social media and blogging culture has not completely escaped the academic circles. Furthermore, shrinking finances at the disposal of graduate programmes and tenure committees is getting the professors to have to constantly show why their research areas are still ‘relevant’ and hence, worthy of funding.

Thus, much of the support for law reviews is grounded in the belief that most of the criticism is based on certain assertions and assumptions.

A. THE NATURE OF ACADEMIC WRITING

Many find no plausible reason as to why there is a ‘mandatory’ need for public recognition. Joshua Rothman chimes in and explains the difference between ‘ordinary’ writing and ‘academic’ writing.23 According to him, the ambiguity has more to do with the audience. Contrary to ordinary writing, which is intended for a general audience, academic writing is intended for a very niche audience of hyper-knowledgeable, mutually acquainted specialists. That makes it probably among the most personal writing there is.24

1. TARGET AUDIENCE

The most important audience for any academician is bound to be a close circle of people which would constitute mostly of their students, peers, tenure committees and editors. Courts, lawyers and other realms of law, which are often described as ‘relevant’ areas, are but a subset of the complete legal landscape.

24 Rothman chides by saying that “If journalists sound friendly, that’s because they’re writing for strangers”.
Thus, if courts aren’t to be the sole point of academic emphasis, citations in judgments cannot be the sole criteria for determining success. Really, a lack of citations, could be for many random reasons such as an accidental or a deliberate omission to cite.

2. **RELEVANT FIELDS**

The other major assumption is that certain fields are not worth researching in. Notwithstanding that there seems to be no rational basis for making that exception (and conveniently running the argument on isolated examples), works of history, jurisprudence, philosophy or literature have impacted several key American legislations such as those on health, privacy, gun control, service laws, labour laws, etc.\(^{25}\)

Moreover, there is obviously the possibility of stumbling across something which might be relevant (for example, finding concrete historical evidence of the social acceptance of homosexuality in India, which would effectively nullify the arguments on that count for criminalising consensual homosexual intercourse).

As a wise man once said, “How do you evaluate the risk of not doing something?”\(^{26}\)

**B. VICTIMS OF CIRCUMSTANCES**

1. **TENURE COMMITTEES**

Much of the malaise of the legal scholarship is attributable to the systems in which the academicians exist. The need to have periodic publications that will find favour with tenure committees for growth in the academic fraternity is not a closely guarded Illuminati secret. Law reviews have become the fulcrum for professors and students alike to leverage employment.

That sort of an incentive structure pollutes academic integrity. If professors are going to be guided by what will please tenure committees, it will be of no surprise if the quality of scholarship and its readability by the general public is adversely affected.

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\(^{25}\) For example, those calling for more stringent gun control laws often refer to the prevailing circumstances when the American Constitution’s Second Amendment was enacted. The then-used musket, for example, was a much tougher weapon to wield than the extremely user-friendly Uzi. The growing trigger-happy incidents, mostly at the behest of young people, has launched this rhetoric into popular use.

\(^{26}\) Mark Strong in *Zero Dark Thirty* while talking about the possibility of potentially letting the capture of Osama Bin Laden slip through their fingers by not conducting the Abbottabad strike which eventually led to Bin Laden’s death; *See* Kathryn Bigelow, *ZERO DARK THIRTY* (2012).
2. **Peer Problems: Editors v. Responders**

While we are on circumstances, it is worthwhile to note how susceptible to flaws the peer review system is. For example, it is susceptible to a personal bias, where editing processes might be affected by the personal viewpoint of a peer. This personal bias could affect a student editor too. However, the perspectives will differ in that the student will only in exceptional circumstances take serious exception to the difference of opinion vis-à-vis the peer, who will probably be more assertive with her opinion, as she sees the author as her equal.

As discussed previously, the overemphasis on peer-review can also lead to academic cartelisation. Having an alternative in student-edited law reviews helps mitigate that possibility to a large extent.

However, the most pertinent issue here is the fact that peer-review is not really necessary ‘front-end’ i.e. prior to publication. The contribution from departmental colleagues or other peers can always happen ‘back-end’ i.e. after publication. As Matt Bodie points out, meaningful peer-review comes in the literature to follow.\(^\text{27}\) Moreover, in a time when Social Science Research Network (which offers no review except the download count) is a researcher’s gold mine, the effectiveness of the peer review system really needs to be relooked for exaggeration.\(^\text{28}\)

### IV. Conclusion

“Maybe one of these days the law reviews, or some of them, will have the nerve to shoot for higher stakes. (...) Maybe they will come to realize that the English language is most useful when it is used normally and naturally, and that the law is nothing more than a means to a social end and should never, for all the law schools and law firms in the world, be treated as an end in itself.”


Probably, the single most pressing dilemma facing law reviews is their *form*. Going web-only is an imperative that institutions and editorial boards will soon have to reconcile themselves with. The evidence for the saving of financial and social costs are irrefutable. Moreover, it

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\(^{28}\) *Id.*
resembles what iTunes did for the music industry by allowing users to purchase single songs instead of entire albums. Thus, even for a rigid reader like myself, who likes to read the hard copy, purchasing and/or taking printouts of just the article that I am going to read is always an available alternative.

Beyond that however, certain aspects of authorship are unavoidable. The **forum** of interaction for one, cannot be imposed on academicians. In any case, there is a growing practice of engaging more on the varied internet platforms. Moreover, scholarly writing in a law review and over the different internet platforms are not mutually exclusive. The same idea can be expressed differently, in both those forums, keeping in mind the audience that access them.

The **style** of writing is another area that cannot be enforced or generalised. Humour cannot be forced out of an author. Watertight requirements to make articles more appealing (for example, by necessitating the use of pictures, diagrams or interactive charts) will only slay the natural flow and the innovation of any author. Consequently, the **length** should be need-based i.e. proportionate to the analysis.

Similarly, there are certain facets of academic prose that are best not interfered with. For example, no subject area should be summarily dismissed as unimportant for want of relevance. So long as the choice of the **topic** and the **intended audience** are chosen freely by an author, without undue influence of external factors such as tenures or ‘hot topics’, the academic integrity and earnestness of the research and authorship deserves all our respect.

Not enough has been said about the benefits of having a board of student editors. By and large, what a student editor lacks in experience, she probably compensates for with her effort and enthusiasm. The answer to the **composition conundrum** of editorial boards perhaps lies in the healthy balance of faculty supervision and participative student editors.

However, law reviews are more than just academic publications. Owing to the unique involvement of student editors, it provides an interesting platform for established academicians to personally interact with a set of students. For all the flaws that student editing might suffer from, even in the worst case scenario, the interaction between the students and the authors provides an opportunity for the latter to exhibit what they do and how they do it. In fact, academicians should see this exchange as an avatar of teaching.
I hope that the current and future editorial boards of the NLUJ Law Review will remember the foundations of this flagship publication. It is not just to encourage legal scholarship in India, but to take it to a wider audience by relieving it of some of the obscurity it seems to have made its shadow. The editorial board, in pursuance of the same, has worked to put in processes that ensure that the aim is not lost sight of.

The current issue contains articles on a wide array of legal issues. Ajay Kr. Sharma exposes flaws in the current FDI policy of 2014. In a strongly worded piece, Joshita Jothi and Keshavdev Js discuss the paradigms of legislation to make rape a gender neutral crime. Subsequently, in another piece, the right against self-incrimination and its interplay with investigation processes finds in-depth discussion from Shivani Mittal. Moving over to international law, Astha Pandey discusses the responsibility to protect in light of a legal and ethical basis for humanitarian intervention. Harisankar K.S. responds to an article by Prabhash Ranjan published in the first issue of the NLUJ Law Review and deliberates whether a BIT claim can be made against India for the actions of the Indian judiciary. In an interesting analysis of child rights, the question of a complete ban versus a balancing of ground realities and normative objectives has been made by Nidhu Srivastava. Prakhar and Abhinav give an insightful review about Sudhir Naib’s book on the Right to Information; a book one would do well to pick up if she intended to make herself well versed with probably one of the most revolutionary legislations of India.

I hope that through perseverance, the NLUJ Law Review will overcome its major challenges such as not being able to put in stone its processes, standardising its layout, suffering from a long lead time to publication and having to face hesitancy from reputed academicians to write for the journal. Further, I hope that all of us will put in a conscious thought into finding for ourselves what we can do to better the law reviews at our respective ends as authors, institutions, editors or even readers. Most of all however, I hope that you thoroughly enjoy this issue.