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INTRODUCTION

LETTER FROM THE EDITOR

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This Special Issue is the product of countless hours of unpaid student work, many cups of terrible coffee from the *Law Review's* Keurig, and the mistakes I made that brought me to the NYU School of Law.

I attended the NYU Gallatin School of Individualized Study, where my undergraduate concentration was titled “Reconstructing Asian American History through Literature.” The motivation behind the project was simple: I wanted to study diasporic history but struggled to figure out how exactly to do that. My professors and advisors provided me with the guidance I needed to begin this study. They filled in the gaps of Asian American history that I couldn't find in classrooms, using artwork, poetry, short stories, and novels written by diasporic Asian communities. But even with those narratives—explaining the conditions under which they came to live in the United States and experiences excluded from the zeitgeist—I realized that my understanding of diasporic history was incomplete without a sufficient understanding of the law. Specifically, I needed to understand how the law creates conditions of exclusion, how narratives we tell about the law enforce that exclusion, and the ways in which legal mythmaking renders invisible experiences under the law.

And then I got to law school and realized that those are not really things we talk about in the classroom. Doctrinal classes were about learning just that: doctrine. We learned the law and not quite what the law does. We didn't engage in the process of recovering experiences under the law; we didn't learn how to work with interdisciplinary

scholarship. What drew me to the *NYU Law Review* was the fact that student-selected scholarship could send a signal of what was needed in academic discourse. I wanted to see more discussions of the theories underlying literary expression and their role in the law, jurisprudence of visual art, and history of experiences under and in spite of the law. Thankfully, this Special Issue answers the call of what I had wanted to see the most from legal scholarship, and I am proud of the *Law Review's* work to platform work that is so desperately needed.

As the Special Issue exemplifies, Law and Literature as a movement is more than the simple intersection between law and literature. Law and Literature finds its home in the intellectual history of law and curiosity about how literary meaning-making in text could provide guidance for understanding our use of language. In this regard, the Law and Literature movement is really two movements: Law *in* Literature, how law is depicted in literature and what that means for the sociocultural meaning of the law¹; and Law *as* Literature, employing techniques of literary criticism, theory, and interpretation to understand and reform legal systems.² The Special Issue responds to these sub-movements within Law and Literature, while also forcing the movement to respond to live debates. Professor Brandi Lupo's *In the Court's Image* critiques the rise of "visual opinions" and the Supreme Court's embrace of visual rhetoric; Professor Etienne Toussaint's *After the Comet: Du Bois, Afrofuturism, and Constitutional Renewal* uses Du Bois's *The Comet* as a framework to trace "comet cycles" between Black protest movements and constitutional interpretation; Professor Devon Carbado's *Can You Be Black and Teach That?* examines the epistemological burdens Fourth Amendment law imposes on Black students and faculty and presents a poem that seeks to embody and represent these concepts and constraints; and Professor Jesse M. Cross's *Amending Linguistic Textualism* and Professors Kevin Tobia and Brandon Waldon's *Linguistics and Textualism* debate the strengths and weaknesses of using linguistics in textualism.

This Special Issue is not possible without the generosity and scholarship of our authors. After all, this Special Issue is, in many ways, an exercise in building the plane as we're flying it. It's a collection of many "firsts": first special issue, first law and literature pieces, and first time publishing an Article and a Response Essay. Our authors' patience was invaluable to the production of the book. Along those lines, the *Law Review's* editors—overworked, underappreciated, and

¹ Richard A. Posner, *Law and Literature: A Relation Reargued*, 72 VA. L. REV. 1351, 1354–60 (1988).

² GUYORA BINDER & ROBERT WEISBERG, LITERARY CRITICISMS OF LAW 13–14 (2000).

still very much learning—are the reasons why the *Law Review* is able to explore, platform, and engage with scholarship. While our authors provide the voice, our students provide the means to making sure their voices are heard.

I learned how to articulate my understanding of the law through the plays of Ayad Akhtar, poetry of Cathy Park Hong and Mitsuye Yamada, and prose of James Baldwin and Toni Morrison. My hope is that this book provides a means for students and scholars of the law to find texts to articulate their understandings of the law, as well. I am grateful to Professor George Shulman, who taught me the power of words and introduced me to many of these texts that form the foundation of my interests; Professor Kenji Yoshino, for his guidance during the first stages of development for the book; Professor Noah Rosenblum for the encouragement to make a special issue and create a home for my interests; and Ian Leach, Editor-in-Chief of volumes 99 and 100 of the *NYU Law Review*, for his mentorship. Most importantly, I am indebted to the student editors of the *NYU Law Review*. I am grateful to have worked with all of you, and I am grateful that this is the book that ends my tenure as Editor-in-Chief of the *NYU Law Review*. Student editors are why law journals are possible, and I believe the *NYU Law Review*'s student editors are a cut above, not just because they joined me on this ride when I started our first editorial board meeting with “I think I want to do a Special Issue.”