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Gardens or Graveyards of Scholarship?

Festschriften in the Literature of the Common Law

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Abstract

The German word *Festschrift* has become the universally accepted term for a published collection of legal essays written by several authors to honour a distinguished jurist or mark a significant legal event. The genre dates back to the mid-19th century on the Continent, but until recently it has made little impression on the literature of the common law. Less than a dozen legal *Festschriften* had been published in the United Kingdom up to 1968, but since then more than a hundred legal *Festschriften* have appeared. This article traces the rise of the legal *Festschrift* in the United Kingdom, and attempts to account for its recent popularity. The nature of legal *Festschriften*, and the processes and problems of their production, are addressed. Emphasis is placed on the systemic failure to index contributions to legal *Festschriften*. This gap in the bibliographic resources of the common law consigns an enormous amount of scholarship to oblivion; hence the reference in the title to 'graveyards of scholarship'. An indication of the magnitude of this problem is that the total number of contributions to legal *Festschriften* between 1969 and 2000 almost equals the total number of articles published in three leading British law reviews over the same period. The article concludes that the failure to index contributions to legal *Festschriften* by author and subject matter is lamentable, and undercuts the reasons for publishing legal *Festschriften* in the first place.

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