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FOREWORD

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I am delighted to introduce this special issue of the *Virginia Law Review Online*, which celebrates the life and work of my friend, mentor, and colleague, the late Fred Schauer. The essays that follow were written for a symposium entitled “Rules and Reasons: A Conference for Fred Schauer,” held here at the University of Virginia in September 2025 to honor Fred and mark the one-year anniversary of his passing, on September 1, 2024.

As a result, this collection is something beyond a regular law review issue, or even a regular festschrift. It is a memorial, a tribute, and the product of a gathering of a worldwide community. The scholars who assembled in September 2025 were a very distinguished group, as you will see as you read some of their work. Nevertheless, the most important distinction they all shared was that Fred mattered to them, and they mattered to Fred. The conference, and these essays, were created in Fred’s memory, but they also attest to his enormous impact and his enduring legacy across multiple areas of the law.

To give a small sense of that legacy, let me describe Fred by the numbers. Fred wrote more than 300 works, including 14 books, which he authored, edited, or co-edited. (And here, I must digress for a moment. When preparing the program for the conference, the Law School communications director wanted to include a full chronological list of Fred’s works. When she asked ChatGPT to produce such a list, it kept returning answers such as, “This is going to be a really long list. Are you

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sure you want such a long list?” and “Here are Fred Schauer’s top titles instead.” As she told me, Fred wrote so much that he defeated ChatGPT.)

Fred’s work cut across many areas of law and many dimensions, from the most practical to the most theoretical. The essays that follow address a multitude of topics, any one of which would occupy most scholars for a lifetime. Fred turned his considerable talents to each of these fields over the course of his remarkable career and contributed significantly to each.

Fred is also one of the most-cited legal scholars ever: A 2021 study put him in the top 20 most-cited legal scholars of all time, with 11,222 citations in books and articles as of that time, ahead of the likes of Herbert Wechsler and Henry Hart.¹ Even this astounding fact falls far short of capturing Fred’s legacy. In addition to that enormous impact on scholarship in English, Fred’s works have been translated into at least six other languages: Italian, Spanish, Portuguese, French, Chinese, and Turkish. Participants in our conference represented four countries, sixteen universities, and two courts of law—and are just a small sliver of the scholars and lawyers around the world who have been influenced by Fred and his work.

That is Fred by the numbers: he was a giant, by any measure.

But none of that captures Fred the person—Fred the teacher, mentor, and colleague. All of us who knew him have stories about how remarkable he was. Speaking for myself, I joined the Virginia Law School faculty the same year as Fred and his spouse Bobbie Spellman, in 2008. I was working on freedom of speech and was awestruck by Fred. The Law School provides new faculty members with a mentor, a senior scholar on the faculty who will read their work, give advice, and generally offer support. I asked if Fred could be my mentor because I thought that was the only chance I had of possibly getting this incredibly important person to read any of my work.

It did not take me long to realize how wrong I was. As incredibly accomplished as he was, Fred was equally unassuming, approachable, and—this is very important in a teacher and colleague—both honest and kind. In addition to being one of the most distinguished people in the legal academy, Fred was one of the most generous about reading others’ work, especially that of junior scholars. Fred not only read everything I ever sent him, but he did it in record time and always sent it back with a long email

¹ Fred R. Shapiro, *The Most-Cited Legal Scholars Revisited*, 88 U. Chi. L. Rev. 1595, 1602 (2021).

list of suggestions and comments, which ranged from the insightful to the devastating. He did the same for any scholar who asked him, junior or senior. He also took time to give junior scholars advice about new projects, potential future lines of inquiry, and that all-important but hard-to-articulate question of what kind of scholar one ought to be. He appreciated each of us for our individual talents and strengths and had a knack for engaging in those big career questions in a way that was at once knowing—about us, about the vagaries of legal academia—and supportive. (The last piece of advice Fred ever gave me was, “Don’t be a university president.”)

Fred was a first-generation law school graduate, a first-generation college graduate, and a first-generation high school graduate. Born in Newark, N.J., he attended Dartmouth College and then Harvard Law School. He started his teaching career at West Virginia University and worked at five very different institutions: WVU, the College of William & Mary, the University of Michigan, Harvard University, and finally the University of Virginia. He was a generous mentor and role model to first-generation students. Equally importantly, he was down to earth, and that is not just a nice thing to have in a colleague or teacher: for anyone who sometimes feels out of place in academia, it is vital. Where some distinguished scholars might insist upon their rank in ways quiet and loud, Fred was the opposite. He made everyone feel welcome. He felt no need to assert his status: he simply asserted his mind, which was assertion enough.

I could write as many words as Fred wrote across his lifetime and still not capture everything that was wonderful about him. I am grateful to the *Virginia Law Review* for publishing this collection of essays, and to all the authors who have contributed here. Many hands together paint a fuller picture of Fred Schauer the scholar, mentor, teacher, and friend.