

P R E S I D E N T ' S M E S S A G E

One of the many thoughtful comments by President Yegge in the pages of this *Review* concerned “Where Do We Go From Here”; He noted in November 1967 that:

The Law and Society Association, as an official spokesman for that growing cadre of persons interested in interdisciplinary concern for law and the legal system, is at a critical benchmark. It has brought scholars and practitioners of many disciplines together at professional meetings and at a summer Institute; it has established a forum for scholarly discourse—this *Review*; it has encouraged the development of materials and courses in the field. All of this has been in an atmosphere of informal collegueship.

What are the next steps?

Some have predicted the development of a new discipline, or profession (depending on the prophet identified) in our Law and Society area. Should the Association be concerned with a future that will occur if the prediction is correct?

Indeed, the law is too important to be left to the lawyers. But how and by which “non-lawyers” will the self-fulfilling prophecy be verified or, for that matter, rejected?

When I learned that I was to be Bob Yegge’s successor, I asked several of my students at Reed what they thought an organization concerned about law and society could best do. I was especially impressed with the response of Anne Potter, an undergraduate junior, the essence of whose views follows:

In today’s world, the relationship between law and social change seems to me to be the overriding problem facing any person or group concerned with the relationship between law and society. In America, the essential problems concern the degree to which and the means by which law can serve as an instrument of social policy to ameliorate social conflicts and the degree to which the law can become, or has become, a mere weapon in the hands of one or more parties to the conflict. In the developing nations, the problem centers on the degree to which law, in the sense of formalized norms governing social interactions and relationships, can serve as a means of easing and hastening the adjustment of traditional institutions to the attainment of current goals. In short, to what degree can the law shape the sociocultural context in which it exists, and to what degree is it shaped by that context?

Obviously, the law is an artifact created by men to actualize values instilled in them by their culture, and they attempt to achieve that end by means of rules which their culture has taught them to believe will be effective in doing so. Furthermore, the effectiveness of law is, to some extent, dependent on the degree to which it harmonizes with existing social structures, relationships, and values. Equally obvious is the fact that the law itself can in some situations guide the development of cultural values and social institutions, in other situations be utterly ineffective in doing so, and in still other situations have consequences exactly the opposite of those it was intended to produce. The social-scientific investigation of the variables which produce each of these results carried on with the aim of formulating a general theory of the limits of effective legal action seems to me to be essential to the understanding of the relationship between law and social change. Such a theory should be useful to lawmakers as a guide in using law as an instrument of social policy. Another service the social scientist can and should provide the lawmaker is the pragmatic evaluation of the social consequences of specific rules of law to determine how well they achieve their ends and how they might be modified to better achieve those ends.

One possible, and to me intriguing, approach to the task of theory construction is through the cross-national analysis of law and its social consequences. In underdeveloped nations, especially those subjected to colonial rule, one can find situations where the legal artifacts of one culture were imposed in toto on other alien cultures in the belief that this imposition would magically reshape those cultures in the image of the culture of the colonial power. Consideration of the results of such impositions and the reasons for those results can be quite instructive in delineating the cultural prerequisites for effective legal action.

In essence, it seems to me that a primary concern of the Law and Society Association should be to encourage the partnership of jurists and social scientists in a common endeavor to outline the limits of effective legal action and to determine how to work within those limits, using the law as one means of creating a just society.

I hope to hear from many of our members and readers about the roles and functions you feel the Law and Society Association best suited to undertake. Please send your ideas to me at Northwestern University, School of Law, Chicago, Illinois 60611.

—VICTOR G. ROSENBLUM
PRESIDENT