

LAW AND SOCIETY ASSOCIATION

PRESIDENT'S MESSAGE

IN THIS MESSAGE, the first of a series of three essays dealing with the interface between law and the social sciences is presented. The question of "What has social science to offer law?" is explored below. The questions "What has law to offer social science?" and "What are the mutual problems and prospects for collaboration?" will be examined in subsequent essays. News and Announcements about the Association will be removed from this column; a separate Law and Society Association Newsletter will carry that material.

There are two significant items of business with which I wish to deal, for the final time in this space, however.

(1) The Russell Sage Foundation has renewed its grant to the Law and Society Association for additional three-year support of the *Law and Society Review* (under the editorship of Professor Samuel Krislov, Department of Political Science, University of Minnesota—whose responsibilities commence with the next issue). Thus, the *Review* is assured of publication through 1971 during which period it will be necessary for the Association to make plans to assure that the *Review* continues on a sustaining basis. The Trustees of the Association have formally resolved, and I am sure the members concur, that a special debt of gratitude is due the Russell Sage Foundation for its support of the Association by establishing the *Review*.

(2) The first regional meeting of the Association was held in Cambridge, Massachusetts, on March 22, 1969. Unlike many meetings of professional associations, it was entirely serious. A symposium on "The Legal System and Civic Alienation," cosponsored by the Harvard Law School, constituted the entire program. Following the symposium, the Board of the Association met, in an annual meeting, to elect new trustees and officers; they are listed on the preceding pages of this issue of the *Review*.

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What Has Social Science to Offer Law?

Viewed from the vantage point of a lawyer and law teacher, the question must be reframed—a persistent and recurring exercise in the quest for interdisciplinary understanding and cooperation. First, we must ask: What might the developed methodology and knowledge of the social sciences provide to the legal practice? Second, what might the perspective of the social sciences offer in assessment, and restructure, of legal institutions? Both of these questions are relevant to practicing lawyers, as well as legal scholars, although the latter might get more excited than the former about the potential.

Law is a practiced art, mostly. The significant product of legal education follows the lucrative career option of practice. The practitioner is mainly concerned with those professional tools which will enhance his expertise with individual clients. Lawyers do perform tasks with wider focus than representation of individual clients with particular problems; however, their dominant career mind-set is client-oriented. Thus, for social science to be meaningful to lawyers, it must have some practical application. And it does. For example, the recent book of William Glaser, *Pre-trial Discovery and the Adversary System* (New York: Russell Sage Foundation, 1969) strikes me as intensely practical. As a practitioner of law and as a teacher of Civil Procedure, I can see the high relevance of the work. The documented realities of actual discovery practice are important tools for effective teaching and efficient representation of clients. As a concerned member of the legal profession, I see the work as useful in evaluating the competing demands which eventually are reflected in the Rules of Procedure adopted. Finally, I would compliment Glaser on his ability to communicate with lawyers, sans jargon. I think social scientists should know that we, the lawyers, are listening—provided we can hear.

There are classes of lawmen other than advocates and counselors who “practice the art,” but in ways less related to the particular problems defined by self-interested clients. The lawyer, as traditionally defined, may frequently fall into this class. I speak of the lawyer-legislator and lawyer-administrator considering action affecting social policy, lawyer-civic leader who sits on governing boards assisting to shape policy, the law teacher devoted to making sense to students about the web of the law (among other things). This class may have a common concern in a just ordering of society, totally or in its specific segments; this class has concerns for the law as an institution.

The law as an institution seems most appropriate for examination by the social scientist. Using some of the techniques of social science, and on the background of behavioral science theory, the lawyer may gain deeper and wider insight into legal structure. Lawyers, judges, legislators . . . are painfully aware that the administration of justice is a matter of constant continuing concern. They are eager to discover new evidence which points to alternative procedures for improving administration of the system. The "apparent" facts of the system for administration of justice can and should be systematically observed; the system can stand vigorous observation, for it is not and should not be immutable, lest it decay from the erosion of unfulfilled public expectation.

Most current and past research has been limited to observation and analysis of existing or past systems. This perspective reveals important insights for potential reform. However, little work has been done on prediction of future social structure with concurrent consideration of required forms of resolution of disputes and new institutions of order. In this changing society, this consideration may be the most critical. Without question, the problem of prediction of the future is of intense practical, as well as theoretical, concern to all classes of lawmen: for the practitioner, certainty based on precedent is no longer predictable, thus, legal counselling is suffering; for the lawyer-policy maker, the need for information on which decisions affecting the future can be made is obvious; for the teacher-scholar, a future perspective holds the hope of creating theories of law in place of existing systems of doctrine—an exciting prospect, indeed.

—ROBERT B. YEGGE