

PRESIDENT'S MESSAGE

It is human nature to dramatize one's day, one's time, one's particular age as a vital crossroads. And it is an unmistakable form of the pathetic fallacy to project our own transitions upon the external world, which has its own intractable timetables. And yet, having said that, I cannot suppress my feeling that this time, as I write the first of these occasional pieces, marks a period of crisis for law and society. (I use the lower case in order to emphasize the generality of the terms, for the Law and Society Association happens to be in good shape.)

In a sense the two nouns in our name capture two dimensions of the political order: the notion of restraint imposed upon those who rule and the populist impulse to devolve "all power to the people." These two notions constitute an enduring antinomy; redress of the balance appears on each generation's agenda.

We have lived through a period of almost fanatical optimism about what law could accomplish, and an era when efforts were made to incorporate into the texture of legal thought populist rebellion against constraint. Despite their intellectual flaws, these efforts have enriched our thinking. Such writers as Dworkin and Walzer on obligation, Rawls and Nozick on equality and Marcuse on society have shattered the myth that ideology and political philosophy were moribund. Ideology and philosophy, this resurgence has demonstrated, are (to paraphrase that eminent philosopher Woody Allen) not dead, merely under-achievers.

On the practical level, the unbridled optimism of the 1960's and the awesome over-estimation of the potential of law have given way to unremitting gloom and selling law short. The predictions of global hunger and scarcity suggest to a whole school of writers, the imminent abandonment of law as one of the extras that must be jettisoned to meet the pressing needs of subsistence living. The spectre of India is haunting the world. The question on this generation's agenda is whether a long ice age of "discipline" has begun for mankind.

In this respect the Law and Society Association has much to offer. As scholars and as an organization we have never accepted the simple, stark lines limned above. We are necessarily aware that law can be overused and used detrimentally. (The Indian retreat from the Rule of Law has been at the very

least accelerated by a legalistic purism.) Our concern has been and should be to find out why and when law works, and how it can contribute in times of stress as well as epochs of euphoria.

The emphasis upon the conditions of legal effectiveness is the key to the emergence of a body of science or a tool for social amelioration. This Association has been dedicated to furthering both policy and science. In its decade of existence the Association has had a role in the national debate about equal education, the rights of juveniles, and many other areas of policy. We have grown organizationally and our challenge is to contribute intellectually in due proportion. The need was never greater.

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