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Review of *Law in a Changing America*

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of economic analysis to the antitrust laws, empirical inquiry and legal policy, serving the legal needs of the poor, regulating professional qualifications, and legal education before, during, and after law school. While these chapters may discuss material new to the sociologist, most of them are not sociologically interesting. No essay presents new empirical research or attempts to tie discussion to established sociological theory. In addition, many of the essays, which average sixteen pages in length, deal with topics that deserve to be and have been the subjects of books at least as long as this one. None of this is surprising, given the authorship of the essays and the purpose for which they were prepared.

The most which one can ask from a volume such as this is that the chapters stimulate the reader to think more deeply about a particular subject matter, suggest a fresh approach for thinking about a particular topic, or provide one or two new insights into a problem area. The quality of the contributors is reflected by the fact that many of the essays do at least one of these. Louis Pollak's comments on the role courts play in protecting individual rights to privacy in mass society, and David Caver's call for specialization in and among law schools, are two contributions which are particularly stimulating.

The chapter most obviously relevant to sociology, Harry Kalven's essay "The Quest for the Middle Range: Empirical Inquiry and Legal Policy," is one of the best in the book. Kalven makes the point that the application of social science to legal problems bears on legal decision-making only where facts are in a middle range. At one extreme are legal decisions, such as the decision outlawing *de jure* segregation in the public schools, which are rooted in such fundamental values that the empirical balance of good and bad effects should not motivate the decision maker. At the other extreme are cases where relevant factual premises are clear enough so that the precision which social science can bring to the inquiry is not needed. Three further points apply to "middle range" facts. First, even when norms and values are not deeply held, facts do not *per se* resolve value issues. Thus, empirical science may be able to tell us that jury trials are 40% longer than bench trials, but it does not tell us whether juries should be retained in civil cases. Second, legal rules and institutions are multifunctional. Social science evaluation must take into account the variety of ends served. And, third, legal decision makers do not wish to delegate policy choices to scientific experts. For social science learning to have an impact on

Law in a Changing America, edited by GEOFFREY C. HAZARD, JR. Englewood Cliffs, N. J.: Prentice-Hall, 1968. 207 pp. \$5.95.

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This collection of essays, prepared as background reading for a conference sponsored by the American Assembly and the American Bar Foundation on the goals of the legal profession in the years ahead, begins and ends with a bow toward changing America. The first chapter is an attempt by sociologist Wilbert Moore, the only non-lawyer among the essayists, to sketch generally the patterns of social and political structure likely to pertain in the near future. This chapter, while perhaps valuable for the conferees, contains nothing new to the sociologist. A measure of the change occurring since the essay was presented (March 1968) is that the continued endurance of certain American values (e.g., national patriotism) and procedures (e.g., the democratic vote, bargaining and negotiation, and the judicial process) whose staying power was then understandably assumed, now seems at least somewhat problematic. The Appendix by Roger L. Price, then a law student, reviews several standard works containing population or economic projections and discusses briefly some implications of predicted developments. This too contains nothing new to the sociologist.

The remaining chapters cover such diverse topics as the problem of protecting the individual from big government, the relevance

the living law it may (at least in certain areas) have to become popular learning and enter law via normal political processes. Many of the other chapters illustrate, without intending to do so, one or more of Kalven's points.

This book seems well-suited to its intended purpose, as a starting point for a discussion of legal institutions and the legal profession. Its value to the social scientist is, however, limited. Unless one is looking for a broad overview of some of the issues currently concerning lawyers and law professors, even the sociologist interested in the law would be well-advised to spend his reading time with other volumes.