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INTRODUCTION

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The Articles section of this issue of the Law Review contains the series of addresses delivered as part of the ceremonies marking the dedication of the University of Pennsylvania Law School's new classroom building, January 17-19, 1963. A symposium and two lectures dealt with the Rule of Law in various levels of political community. On the day of dedication itself, at a special Academic Convocation, honorary degrees of Doctor of Laws were conferred on Associate Justice John Marshall Harlan, the Honorable Christian A. Herter, Senator Joseph S. Clark, Dean Andrew W. Cordier, Professor Walter Gellhorn, and William A. Schnader, Esq. The Convocation was followed by the on-site dedication of the new Law School building. The theme of these concluding ceremonies was the role of legal education in advancing the Rule of Law.

The ordering of human affairs through law involves policy making and policy execution or enforcement within a political framework. In political terms, we in this country regard ourselves as committed to a broad conception of separation of powers in government. In legal terms, the traditional tripartite division can be distilled into two functions. I refer to the two basic legal processes—rulemaking and adjudication.¹ Actually, both of these processes are comprehended in the larger category of decision making. In the American system, we find

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¹ Professor Lon L. Fuller has referred to two basic social processes in which lawyers are active participants—adjudication and legislation. Fuller, *What the Law Schools Can Contribute to the Making of Lawyers*, in INTER-PROFESSIONS CONFERENCE, EDUCATION FOR PROFESSIONAL RESPONSIBILITY 14, 18 (1948).

that the judiciary participates significantly in both. In any event, there is a horizontal division of responsibility among departments or arms of government.

There exists a different kind of distribution of governmental decision making in human affairs. It relates to the apportionment of responsibility as to policy making and policy execution among different levels of community. It provided the idea focus of the formal program for the dedication of the new classroom building of the University of Pennsylvania Law School. That focus was the extension of the legal order in three non-traditional levels of community: the urban regional community, the international regional community, and the world community. This topic was chosen because of its commanding importance to human welfare, its supremely difficult challenge to the mind of man, and its frontier character. One would be hard put to identify anything more consequential to the human family than the realization of the Rule of Law in the indicated levels of community. The choice of "theme" was made with particular attention to relevance to legal education. There was guiding consensus that legal education is concerned with more than the content of the standing law, with more even than the policy basis for that law. Legal education, it is conceived, is or should be deeply concerned as well with the growing, moving law in new areas of challenge to the legal order.

The urban regional community presents a great challenge, both in this country and other parts of the world, to the capacity of man as a political being to develop governmental elements which are calculated to give vitality to the legal order in an extraordinarily complex and changing manifestation of community. An enormous amount of talk has been devoted to this subject, but actual accomplishments are modest indeed.

There is one aspect of this difficult area of human affairs which is of special immediate pertinence. There has been no end of discussion of governmental organization and jurisdiction and of problems and functions as well. Nor has the factor of effective citizen participation and representation been neglected. But one has heard little reference to the Rule of Law in the urban regional community in the sense of the relation of government to the individual. This is an element which could not be dealt with extensively in an afternoon discussion of the legal order in the urban regional community, but it is gratifying that it was given attention in the program to which this introduction relates, and it is emphatically something deserving of a great deal more thought and discussion as time passes. How does the existence and functioning of a welter of local jurisdictions in an urban regional

community bear upon the individual from the standpoint both of the substance of the rules of the game and the procedures for their enforcement? How would proposed governmental arrangements of regional character and extent bear upon this matter of the relationship of governmental authority to the individual?

In a federal system, such as that which obtains in the United States, an urban region may lie entirely within the bounds of a single state or it may overlap two or more states. Thus, it may take decision making and implementation in more than one state to achieve a regional approach to the problems of the area. The federal government may take a hand through its jurisdiction under the compact clause of the Constitution as well as by reason of national interest being involved with respect to interstate or foreign commerce or otherwise. Actually, involvement of the three levels of government—local, state, and national—is almost certain, in addition to the possibility that some intermediate political or governmental arrangements patterned to the urban region will come about. This is all within the complex of a nation-state.

Transcending the national unit is the international regional level of community. Certainly there are difficult and important problems at this level and, obviously, international action is necessary to bring into being political organization designed to advance the legal order in such a community. As we all know, appropriate regional political developments are recognized by the Charter of the United Nations as compatible with the nature and purposes of that organization.² The bringing about of a legal order in an international regional community is, at this stage, far removed from the tight and authoritative kind of order which we know even in a federal-national scheme, such as that of the United States. Problems of regional reach are, nevertheless, very much with us, and we have again a level of community in which accomplishment, apart from the European Economic Community, has not been conspicuous although the problems and the challenge are enormous.

In this emerging space age, Wendell Willkie's vision of "One World" is much more readily grasped, and the idea is much more widely shared. The perspective afforded by space activity enables us to stand off from our terrestrial spaceship, as it were, and observe its unitary character. It is evident enough, in this perspective, that there are human problems, such as those associated with man's projection into outer space and the problems of armament and peace, which are global in their reach.

² U. N. CHARTER ch. 8.

At the level of the world community we are confronted with common problems which bear directly upon the survival of the human family. This is the supreme challenge to the legal order. Here again we have to think of policy making and policy execution in an appropriate legal framework, if our concern is with the ordering of human affairs by the Rule of Law as distinguished from force and the threat of force.

The prospect of a world organization acting directly upon the individual and relations between individuals is hardly imminent. For the most part, the same is true in the international regional sphere. Even so, we must recognize that very limited world political organization with responsibilities and powers confined to such matters as peace and disarmament may well need authority to act directly upon the individual within its realm of competence. It remains to be seen how the nation-states respond to this need in the crucial years ahead.

Meanwhile, it is gratifying to be able to note that in the University of Pennsylvania Law School and many of its sister schools there is very lively student as well as faculty interest in the problems of the legal order in the three great non-traditional levels of human community. It is fitting that an institutional milestone in legal education should be marked by a program responsive to that interest.