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HURST STORY

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I have profited by the syllabus for the Introduction to Law course. I would have liked to have been a participant in it. Within its immediate frame of reference, I'm not equipped to attempt specific judgments or suggestions on its content. However, the syllabus leaves me uneasy in a basic respect. The focus is on the use of law by some to oppress others through unequal distribution of wealth, income, or status. This concern to probe roots of injustice under law is important; to confront these troubling questions should enrich students' perceptions of the reach and depth of law in society. But the syllabus seems to me defective insofar as it may imply that this approach introduces students to the full range of matters involved in striving for a humane legal order.

I do not suggest any major re-casting of the syllabus. In the limited time available it already posts an ambitious range of matter. I do suggest that a week might well be given to alerting students to types of issues which may not fit handily into the prime focus of the course. Notably:

(1) In a just society perhaps the state will wither away, though I doubt it. In any event, pending that outcome, people need leverage on affairs. In their structure and procedures legal agencies offer levers of different types and uses.

(a) We can use knowledge and skill in recognizing and employing the distinctive working capacities of legislators, administrators, executive officers and judges, and of those agencies at national, state and local levels. An Introduction to Law course should alert students to some awareness of the reality of the comparative capabilities, limitations and hazards of principal legal agencies.

(b) Reform revolutions tend to eat their children. Sophistication in striving for social change should include awareness of possible uses and limits of law in checking abuses of power.

(c) If people achieve a just society, they seem likely yet to feel a need to economize limited human and natural resources and maintain standards and techniques learned by hard-bought experience. Some attention to regular procedures and precedent may thus continue to figure in life in society. In that light there will still be benefit in tapping what we can

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learn of positive and negative aspects of treatment of procedures and precedent in law.

(2) In a sizeable society people must give substantial attention to functional requisites for living together and providing for physical, biological and psychological needs. Law has figured not only in distribution of power for selfish ends, for better or worse, it has also been a provider of services for the common life. An Introduction to Law course should call students' attention to problems in appraising service roles of the state. Among other uses, this emphasis will caution them not to focus unduly on adjudication at the expense of proper concern with legislative and administrative processes.

(3) The Faust legend and our own concern with the costs as well as the benefits of applying new scientific and technical knowledge should warn that not all social tensions can be reduced to oppression of the poor by the rich or of women by men. An achieved just society seems likely still to experience change. Greed will remain a threat to humane use of science and technology. But change through such channels will probably yield hard problems of choice even if we contain greed. An Introduction to Law course should point students to some awareness of issues in using public policy to direct or brake applications of knowledge.

(4) Proper concern with uses of law for injustice should not lead students to think it unnecessary or immoral to learn the tools available in the going system.

(a) Students concerned with right and wrong should get demonstrations of precise processes by which people use law to unjust ends. One needs to understand how to be effective; righteous outrage isn't enough.

(b) The syllabus should not leave students with the idea that all problems will disappear if a few or a special group no longer oppresses everyone else. There seem likely to be issues of competing interests or of arranging affairs. Even a morally healthy society needs to deal with auto accidents, breach of contracts, transfers of property, relations of trust, difficulties between wives and husbands, children and parents. An Introduction to Law course should put uses of law in such ordinary contexts in due perspective to the large issues of social justice which are the prime focus of the course.

In the background of such suggestions is my unease that the syllabus does not alert students to the range and complexity of matters on which some knowledge of history, economics, and political science may be relevant to grappling with the legal order. Of course, a semester course cannot embody an encyclopedia of the social sciences. But it should allow some time to placing its central ethical concern in due perspective to other elements in social experience.