



Case Western Reserve Law Review

Volume 19 | Issue 1

1967

Science Challenges the Law- Introduction

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Recommended Citation

Oliver Schroeder Jr., *Science Challenges the Law- Introduction*, 19 Case W. Res. L. Rev. 5 (1967)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol19/iss1/3>

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Introduction

*Oliver Schroeder, Jr.**

“SCIENCE CHALLENGES THE LAW.” This central theme dominated the intellectual portion of the 75th Anniversary Diamond Jubilee program at Western Reserve University Law School. In reality, the theme is inaccurate. “Science Challenges Man” would be more appropriate. Man utilizes law to tame science, to make science constructive, to assimilate and accommodate science and human society.

H. G. Wells once defined the lawyer’s task as that of a “property tamer.” Now nearly four decades later the lawyer is witnessing his role as property tamer being diminished. Science and technology permit the production of unlimited material goods to satiate man’s unbounded human desires; and once there is enough for all, both nations and individuals will cease their struggle to possess property. Atomic energy, ocean resources, and solar power are just some of the unlimited elements available to mankind through which he can reduce the need for proprietary conflicts over limited material wealth which lawyers for centuries have been called upon to resolve.

The lawyer’s new role is one of science tamer. Human intellect, the power to think, the scientific process to create new knowledge — these are the real foundations of today’s human wealth. Acres of land, herds of cattle, and certificates of stock ownership are assuming less and less significance. Law as a means to adjust the individual’s ownership, possession, and use of property is giving way to law which controls, guides, and accommodates the products of man’s mind in the world society where man must live.

If law in the past has been based on the property concepts, principles, and rules indicated by Wells, a unique transformation is underway. In human society today the production of wealth is measured by brainpower. This demands not only new law but new philosophy. We must comprehend adequately what man is creating with science and technology. Man’s intellectual creations are disturbing to the very depths of our human society, as well as to our

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personal existence. To stimulate comprehension of this fact was the sole purpose of the 75th anniversary symposium.

We first must acknowledge that law is a rational process by which order may be brought to society. Through law, change may be accommodated and progress secured. But new knowledge creates not only change in society but also disorder. When knowledge is produced explosively, society can experience chaos. Law must then meet the challenge, recast itself, and restore order.

To meet this challenge we must ask: "What chaos has science produced?" Then we must first turn to the distinguished thinkers in the areas of the life sciences, the behavioral sciences and technology — these exploding areas of human knowledge — for their views fix our intellectual perimeters. Finally men of law — private practitioners, legal scholars, and public officials — must respond to these challenges.

The pages to follow should be read with care. Undoubtedly the ideas here presented may produce disturbing, conflicting perplexities — not merely in the area of human decency, but even more in the ultimate issue of human survival. The reader may well be tempted to lose faith in modern man, but let us not, however, lose faith in man's great history and solid tradition — the uplifting of human dignity from the Ten Commandments to the United Nation's Universal Declaration of Human Rights, the conquering of human suffering from the herbs of the witch doctor to the Sabin polio vaccine, the overpowering of human hatreds and prejudices between and among peoples through the power to reason — the human intellect operating in the scientific process. After centuries of human intolerances and segregation by color of skin, ethnic origins, religious beliefs, and economic differences, the unfettered human mind is assaulting and destroying these divisive forces in the human family with a laser beam of truth. Let us remember that it is the scientific process of reasoning that has fostered this new opportunity for mankind's peace and order.

None knows the future, but a fleeting glimpse is unveiled in the pages to follow. Man *can* master science through *enlightened* law. Science *will* master man through *traditional* law. Here then is our challenge.