



# AMERICAN LAW: THE THIRD CENTURY

## *The Law Bicentennial Volume*

Editor

Bernard Schwartz

Edwin D. Webb, Professor of Law  
New York University School of Law

Biblioteca de la Corte Suprema	F104
Nº de Orden	76048
Ubicación	F2322

PUBLISHED FOR  
NEW YORK UNIVERSITY  
SCHOOL OF LAW

by  
Fred B. Rothman & Co.  
South Hackensack, N.J.

1976

# TABLE OF CONTENTS



Introduction .....	Bernard Schwartz
<b>I. THE LAW OF THE NEXT CENTURY</b>	
An Overview .....	Norman Redlich 15
Separation of Powers and Federalism: ...	Norman Dorsen 25
<i>Two Doctrines with A Single Goal: Confining Arbitrary Authority</i>	
Race in American Law .....	A. Leon Higginbotham, Jr. 45
Civil Liberties .....	David L. Bazelon 67
<i>Protecting Old Values in the New Century</i>	
International Law .....	Dean Rusk 79
Criminal Law .....	Norval Morris 89
<i>Some Second Century Problems and Third Century Solutions</i>	
Torts—The Law of the Mixed Society ..	Guido Calabresi 103
Contracts .....	Robert Braucher 121
Property .....	A. James Casner 131
Codification .....	Soia Mentschikoff 145
Trials and Procedure .....	Marvin E. Frankel 155
<i>From Private Fights Toward Public Justice</i>	
The Legal Profession .....	Lawrence E. Walsh 179
Legal Services .....	Jacob D. Fuchsberg 187
The Federal Courts .....	Henry J. Friendly 197
The State Courts .....	Stanley Mosk 213
Judicial Reform in the Next Century..	Irving R. Kaufman 229
<i>A Judge Gazes Into The Crystal Ball</i>	
Public Interest Law .....	Ralph Nader 249
Legal Education .....	Robert B. McKay 261
The Ends of Law .....	Bernard Schwartz 277
<b>II. THE LAW FROM A BROADER PERSPECTIVE</b>	
Perspective of History .....	Richard B. Morris 289
Perspective of Politics .....	Robert W. Packwood 303

Perspective of Journalism .....	A. M. Rosenthal	311
Perspective of Sociology .....	Andrew M. Greeley	321
Perspective of Economics .....	Wassily Leontief	335
Perspective of Ecology .....	Barry Commoner	339
Law and Medicine .....	W. Allen Wallis	351
Perspective of Psychology .....	Thomas Szasz	365
<i>The Theology of Therapy: The Breach of The First Amendment Through The Medicinalization of Morals</i>		
Perspective of Space .....	Isaac Asimov	377
Perspective of Literature .....	Ralph W. Ellison	391
Perspective of Ethics .....	Malcolm Boyd	407
Perspective of Philosophy .....	H. L. A. Hart	417
<b>III. CONCLUSION</b>		<b>431</b>
The Rule of Law .....	Lord Widgery	433
Retrospect and Prospect .....	Warren E. Burger	443