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The Science of Law

North Dakota State Bar Association

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THE SCIENCE OF LAW

Lawyers very appropriately are expected to inquire into the origin and nature of law and its functions in organized society, to analyze legal rights and obligations, to consider divers agencies by which the law is administered and developed, and to arrange in an orderly fashion the principles of the law with reference to those rights and obligations which it defines, practices and enforces. Yet for the most part they give their time and thought to what they deem the more practical aspects of the calling and so practice the profession much as an artisan practices his craft. No doubt they would on the whole serve their clients more effectively if they could see beyond the winning or losing of the cause in hand to the divers implications, historical, philosophical, sociological, political and scientific, which the facts and the law applicable to them truly involve. Yet it is hardly conceivable that lawyers as a whole should become legal scholars in the scientific sense. The demands of the modern practice are not conducive to the study of the history and science of jurisprudence and until recently materials for such study were not readily available. Now, however, books and theses written by scientific lawyers from the modern viewpoint make it possible for practitioners with little effort and at small expense to acquire a knowledge which penetrates beneath the superficial and the obviously practical phases of the law. Better appreciation of the law as a science will dignify the profession, increase the satisfaction which comes from its practice, and exalt its importance in public esteem.