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Foreword

Roscoe Pound

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FOREWORD*

Civilization is a cumulative activity. The mastery over nature which has enabled man to inherit the earth is an accumulation of experience and discovery set in order and developed by reason. As the accumulation goes on, it calls for increasingly minute division of labor both in investigation and discovery, and in systematizing and developing what has been discovered. The result is an extreme specialization of learning. It is no longer possible for anyone to take all knowledge for his province even in his own field. He can only master his corner of it. Each minutely specialized discipline goes its own independent way without reference to any other.

Today there is an increasing tendency to break down the barriers which had come to separate the fields of learning. But this cannot mean that those working in any one may themselves know all that is required to be known of the accumulation in others in order to make their own more effective. It requires cooperation of the specialists in all fields in order to bring all knowledge into relation.

Legal precepts presuppose as given the facts to which they are applicable. When the facts are established a rule of law fixes the legal result. But the facts in any concrete controversy are seldom so given to us as to permit a mere mechanical process of applying the appointed legal precepts. They must be ascertained, and in ascertaining them courts have always had to call upon the medical profession for assistance in interpreting the evidence. To take a memorable example, in the English witchcraft trials of 1664 an experiment conducted by some skeptical persons threw doubt upon the testimony for the prosecution. Thereupon the court called Sir Thomas Browne, a leading physician of the time, and as the report tells us, "a person of great knowledge." After hearing the evidence and seeing the children claiming to be bewitched, he gave it as his opinion that they were, told of some recent cases in Denmark where there were the same manifestations, and explained how the witches had operated. The court could do no more than accept the opinion of so great an authority. But the lesson of judicial fallibility resulting from fallibility of the means of ascertaining the facts is always with us.

The Anglo-Saxon has been charged with muddling through even such practical matters as war. He is wont to leave as much as possible to experience instead of providing for things in advance. But the conditions of today call for planned and ordered cooperation of the lawyer and the man of science in doing systematically for types of questions what has been done unsystematically and often blunderingly for each case as it arose. If not, as Daniel Webster thought, the chiefest, justice is a

* Will appear also in 18 ANN. INT. MED. (April 1943) —.