



Earliest known photograph of the U.S. Capitol, showing the original dome. From a daguerrotype by John Plumbe, Jr., 1846.

Program in Law and Government

I am proud to report that on July 1, 1987, the University of Chicago Law School, in commemoration of the Bicentennial of the Constitution, formally established a new program designed to explore the relationship between Law and Government in the United States. This program, which was the inspiration of Gerhard Casper, will join the Law School's Center for Criminal Justice Studies, the Law and Economics Program, and the Program in Legal History to provide a critical focal point for research, teaching, and scholarship as the Law School moves into the twenty-first century.

The Constitution of the United States established a new government to overcome the weaknesses of the Articles of Confederation. The Framers sought to create a government sufficiently powerful to deal with the exigencies of the time, but sufficiently limited—through an elaborate system of checks and balance, including the Bill of Rights—to guard against the dangers of factionalism and majoritarian abuse. During the second century of the Constitution, the emergence of the administrative state produced a multiplication of decisionmakers in all three branches of government, with a concomitant complexity in the system of checks and balances. As we enter the third century of the Constitution, we confront a maze of competing governmental institutions which operate without any clear or coordinated lines of responsibility. This state of affairs has generated uncertainty, conflict, deadlock, and growing distrust of government's capacity wisely and responsibly to meet the tasks demanded of it.

The University of Chicago Law School's Law and Government Program will focus on the institutional arrangements of government. Its objective is to advance understanding of the purposes and performance of existing legal structures and processes and to evaluate their adequacy in our ever more complex society. The program will redress a serious deficiency in legal education and scholarship, which have traditionally emphasized the judicial process and neglected the many other ways in which law shapes the exercise of governmental powers. The Law and Government Program will draw on a wide range of disciplines, including law, political theory, philosophy, political science, public choice, economics, organization theory, history, and comparative law and politics. It will utilize the resources of a law faculty with strong interests and expertise in many of these fields, and of a University with distinguished schools and departments that specialize in these areas of study.

In the 1987-88 academic year, the Law and Government Program will conduct a two-quarter workshop for interested faculty and students from the Law School and other parts of the University. This workshop will invite both scholars and government officials to the Law School to present their views and debate the issues in an open and lively manner. The workshop will focus on three controversial issues: the role of domestic laws in the conduct of foreign and defense policy; the control of budget and spending decisions; and the choice, design, and implementation of regulatory policies.

In future years, the Law and Government Program will invite scholars and government officials from the United States and other nations to serve as fellows-in-residence at the Law School, where they will teach and study for periods ranging from one to three quarters. The program will also promote joint faculty appointments between the Law School and other schools and departments within the University, such as the Graduate School of Public Policy Studies, the School of Social Service Administration, and the Departments of History, Political Science, Economics, and Philosophy.

Gerhard Casper, William B. Graham Professor of Law, will serve as



Director of the program. Professor Casper will chair a faculty advisory committee consisting of Professors Paul Bator, Geoffrey Miller, David Strauss, Cass Sunstein, and myself. Initial funding for the Law and Government Program was provided by restricted and unrestricted gifts to the Campaign for the Law School. We will seek future funding for the program from the friends and alumni of the University of Chicago Law School.

William Rainey Harper, the first President of the University and the founder of our Law School, explained at the turn of the century that the motto for "the true university, the university of the future," will be "service for mankind" both "within scholastic walls" and "in the world at large." Harper added that many "will deny that democracy has a religion; but no one will deny that democracy has a philosopher; and the university is the philosopher of democracy." Over the years, the University of Chicago and its Law School have remained true to this vision. The Law and Government Program—an exciting addition to a vibrant intellectual and scholarly tradition—will enable the Law School to continue to meet its most profound responsibility of serving mankind both "within the walls" and "in the world at large."

Geoffrey R. Stone
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