

## TURNING POINTS

The year 1960, in all probability, will mark some of the most decisive turning points in the history of business law. There comes a time in the history of every species of learning, usually not more than once in a generation, when fundamental changes in the climate within which it must function, basic revaluations of the goals which give it life, dictate the harsh choice which confronts all vital things: adapt, or perish!

It is fairly clear, I think, that we are on the threshold of a far-reaching change in the character and aims of higher education for business. The rumblings of discontent have been heard for years, and in the post-Sputnik period have grown to a roar. With publication of the Gordon-Howell and Pierson reports the business schools have entered upon a new period of rapid change, in which much that we have taken for granted will be cast aside, and much that we now but dimly foresee will become commonplace.

Whatever we may individually think of the prospect, it is overwhelmingly probable that business law will be profoundly affected by the impact of these studies. They cannot be laughed off or ignored. Inevitably they will arouse much hostility—and some of it will be well founded—but with equal inevitability they will force searching self-examination, from which varying degrees of change are bound to follow. The authors of these reports have touched business law only lightly. Many business law people will think they have not dug deep enough to discover the extraordinary diversity of aims and interests typical of our profession. Some of us will say smugly, "At last someone has begun to grasp what I have spent a mature lifetime trying to do!" To our avante-garde members the "new look" in business law will be old-hat indeed, and this group will feel that Gordon, Pierson and Company have not fully appreciated some of the developments occurring within the business law profession. Others among us will see, in the rage for "breadth" and emphasis on the "social environment," an ever-present danger that the vaporous musings of sociology will come to replace the rigorous reasoning and noble logic of the common law. Probably the majority of business law teachers will recognize both positive and negative elements in the Gordon and Pierson recommendations, and gradually and after careful study will modify their courses in varying degrees, according to their evaluation of the soundness of the recommended shifts of emphasis as applied to the needs of their own institutions.

My own feeling, which will not surprise many members of the American Business Law Association, is that the Gordon and Pierson studies offer us unparalleled opportunities for professional growth and for the expansion of our participation in and influence upon higher education for business. If these studies seem at first harshly critical of our profession, let us not lose sight of the fact that they also place the actual content of many of our business law courses very near to the center of the business curriculum. On the whole I can sympathize with the general tenor of the Gordon-Pierson recommendations without forgetting that in many institutions we have not been doing what we are accused of and have been doing what we are exhorted to do. Gordon and Pierson do not offer

persuasive evidence that they really have grasped the current facts about business law teaching, and we ourselves are partially to blame for the misinformation about business law so common among laymen. (We can take pride, however, in having established the ABLA BULLETIN in time for Gordon and Howell to cite the May, 1958, issue's *Symposium on the Place of Business Law in Higher Education*.)

Yet we must be blind not to see that beneath the superficial errors of the recent studies there lies a deeper truth. Taking it as a whole, business law teaching has not been everything it ought to be. The frank but affectionate appraisal which Dean Heysinger has so generously given us carries a message which, at bottom, confirms the conclusions of Gordon and Pierson, and confronts us with issues which we cannot afford to ignore. And it is a message which comes from a man who knows whereof he speaks. Before we can exploit the opportunities which Gordon and Pierson have dumped in our laps, we must set our own house in order. We need to develop some clearly defined standards and goals of our own, and to upgrade our performance at all levels. Above all we need to assure recruitment into our profession of an adequate supply of the ablest young men and women, people who have made good records in good schools and are genuinely attracted to the life of the mind, and to discourage those less fortunately endowed or less strongly motivated. The ultimate future of our profession lies not in the current educational fashion but in our basic ability to attract intellectual talent.

The history of business law has been profoundly influenced by the rival demands of accounting and social science. At different times and in different institutions one or the other interest has been dominant. Perhaps the majority of our business law texts have been directed primarily to the legitimate needs of accounting and the functional fields of business, although few of them have ignored the claims of social science or indeed of history and ethics. The cause is plain: most of our business curricula have been oriented the same way. Wide and healthy diversity will continue to characterize business curricula, but it is conservative to predict that the relative importance of the social-science approach to business education will increase markedly in the years to come. In both kinds of curricula new courses, new books, new men and new ideas will be sorely needed.

What is a turning point for business law is, by definition, a turning point for the American Business Law Association. But in a narrower yet no less positive sense our Association rounds a corner this year: for the first time in our history we have a legitimate, printed, permanent periodical publication of our own, received by members throughout the country, publishing the work of our ablest scholars and preserved for posterity by our greatest libraries. This has been made possible by the sustained support of our growing membership—now larger than at any time in our history, and yet growing faster—and the Herculean efforts of the Association's officers, BULLETIN co-editor Bill Zelermyer and Business Manager Gene Nelson, and above all the devoted labors of some of our profession's ablest scholars, not least among them the distinguished authors of the articles appearing in this, our best issue yet. With this event the American Business Law Association truly has attained its maturity. Never in its history has the time been more opportune. Indeed we have grown up, and now the years of our full powers lie ahead.

—Cornelius W. Gillam