

# Denver Law Review

---

Volume 44  
Issue 1 *Symposium - Selected Problems on Law  
and the Individual*

---

Article 7

April 2021

## Symposium: Selected Problems on Law and the Individual, An Introduction

Frank F. Skillern

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

---

### Recommended Citation

Frank F. Skillern, Symposium: Selected Problems on Law and the Individual, An Introduction, 44 Denv. L.J. 1 (1967).

This Front Matter is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact [jennifer.cox@du.edu](mailto:jennifer.cox@du.edu), [dig-commons@du.edu](mailto:dig-commons@du.edu).

# DENVER LAW JOURNAL

---

VOLUME 44

WINTER 1967

NUMBER 1

---

## SYMPOSIUM: SELECTED PROBLEMS ON LAW AND THE INDIVIDUAL—AN INTRODUCTION

SINCE the beginning of civilization man has been confronted with a two-sided problem of existence. The individual, aware that he is an entity in himself, with his own values and aspirations, finds, sometimes to his confusion, that he must live in conjunction with other individuals. This collection of human entities is called society, and it is the individual's "living" relationship with others of his kind that poses the enigma of his existence. The individual is faced with the problem of reconciling his own values to those collective values of society of which he is a member.

Many of society's values are expressed in the law, a formal set of rules or social norms of behavior. The law as an expression of social norms gives order and predictability to society. The formal law, manifested in statutes, judicial decisions, and administrative agency rulings, must not be viewed as an end in itself. It is only a means to an end; an instrument of social order. Its ultimate success or failure, therefore, must be measured in terms of its ability to reflect the current values of society.

In this context, one way to measure the success or failure of a particular law is in terms of its implementation and effect on the individual. In some cases the implementation may be incongruous with the stated purpose of the law. Then the practical effect is to pose problems for those directly affected as well as for those administering it. Likewise, ambiguity in goals or methods of enforcement may result in confusion rather than order in the social unit.

The amenability of society to change requires that law be flexible. Statutory and case law should not be considered as a final resolution to a given problem. The statute or decision may alter or interpret an existing rule or it may create new and additional issues. A continuing study of law in terms of its purpose and effect demonstrates the merits or shortcomings of the enunciated rule. The value of the law as a reflection of social norms can then be scrutinized from a practical viewpoint; if the goal is no longer desirable or attainable, the rule of law can be altered.

Studying law as the means to an end demonstrates the inter-

relationship of different forms that law assumes. The legislature delegates to an agency the authority to deal with particular problems within a prescribed policy and explicit guidelines. The agency, by attempting to carry out the particular legislative intent, establishes more specific rules within the statutory framework. The courts may be called upon to validate the legislative delegation or review particular agency determinations. At that time the power and duties of the agency may be extended beyond the initial legislative intent or they may be restricted to make the agency ineffectual. The rule of law in this situation results from a combination of the roles of these legal institutions. The rule therefore is constantly subject to review, and change frequently occurs because the application of the rule does not achieve the desired standard or end.

The Symposium articles discuss specific areas of law from the perspective of individuals affected by it. Emphasis is placed not upon what the law prescribes, but rather on how it affects the individual concerned. The areas of law discussed include child abuse legislation, the juvenile court system, aid to dependent children, unemployment compensation, administrative procedure, child custody, and the role of the personal injury attorney. Although clear delineation of the area of law and its objective is possible, its effect and the persons affected are not as easily identifiable. The articles of the Symposium reveal in a like manner that, although the objectives of a particular law may be clear, the ramifications of the rule in terms of the individuals it affects may exceed the intended objectives.

The articles selected are not intended to be all-inclusive. However, the selected topics do demonstrate the value of studying law as a dynamic force in relation to its effect on the individual. Such a study measures the effectiveness of the rule of law in achieving its objective of order in society. The attorney, judge, administrator, and legislator are peculiarly situated to benefit from this study, since as interpreters of the law and members of society, they are able to re-shape the rule.

The awareness that law is dynamic and evolutionary — that merely having a statute on record or a case on point is the beginning of the study of law, not the point of termination — is the premise of this Symposium.

Frank F. Skillern  
*Symposium Editor*