

To the Law School of the University of Chicago:

I am asked by the present Dean of the Law School to write a "Comment" on the "conditions concerning the administration of justice, the economic order, the conditions of security and freedom, or the international order." I shall confine what I have to say to "the administration of justice", for that is all as to which my experience entitles me to have even the tentative opinion that I venture to suggest.

An outstanding feature of our existing law is the proliferation of regulation by means of administrative tribunals. It appears pretty plain that this must go further and further. The progress of our increasingly intimate acquaintance, not only with the physical world, but with the determinants of our own conduct, already makes it difficult for judges not specialists to deal with the conflicts that arise. The issues involved are usually factual; and so far as they are, it is reasonable to leave the answers to specialists, who alone can have valid opinions about them. Their decisions should not be reviewable by courts unless it appears that they have been influenced by improper motives.

True, it is extraordinarily difficult to separate the factors in any controversy that do not involve some choice of values, and values are no only incommensurables, but they will continue to be such for much more than fifty years.