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Symposium on Administrative Law: Foreword

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FOREWORD

HAROLD J. KRENT

Two leading academics recently proclaimed that "[a]dministrative law scholarship has reached the end of the questions it may pose and answer." 1 By "end," they meant that "the fundamental variables and contours of the discipline have been defined and that the questions scholars now raise cannot be answered with reference to those variables or within those contours." 2 Perhaps so. But if the academics also are suggesting that traditional scholarship in the field has become stultified, the following pages should dispel that notion. The articles and commentary in this symposium reveal administrative law scholarship to be a vibrant, creative discourse. 3

Administrative law scholarship boasts diverse perspectives and addresses nearly every aspect of the regulatory state. The articles in this symposium differ as widely in methodology and focus as legal scholarship generally. The introductory address champions near exclusive utilization of an economic lens to assess administrative law problems, 4 while the remaining articles manifest a more catholic approach. One article challenges the normative underpinnings of centralized bureaucratic rule, 5 while another chronicles its extension. 6 A third article beseeches us to jettison our current vocabulary for understanding the administrative state as outmoded. 7 Three articles strive to situate administrative law and discourse in an historical context, 8 while the remaining two focus on doctrinal puzzles that have per-

2. Id. Rather, they call for inquiry into the substance of governmental regulation itself. See id. at 380-84.
3. The papers collected in this issue represent the culmination of a weekend long symposium that was held at the Chicago-Kent College of Law.
plexed both agencies and courts. Political theory, history, economics, and sociology play a significant role in the articles and commentary, highlighting the attributes of a multi-disciplinary approach to the problems of the administrative state. One can ask the same questions about administrative law from distinct perspectives and profit from the process. Thus, even if the questions posed by administrative law have indeed reached an “end,” the additional insights generated nonetheless help us formulate new answers to old problems.