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Harrell R. Rodgers Jr.

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# A Case Study of the Effects of Public Opinion on the Utilization of Law in a Conflict Resolution: An Exemplification of Cahn's Sense of Injustice<sup>†</sup>

Harrell R. Rodgers, Jr.\*

## INTRODUCTION

Most modern research has concluded that the general public participates in such a small way and possesses so little specific knowledge of political issues and events that those who govern are given very considerable discretion. For example, Dahl observed that "politics is a side-show in the great circus of life."<sup>1</sup> Presthus pointed out: "It is well known that individual participation in political affairs, beyond voting, is limited to a small minority of the population."<sup>2</sup> Converse concluded that "government officials, in those (few) situations where they recognize public opinion, are prone to see it as 'an entity to be guided, not to be guided by.'"<sup>3</sup> Wahlke makes a heavily documented argument along this line, pointing out that, among other things, "few citizens entertain interests that clearly represent 'policy demands' or 'policy expectations' or wishes and desires that are readily convertible into them", "relatively few citizens communicate with their representatives," and "citizens are not especially interested or informed about the policy-making activities of their representatives as such."<sup>4</sup> Studies designed to determine the impact of constituency attitudes on congressional voting behavior have found that such influences seem to be important only in limited policy areas.<sup>5</sup>

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† This research was made possible by a grant from the National Science Foundation. A more complete analysis of these data can be found in my *Community Conflict, Public Opinion and the Law* (1969).

\* Assistant Professor of Political Science, University of Georgia.

1. R. DAHL, *WHO GOVERNS?* 305 (1961).

2. R. PRESTHUS, *MEN AT THE TOP* 281 (1964).

3. Quoted in Wahlke, "Public Policy and Representative Government: The Role of the Represented," Prepared for the *Seventh World Congress of the International Political Science Association*, Brussels, Belgium, September 20-30, 1967. Published by the LABORATORY FOR POLITICAL RESEARCH 20 (1967).

4. *Id.* at 6-10.

5. Miller and Stokes, *Constituency Influence in Congress*, 57 *AMERICAN POLITICAL SCIENCE REVIEW* 45-46 (1963); Cnuddle and McCrone, *The Linkage Between Constituency*

It is the purpose of this paper to examine the impact of demands and supports on one major decision rendered in a public dispute.<sup>6</sup> The dispute revolved around an Iowa law which required children 6 to 16 to attend schools taught by state-certified teachers. The law itself is of a common variety, but the people with whom it came into conflict represent one of the most unique cultural groups found in the United States today. They are known as the Old Order Amish, the most conservative branch of the Amish religion. The Amish for a six year period fastly refused to hire certified teachers for two private schools that they operate in Buchanan county, located in East Iowa. Numerous attempts were made to resolve the dispute. The Amish were pried by offers of compromise, and coerced by jail sentences, attachment of personal property, and even seizure of their school age children. Ultimately, however, even though the local decision-makers had legal precedent on their side,<sup>7</sup> they decided not to enforce the law. This raises two questions: (1) What demands/supports did the local decision-makers perceive in the dispute? (2) What impact did these perceived demands/supports have on the decisions rendered as outputs in the dispute?

A state-wide poll in 1965 revealed that the general public of Iowa was aware and concerned about the controversy and to a substantial degree favorably disposed toward the religious group in their fight against the state.<sup>8</sup> In fact, only 14 per cent of the state-wide public favored "forcing the Amish to obey the law", while 46 per cent favored "leaving them alone." In contrast, the local decision-makers (N = 12),

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*Attitudes and Congressional Voting Behavior*, 60 AMERICAN POLITICAL SCIENCE REVIEW, 66-72 (1966); Boynton, *Southern Conservatism: Constituency Opinion and Congressional Voting*, 129 PUBLIC OPINION QUARTERLY, 259-69 (1965).

6. The theoretical framework for this study is standard systems analysis. System analysis conceptualizes the political arena as an interrelated set of components subject to environmental stimuli. Stimuli are transmitted to the political system by "inputs" of two types, demands and supports. Demands call for action by political decision-makers, such as the "output" of good or services. Supports are attitudes and behavior that buttress the political system, and add to its stability. There are two types of support—specific and diffuse. Specific support is generated by the gratification of specific individual demands, such as when wanted goods and services are provided. Diffuse support is a reservoir of good will that an individual has toward a political system. Diffuse support allows the political system to survive during periods when outputs do not satisfy inputs of demand. See D. EASTON, *A SYSTEMS ANALYSIS OF POLITICAL LIFE* (1965).

7. *United States v. Kissinger*, 250 F.2d 940 (3rd Cir. 1958); *People v. Pierson*, 176 N.Y.2d 201, 68 N.E. 243 (1903); *Knox v. O'Brien*, 7 N.J. Super., 72 A.2d 389 (1950); *State v. Hershberger*, 150 N.E.2d 671 (Ohio 1958); *Gingerich v. State*, 83 N.E.2d 47 (Ind. 1948); *Commonwealth v. Beiler*, 168 Pa. Super. 462, 79 A.2d 134 (1951); *State v. Hershberger*, 103 Ohio App. 188, 144 N.E.2d 693 (1955); *Chalpin v. Glick*, 172 Ohio St. 249, 175 N.E.2d 68 (1961).

8. The survey was conducted by the Iowa Poll, a professional polling staff of the Des Moines Register. The questions were constructed by the author who would like to thank Mr. Glenn Roberts of the Iowa Poll for including the questions for me. The figures can be found in my *COMMUNITY CONFLICT, PUBLIC OPINION, AND THE LAW* (1969).

a group identified by the decision-makers as opinion-leaders (N = 17), and a random sample (N = 289) of the non-Amish population of the school district in which the dispute was taking place were interviewed in October, 1967, and each group still overwhelmingly favored enforcement of the law against the Amish. The local decision-makers consisted of ten individuals who served on the School Board during the dispute, the Superintendent of Schools, and the County Attorney. As Table 1 shows, all twelve of the decision-makers thought the law should have been enforced, even though they made the final determination not to enforce the law. Thirteen of the opinion-leaders said "the Amish should

	Decision-Makers		Opinion-Leaders		Local Citizens	
1. They should obey the law like everyone else.	12	100	13	76.5	187	64.7
2. Leave them alone.			3	17.6	53	18.3
3. The Amish should gain certification of their own teachers.					5	1.8
4. The state should provide them with certified eachers.			1	5.9	2	0.7
5. More negotiation and compromise.					1	0.3
6. D.K.					41	14.2
total	12	100%	17	100%	289	100%

TABLE 1  
HOW THE DECISION-MAKERS, OPINION-LEADERS AND LOCAL CITIZENS WANTED THE AMISH DISPUTE SETTLED

be made to obey the law", 3 said "leave them alone", and 1 said that "the state should provide them with certified teachers". Sixty-five per cent (N = 187) of the local citizens said "the Amish should be made to obey the law", as opposed to 21 per cent (N = 61) who suggested something other than enforcement (18% of this 21% simply said "the Amish should be left alone"). Fourteen per cent (N = 41) of the local citizens could give no answer.

DEMANDS AND SUPPORTS PERCEIVED BY THE DECISION-MAKERS

To determine what part of these attitudes were actually communicated to the decision-makers we began by asking the local citizens and opinion-leaders the following question: "At any time during the dispute did you ever get in touch with any local officials about how you thought the dispute should be handled?" Of the 289 local citizens only 18 (6%) answered this question affirmatively. Most of these individuals (N = 14)

stated that they talked to members of the school board and/or the school superintendent. The decision-makers were asked if the local citizens sought to communicate their thoughts concerning the dispute to them and without exception they stated that the local citizens gave them overwhelming support. When probed, most of the decision-makers admitted that very seldom did a local citizen make a special effort to seek them out and communicate their thoughts. Mostly they said the topic came up in informal or casual meetings. Interestingly enough, there was some support for an argument made by Professors Jewell and Patterson "that high concern of representatives for their constituency is plausible in spite of the fact the legislators have low saliency in constituents' eyes."<sup>9</sup> Five of the decision-makers stated that they were concerned about how the local citizens felt toward the dispute and so they purposely sought the opinions of the local citizens. One decision-maker put it this way:

At several points in the dispute the whole United States seemed to be against us, so naturally we were concerned with how the local people felt. Several of us sounded them out and they supported us without reservation. We never really doubted they did. You just know how the people feel. It isn't scientific, its the result of living around these people all your life. You know what they are thinking.

Another decision-maker answered:

It should be clearly understood that with few exceptions, the people of the School District supported the board and administration completely. In fact, most of the calls and comments from local citizens were to the effect that we were being too lenient and too conservative in dealing with the Amish. One citizen (a respected man who has several times been an unsuccessful candidate for the school board) threatened to file a Writ of Mandamus against the board to force us to file charges against the Amish and jail them. His attorney advised him to let it rest.

The decision-makers were also asked if they felt that the local citizens supported them consistently to the end of the dispute. Each answered affirmatively.

The opinion-leaders, as one might expect, stated that they discussed the dispute with the decision-makers in a much higher ratio than the local citizens. Only one of the 17 opinion-leaders stated that he never

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9. M. JEWELL AND S. PATTERSON, *THE LEGISLATIVE PROCESS IN THE UNITED STATES* 351-52 (1966).

discussed the matter with any of the decision-makers. This opinion-leader was a very distinguished individual who held a local political post. He was not a member of the business elite who represented the average opinion-leader.<sup>10</sup> Although there was some overlap, most of the opinion-leaders stated that they had discussed the matter with the decision-maker(s) who had identified them as an opinion-leader (although they were not always aware of who identified them). The opinion-leaders also stated that they discussed the matter with the decision-makers usually in an informal manner, primarily during off-work hours. This was natural, since they usually moved in the same social circles. If an opinion-leader and a decision-maker would not normally meet in their day-to-day endeavors, then normally they did not discuss the problem. The decision-makers also made it clear that they realized the support of the opinion-leaders and knew this support to be consistent.

Another obvious locus of support for the decision-makers came from the local communication media. The area newspapers and radio stations were openly in support of the school board. The president of the radio station in Oelwein was named by three decision-makers as an opinion-leader, and he was mayor pro-tem of the city of Oelwein.

Earlier we noted that the majority of the state-wide public outside the local community opposed enforcement of the law. The crucial question is: how obvious were these attitudes to the decision-makers? The answer quite simply is that they could not help but be very aware that outside reaction was negative. The public made themselves known through letters specifically addressed to individual decision-makers, open letters to the board, and even in some cases by phone. If a decision-maker held a position which made him obvious in the dispute (such as president of the school board, school superintendent, or county attorney) then he received more letters and phone calls. Several of the board members stated that they never received a letter specifically addressed to themselves, but did read open letters sent to the board and passed around by the members. The persons who filled the three positions mentioned above received as many as two hundred letters.

The letters received seem to have been the topic of a great deal of discussion among the decision-makers. As one decision-maker said: "At least one effect of the letters was to allow me to draw some conclusions about people who write letters." His reference was that a good many of

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10. There is evidence that this individual was chosen because the decision-makers felt that his position in the community demanded it. He was not privy to the decisions-makers at all. See N. POLSBY, *COMMUNITY POWER AND POLITICAL THEORY* 50 (1963).

them seem to be badly disturbed. Another decision-maker described the typical letter "as probably a tension-releasing device for the letter writer little related to the dispute."<sup>11</sup> One decision-maker provided an example of the type of letter he received:

One . . . was from a 14 year old girl who quoted several biblical passages, none of which had any application I could see to the Amish, and warned us that if we continued to "persecute the Amish," who she said were God's chosen people, we would all be eternally damned.

Most of the letters opposed the decision-makers' position and showed little, if any, specific understanding of the dispute.

The newspapers outside of the local area gave the dispute considerable attention, as did state radio and television stations. The dispute was even national news at one point, and attracted Huntley-Brinkley to the area. The decision-makers viewed this coverage as primarily negative and felt that the newspapers played a substantial role in turning the general public against them.<sup>12</sup> Time and again the decision-makers stated that the newspapers sensationalized the dispute for the purpose of increasing their circulation. The topic inevitably came up in opinion-leader interviews and many of them were particularly upset by what they considered extremely biased news coverage. One businessman pungently expressed himself by exclaiming that "if those [unmentionables] from the press can make it through the pearly gates, anybody can." One of the decision-makers expressed a more compassionate attitude when he said "the newspapers never really seemed to understand that they were playing with the lives and future of considerable numbers of persons."

Nor could the decision-makers help but be aware of pressure from state officials. In the early stages of the dispute the state refused to take an interest, even though several of the decision-makers appealed to them for advice and aid. Only when the dispute was on the verge of becoming a state-wide political issue did Governor Harold E. Hughes and Attorney General Lawrence F. Scalise take an active interest. Scalise tried to serve as mediator late in the dispute, but failed miserably. He was highly sympathetic to the Amish and tried to convince the

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11. This conclusion has some basis in empirical findings. See R. LANE, *POLITICAL LIFE: WHY PEOPLE GET INVOLVED IN POLITICS* 108-11 (1962).

12. The respondents almost always equated the term "newspapers" with the two largest newspapers in the state—the Des Moines Register and the Cedar Rapids Gazette. However, some respondents were aware that many newspapers in the state, especially the smaller ones, were on their side.

School Board to give in to them. At one point he traveled to the community and appealed to the School Board and an audience of local citizens to let the Amish go their own way. The audience did not receive him sympathetically and when one of the decision-makers would make a point in rebuttal the partisan audience would cheer heavily in support. The incident served to harden Scalise's pro-Amish attitude and severely handicap communications between his office and the board. Several of the decision-makers felt the whole incident was regrettable. When the Governor did get involved there was really nothing the decision-makers could do but let him have his way because ultimate legal authority rested in the powers of his office. The Governor's sentiments toward the dispute could not be considered wholly directed in favor of the Amish. It was obvious that he found them difficult to reason with, but the Governor did realize that a solution had to be found to the dispute before it cast a stigma on his administration. If this meant that the Amish got off the hook, that is the way it would have to be.

Another source of demands/supports was, of course, the Amish themselves. There is every reason to believe that the 15 Amish families involved in the dispute were not altogether unanimous in their stand on the school issue. One of the 15 Amish fathers made it quite clear to me that he did not really feel very strongly about the school question, but that his wife did and he felt he had to go along with the others. He stated that although there were a few people among the families who felt the way he did, most were certain that Dan Borntrager was right. The decision-makers were aware of these small chinks in the Amish armor (several of them directed me to the particular Amishman), but they were also aware that the rest of the Amish would do as Borntrager said. "Realistically," one decision-maker said, "we have to look at the Amish as being unified. They have a patriarchal society and Dan is the patriarch."

Most of the other Amish families in the area who were not involved in the dispute tended to play only the role of silent sympathizer with the other Amish. A few tried to assist them by making an effort to get various local non-Amish persons to help support the Amish cause. One opinion-leader and several decision-makers received letters from Amishmen beseeching aid for their brethren's cause. The letters were usually on simple scraps of paper or on a page from their children's tablet, the words badly misspelled, and printed with pencil in very large symbols. In general, one would have guessed that they came from first-graders.

One of these letters sent to an opinion-leader read: "Hve you ben reading the paper. You better leave the Amish be or your town will be wrund." "Crude," said the opinion-leader, "but straight to the point."

The perceived decision-making environment in over-simplified form can be summarized by Figure 1. The decision-makers were aware of demands and supports from a variety of sources. They perceived support from a majority of the local citizens, opinion-leaders, and local communication media. The decision-makers perceived opposition from a majority of the state-wide public, state officials, outside communication media, and the Amish themselves.

**FIGURE 1**  
**THE PERCEIVED DECISION-MAKING ENVIRONMENT**

Support	Decision-Makers	Opposition
<i>Local Citizen</i> <i>Local Opinion-Leaders</i> <i>Local Communication Media</i>		<i>General Public</i> <i>State Officials</i> <i>Outside Communication Media</i> <i>Amish</i>

We are now prepared to survey the impact of the perceived demands and supports on the actions rendered as outputs by the decision-makers.

We began simply by asking the decision-makers if they felt that their own decisions in the dispute had been affected by the negative reaction of the majority of the general public outside of the community. Only one decision-maker answered affirmatively. The other eleven were quite explicit in stating that they were not influenced by outside opinion because "those people did not really understand the dispute anyway." In addition they stated that they "were not running a popularity contest", "were trying to uphold the law as their office demanded", and "do the right thing". These phrases were used time and again. The eleven decision-makers were then asked: "In other words, outside reaction really played no role in the dispute?" None of the eleven would agree with this. As one decision-maker said: "My own decisions in the dispute were not affected by outside reaction but it certainly altered the dispute." Each of the decision-makers seemed to be aware of one or more consequences of outside public opinion. The consequences they cited were of three distinct types: (1) The Amish who were quite aware of outside support, were encouraged by it to hold out until they won; (2) the outside reaction brought financial and legal aid to the Amish and thereby enabled them to remain

adamant and do things they would not have been able to do if left to their own resources; and (3) the outside reaction eventually created a political crisis and caused state political leaders who normally would not have been interested to become involved. Still this does not answer the question of why the law was not utilized.

#### THE FAILURE TO UTILIZE THE LAW

The decision-makers were asked the following question: "I seem to remember that in the early stages of the dispute an attempt was made to reach a settlement through the courts. The law seemed to be on your side, so why did you abandon the effort?" Up to three responses were coded for each respondent. All of the answers except one fell into one of the three following categories: (1) The law couldn't be enforced ( $N = 5$ ); (2) trying to enforce the law was not getting us any place ( $N = 5$ ); and (3) the law was too unpopular with the public ( $N = 8$ ). One decision-maker felt that the effort to enforce the law through the courts was never abandoned. Individual attempts were, he conceded, but each time one type of attempt failed another type was tried. This, of course, does not explain the abandoning of one attempt and the search for a new method.

Along the same line the decision-makers were asked: "Legally everything was on your side. Yet you couldn't reach a settlement through the courts. Would you say the law in this case was useless?" Nine of the decision-makers answered yes. Three, however, were perceptive enough to say "No, it was our own reluctance to enforce the law." This, of course, is the key to the fact that the law was not enforced—the decision-makers were reluctant to enforce it. The fact that "enforcement of the law was too unpopular" was mentioned eight times demonstrates that public opinion affected the decisions of the decision-makers a great deal more than they were willing to believe or admit. Even the statements that "the law couldn't be enforced", or "trying to enforce the law wasn't getting any place" reveal that the decision-makers were simply not convinced that enforcement of the law was best, or even just. The law definitely could have been enforced had the decision-makers really wanted to go all out in doing so.

It is well to examine what enforcement of the law would have meant. As long as the Amish refused to give in, one or more of three forms

of action could have been taken. First, the Amish fathers could have been jailed. Since they were in civil contempt they would have been imprisoned until they decided to comply. Second, substantial amounts of the Amish property could have been garnisheed and sold at public auction to pay their fines. Finally, the Amish could have been driven from the state. Any of these alternatives would have been very harsh, and the decision-makers were aware of this. Several decision-makers stated that the legal alternatives seemed harsh in relation to the infraction. As one decision-maker put it, "they hadn't stolen anything or hurt anyone physically, but the legal solutions seemed better suited for that type of crime." Enforcement of the law lacked what Edmond Cahn has called "desert."<sup>13</sup> "The law," says Cahn, "is regarded as an implement for giving men what they deserve, balancing awards and punishments in the scale of merit."<sup>14</sup> If the law cannot perform this function it will not be considered "just."

As one considers some of the efforts to enforce the law the principle of desert becomes more obvious. Early in the dispute several of the Amish fathers were jailed. Incarceration had little effect, however, because the Amish simply went to jail, and sat the time out. The children were still not in school, and the breadwinner had been taken away from the family. It was non-violent protest superbly applied and the type of futile situation which simply served to provoke sympathy for the Amish. Had the dispute concerned a different type of people (especially an extremely unpopular group), enforcement of the law might have turned out to be a functional solution. The Amish reputation for being simple, hard working, honest, and religious, however, certainly persuaded many that they should not be treated in this manner. As one opinion-leader said: "Can you imagine one of those guys [Amishmen] being in jail with a bunch of crooks." Another said: "Jailing an Amishman is like beating a chained dog."

All of this points very clearly to the validity of Cahn's conclusion that if law lacks desert (among other things) it cannot be accepted as just. The lack of desert invokes what Cahn calls the sense of injustice on the part of society.

It denotes that sympathetic reaction of outrage, horror, shock, resentment, and anger, those affections of the viscera and abnormal

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13. E. CAHN, *THE SENSE OF INJUSTICE* 16 (1949).

14. *Id.*

secretions of the adrenals that prepare the human animal to resist attack. Nature has thus equipped all men to regard injustice to another as personal aggression.<sup>15</sup>

The decision-makers' alternative of seizing Amish property might have proved a more feasible solution had it not been for the late date at which the alternative was utilized. By the time it was employed, sympathy outside of the local community was heavily behind the Amish and they received financial support which saved them from losing their property. The decision-makers thus found that their efforts to apply the two most logical legal weapons were abortive. This left the decision-makers with only the alternative of forcefully seizing the Amish children and taking them to public school. This proved to be the step that converted the dispute into a political crisis, for which there was no available legal solution.

One final query produced overwhelming support for the conclusion that the greatest obstacle to enforcing the law was the decision-makers' own reluctance to do so. The question posed was this: "If the public had supported you all the way, would the law have been enforced?" All 12 of the decision-makers answered in the affirmative. Even if the legal alternative had been harsh, if public support had favored such a solution, the law would have been enforced. This reasoning is easy to follow. The law might be harsh, but if the public backs the law one must pay the price if he chooses to break it. This might be clearer if stated a different way. If the public had favored enforcement, the decision-makers could have rationalized enforcement because they would not have visualized enforcement as a matter of discretion. The law could have been enforced and the decision-makers would not have felt a personal responsibility for the consequences. But with public opinion badly divided the decision-makers were faced with accepting personal responsibility for choosing to go all out and enforce the law. Here their conscience prevailed.

One last reason why the law was not used that we have mentioned but not expanded upon merits further comment. Once the dispute became national news it also became a state political crisis, and a legal solution was out of the question. No legal alternative existed which would get Governor Hughes and the Democratic party off the hook. It was a perfect example of the system finding it necessary to respond to political demands (both actual and potential) and process a new

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15. *Id.* at 24.

solution to alleviate stress in the political environment. The process takes place by adjustment through what Easton calls "feedback." Feedback is the information link between the political system and its environment. Through feedback the political system can adjust to actual or potential crisis or stress. Without feedback, Easton says "the system would find itself utterly exposed to the vagaries of chance."<sup>16</sup> Hughes and his administration had too much political acumen to take chances. The demands were obvious, and the anticipated consequences of ignoring these demands were too ominous a risk to take.

### SOME CONCLUSIONS AND SOME GENERALIZATIONS

We have shown that the decision-makers were sensitive to demands/supports from a wide variety of sources, and that the determination of the decision-makers to enforce the law depended in part on the demands and supports of these groups. However, outside opposition alone probably would not have kept the decision-makers from enforcing the law. Non-enforcement was the product of several things: (1) The decision-makers perceived disparities between the infraction involved in the case, and the punishment (the law lacked desert); (2) this led the decision-makers to be somewhat reluctant to enforce the law; (3) their reluctance was reinforced by the fact that since public opinion was badly divided over the issue, if they enforced the law they would have to assume personal responsibility for the results; and (4) in its latter stages the dispute no longer resembled a legal problem.

At this point we can formulate a few generalizations concerning the conditions under which law is realistically available for conflict resolution which might be tested in future research:<sup>17</sup>

1. Public support plays a considerable role in the effectiveness of laws. In this study we found that the law could not effectively be applied to the Amish because of public opposition. Another well-known study found a similar relationship concerning drunk driving offenses, game laws, liquor laws, and gambling laws.<sup>18</sup>

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16. D. EASTON, *A SYSTEM ANALYSIS OF POLITICAL LIFE* 367 (1965).

17. Two types of reasons for non-enforcement of the law have been purposely ignored. They are instances in which laws are not enforced because of criminal behavior on the part of the enforcers, and reasons relating to the purely technical legal requirements of statutes (i.e., the clarity of the terminology used in the statute, etc.). For a good example of a summary of the type of technical reasons that exist so as to render a statute unenforceable see, C. HOWARD AND R. SUMMERS, *LAW, ITS NATURE, FUNCTIONS, AND LIMITS* 46-47 (1965).

18. H. KALVEN, JR. AND H. ZEISAL, *THE AMERICAN JURY* 286-99 (1966).

2. Law requires the support of the enforcers. If those required to enforce the law cannot support it, they will look for alternative means of conflict resolution (which may include ignoring the fact that a law is being broken). Such intangibles as the popular support of the law breakers, the intensity of their defiance, and the perceived justification of their cause probably play a role here. If the enforcers of the law search for alternatives they will probably not be able to admit to themselves that they are doing so. They will rationalize their endeavors.
3. The sanctions for violating a law must be of such a nature that, if invoked, they serve to render punishment, compliance, or restitution which man can regard as "just." This is the principle of desert as formulated by Cahn.
4. There can be a legal solution only to legal problems. A social conflict is political, rather than legal, when the parties involved are not willing to seek or abide by perceived legal solutions. Since laws are the product of politics, if they prove dysfunctional to the political system the gravitation is naturally back to the political processor for a new workable legal solution. What is workable at one point in time, may not be suitable in others. This feedback process is one of the healthy means by which laws are adapted to the environment.
5. Enforcement of the law must seem practical to the enforcers. Enforcement, in other words, should create fewer problems than non-enforcement. Enforcement may cause more problems than it solves if it comes up against community norms. For example, the authorities may be reluctant to break up an illegal bingo game conducted by a town's leading citizens through a church or fraternal order. Practicality may also involve a time dimension. In the early stages of a public disorder the authorities might decide that enforcement of the law is feasible. However, once the disorder reaches riot proportions, strict enforcement may not seem practical.