

"One Law"

v. Pabloy's Dogs & Social Breakdown

The Relations Between State and Federal Law

Professor Hart 54 Colum.L.Rev. 489 (1954)

"The law which governs daily living in the United States is a single system of law. It speaks in relation to any particular question with only one ultimately authoritative voice, however difficult it may be on occasion to discern in advance which of two or more conflicting voices really carries authority. In the long run and in the large, this must be so. People repeatedly subjected, like Pavlov's dogs, to two or more inconsistent sets of directions, without means of resolving the inconsistencies, could not fail in the end to react as the dogs did. The society, collectively, would suffer a nervous breakdown.

"Yet the sources of the laws which say what Americans can, may or must do or not do and what happens if they act differently, or which seek to influence by official action what they are able or choose to do on their own account in the infinity of situations in which they have to decide whether to do or not to do something, are exceedingly diverse. The problems of developing the necessary mechanisms for evoking or enforcing harmony are correspondingly complex.

"In any system of government, responsibility for doing these things is divided among the government's various branches. In a federal system, it is further divided between the federal government and the governments of the states and their political subdivisions.

CASES AND MATERIALS
ON
PLEADING AND PROCEDURE
FIFTH EDITION

University Casebook Series

Mineola, New York

THE FOUNDATION PRESS, INC.

1983