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A CONTRIBUTION OF SOCIOLOGY OF LAW TO THE INTERPRETATION OF LAW

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Sociology of law may be described as a branch of what is generally called sociology, but it has a unique academic significance in that it is the "sociology" of "law."

What, then, is a sociological view of law? The approach regards law as a social existence, studies the causes concerning with the formation, evolution and extinction of law through analyses of social facts, and finally attempts to discover the rule of social inevitability that runs through these phenomena. A study of the formation, evolution and extinction of law is in itself a research for knowledge concerning with the facts of past and present and not with the facts of future. Yet, the rule discovered through analyses of past facts should run not only through the facts of past and present but also of future. Consequently the rules enable one to gain a knowledge of the law of future and convince him of the possibility of its judicial judgment. In this respect, it is like the study of legal history which, while dealing with the facts of past, contributes to the gaining of a knowledge concerning with the law of future through the research of the rule of the historical inevitability.

As stated above, sociology of law provides not only a factual conception of judiciary phenomena through analyses of facts but also valuable material for making the existing law work reasonably when it functions as norm. Such contribution to the function of jurisprudence as the science of norm is a realistic task of the sociology of law as a branch of jurisprudence and also a practical task which is not confined to a mere understanding of facts. The branch of jurisprudence which deals with law as a code of norms and analyses its meanings to give pertinent interpretation of them is the science of interpretation of law.

Whatever the law is and whatever the process of its formation, evolution,

development and extinction, it is of course only the law of present as a actual norm that everyone is obliged to obey or comes into direct contact with. Law has realistic relations with everyone only when it functions as a norm of an act, of an organization and of the judgement in court. Although jurisprudence attains an erudition through accumulated knowledge gained from various sides of legal acts, it is primarily in the interpretation of meanings of its contents that law is brought into direct contact with everyone. In this regard, the science of interpretation of law may be said to deal with the aspect of law which acts as a medium between law and men. And for the science of interpretation of law, a study of legal history and of comparative jurisprudence is of such importance that interpretation of law can hardly function properly independent of it. In this respect, legal history and comparative jurisprudence have a certain role to play in making men and law contact with each other. Yet, it does not follow that the study of legal history and of comparative jurisprudence directly participates in the determination of the meaning of an enacted law. Instead, these work indirectly through the activities of the science of interpretation of law which has inherited the achievements of these branches.

Such relationship applies equally to the sociology of law. Sociology of law in itself is a search for knowledge of facts, but only when it is tied up with the interpretation of law and made use of by the latter, it contributes to the practical activity of law, i.e., determining the meaning and content of the norm.

First of all, it should be mentioned that sociology of law deals with existing laws as the object of its study on the premise that laws do exist. But "laws exist" is means that "laws are considered to exist as such." In other words, laws exist because they are considered to exist, they are laws because they are considered as laws. Obviously, it is possible to construct law in pure conception. But laws which are not considered as existing are not laws. It is quite possible to think about a universal law governing the entire mankind or a divine law in a divine land or the natural law which governs the physical world. But these are actually not laws. Law is something that is considered as law. And so far as "to consider" in this sense means nothing but an act of someone, law is something that has been brought into existence and created not, of course, by individuals but by society. It is for this reason

that the divine law or the natural law is not treated as law in the science of interpretation of law or in sociology of law. This is important not only to avoid to make such a mistake as to borrow the authority of the divine law or the natural law to justify the opinion in discussion in the spheres of interpretation of law or sociology of law, but also to remember that the basis of law should be sought outside the authority of the divine law or the natural law.

Now, how can such law be perceived? If law is beyond perception, it is impossible to study it. However, when we speak of the creation and existence of law, we do not refer to the legislation or enactment of law alone. Some of the customs which have been accepted as legal order in the course of time are also law, considered and created by society. Legislation or enactment is only one of the form of creation of law.

The first problem for the perception of law is how is it possible to interpret and understand the meaning of the words of law, whether it is a statute law or custom law. To point out merely that law exists in written form as a code or that custom law, if not written, governs a mass of life (society) does not mean the perception of law. Perception of law is, first and foremost, lies in grasping its contents. The manner by which the contents of written law and custom law are manifested differs from each other. The former is of course expressed in written words. On the contrary, the contents of the custom law or the unwritten law, in general, are expressed in words that have not been written. In other words, the custom law or the unwritten law is expressed by means of certain words that could be put in written form if it is necessary. And as far as the meaning of words is concerned, there is no difference between the written law and the unwritten law. Therefore, the asking how the perception of law is possible is due to the asking how the grasping of the meanings of the words of law is possible.

The meaning of a certain word can, of course, be obtained in a dictionary. But the meaning which the dictionary gives is only that of the word which is deemed and agreed among the people lived in the territory in which the word is used. But in attempting to perceive the meaning of words as an expression of law, it is not enough to understand this meaning agreed among them alone, for now we refer to the meaning as a norm. Since a law as a norm is a part of the unified legal order of a society, the meaning of a law should be compatible with the legal order. Therefore, the meaning of law as a norm is that

which regulates the social life, the object of the control of law, in a definite direction. In other words, since law aims to bring unity and order to social life, words of law should be used to achieve the aim. As a result of this, the meaning of words employed in law should not merely be obtained from the dictionary, but from the conditions and facts which would be arised by the application of the law on social life. So far as it is concerned, what we are concerned about is not the meaning which is conclusive in itself as given in a dictionary, but the meaning of words which is actually at work as norm.

If law embodies the system of a certain order which is not self-contradicting, then it is assumed that law is unified by the spirit and ideology which are at the bottom of it. And to bring an order to the social life words with commonly accepted meanings are employed. It is natural that, words which are the common means of understanding among people come to be recognized as possessing certain fixed meaning, as given in the dictionary. But it does not follow that the actual meaning of words are always the same even when they are used as a norm, and as the result of it, they frequently include unexpected or some different meaning as their function from that which has hitherto been accepted. The Civil Code of Japan, for instance, is based on the fundamental principle that everyone always has an equal protection by law on his interests. The principle is not expressed in words anywhere in the Civil Code, but can easily be discerned when the whole code is understood systematically. The principle is also in accordance with the most fundamental spirit of modern law that everyone must be treated equally under the law.

The Civil Code recognizes, as the civil liability, "liability with fault." This principle means that those who have injured another intentionally or negligently should be liable to the results, while those who are not guilty of negligence should not be held liable. This is based on the concept that modern citizens emancipated from the feudalistic bands should be held responsible for the outcomes of their own volition of intents and their own voluntary acts, only when any factor of malice or negligence morally accusable is present, so long as it is deemed justifiable that they may act autonomous as free individuals. So this principle provides an exemption from any responsibility where there exists no accusable negligence. Article 709 of Japanese Civil Code stipulates: "Any one who violated other person's right intentionally or negligently shall be held liable to indemnity for the damage resulted." The text of this

Article has remained unchanged ever since the promulgation of the Civil Code. But also was the meaning of this sentence unchanged at all? In the earlier period when the law was first written, the principle of the liability with fault (culpability) was adopted as one of the guiding principles of the civil law, and, the actual conditions of social life were then still very simple, where it was found usually that if anyone occurred damage without fault, there was fault on the part of victim. The realities of society were then so simple that it was thought sufficient to give legislative consideration to the extent that an exceptional provision has been provided in Article 717* in relation to the liability without fault on the part of the owner of the structure on land, so as to cover the possible occurrence of a situation where damage is caused by one of the parties to the other, notwithstanding both of them are without fault equally. And no further consideration for such a situation was then hardly thought necessary. Thus, from the viewpoint of the spirit of the Civil Code which is based on equal protection of the interests of the parties concerned, the legislative consideration only to such case was thought almost enough, and when it have happened that any damage had been caused in an instance other than the above mentioned, it was usually found that either the person who caused damage or the person who suffered damage was negligent, hence application of Article 709 of Civil Code would eventually make the person who was negligent take responsibility for any damage resulted. This did not conflict with the spirit of equal protection of interests of all citizens, the fundamental principle of the civil law. The principle of liability with fault (culpability) was thus adopted as one of the fundamental principle of civil law.

However, things have undergone changes today in parallel with the evolution of society. The advancements of industrial machinery and the progress of chemistry have brought about enlarged and complex industrial systems with increased risks for enterprises. This trend has further been enhanced by the development of transport facilities, and with the advent of the atomic age, this tendency is being more accelerated. As a result of it, there have arisen various phenomena that despite both parties concerned were without

* Art. 709, Japanese Civil Code "If damage is caused to a third person by a defect in the construction or maintenance of a structure erected on land, the possession of such structure is bound to make compensation for the damage to the person injured; but if the possessor has used due care to prevent the happening of the damage, the owner is bound to make compensation (I parag.).

fault, damages are inflicted by the one to the other in consequence. If Article 709 of the Civil Code should be applied at this stage, the result would be that the person without fault who caused damage will be protected and exempted from the responsibility, while the person without fault who suffered damage may not be protected as a matter of course. This will give rise to a situation where the person who suffered damage is forced to forbear the damage so long as the person who caused damage was not negligent, namely without fault. Such will ultimately go against the fundamental spirit of the Civil Code which intends to provide equal protection of interests for all citizens.

Here the principle of liability with fault comes to reveal a phase conflicting with the fundamental principle of the Civil Code. Viewed in this light, whereas the text of Article 709 of the Civil Code retains the definite meaning grammatically as primarily agreed as an expressed sentence, when it is applied to the objects of law, its real meaning, not grammatical but functional, its meaning as a norm, namely such as perceived on the basis of its functions mutually differs from what was originally designed. Now, granted that the understanding of the meaning of the words of law do not signify the grasping of the grammatical meaning which seems continued as ever, but do relate to the real functional meaning as a norm, in general, the significance as a norm which lies at the bottom of the words of the article may well be said to have undergone a change in parallel with the changes in the realities of social life, the object of law, notwithstanding the text of the article remained in same expression.

However, from the viewpoint of the understanding and perception of law, the philosophy of law may be said to be a search for "law to be" and practical jurisprudence, for "law in existence.", in the territory of jurisprudence, the science of interpretation of law and the sociology of law differ from each other in that they are mutually in different positions as to how to perceive law. In the sociology of law, perception of law is made from the angle how an existing law is functioning as a norm. In other words, for the sociology of law, it is one of its tasks to recognize the meaning of an existing law as a norm when the law is applied, whereby it makes significant contribution to the execution of the task of the science of interpretation of law. In connection with the problem of civil liability as described above, the following points may be cited by way of example.

Naturally it may be of profound interest from the viewpoint of science

of interpretation of law to study how the principle of liability with fault would function, as the principle is practically applied, but this study belongs to the subject matter of the sociology of law. Now, as a result of the substantial development of civil society, the principle of the liability with fault which had been adopted in Article 709 of the Civil Code, as one of the guiding principles of civil law, which used to work as a norm in harmony with the fundamental principle of civil law, namely the equal protection of interests of everyone, has now come to expose its negative or conflicting potentials, which are, however, inherent to that guiding principle itself, and it has become a task of the sociology of law to perceive this function of law and its related changes in connection with the realities of society. This may also act as the motive power for new activities of the interpretation of law, and in this sense, this phase of study contributes much to the science of interpretation of law. The reason is that the science of interpretation of law, as a study of norm, is assigned for a task of understanding what meaning a real existing law must hold, which is quite different from that of sociology of law, as described above. As referred to the example given above, the principle of liability with fault could, in the past, realize the effect of the fundamental principle and spirit of the civil law which provides equal protection of interests for all citizens. However, since there have been a marked increase of instances where damages are inflicted regardless of the fact that all the parties concerned were without fault at all, this provision of the law now became to act contradictory to the fundamental principle of the civil law that everyone is protected equally with another about his interest. when this principle of liability with fault is applied. Thus the wording of the law remained unchanged, but the contents of the law, or its function as a norm, has undergone a change. In other words, the law itself has changed in its function as a norm. If it is so, a search must be made so as to realize equal protection of everybody's interests as past when Article 709 of the Civil Code used to function as one of the main stays of the systematic structure of the Civil Code. Then, in what manner should this provision be interpreted, or how should any given part of the text of this provision be understood, so as to arrange the Civil Code without any contradiction? It will be a task of the science of interpretation of law to recover the original function of the provision by rectified construction of the agreed meaning of the words of the provision. In this manner, Article 709 of the Civil Code

which apparently remains unchanged, has suffered an entire change in its contents. Therefore, the task of the science of interpretation of law is, by altering the interpretation of the words used in the law, to make it possible to achieve its original aim, and to recover and retain its identity as a law. Here lies an inevitable restriction as to the method of interpretation of law, namely, the interpretation of law is conditioned by objective criterion. It may be unjust if a rectified or modified interpretation is given on the ground that the result of application of a certain existing law is only judged inadequate through the prevailing legal sentiment, for such is no other than to make the interpretation of law depend merely upon the subjective judgement of those who study about the interpretation of law or the judge. Even though they may urge indeed that it is based on not individual but social current legal sentiment, it can hardly be anything but a subjective judgement in most cases. Of course, what we desire is that those who study about the interpretation of law as well as the judge would directly contact and perceive the universally accepted idea or norm. However, granting that there is such an able judge, if the meaning and content of existing law should be interpreted in another way out of sympathy with one of the parties concerned, it would result in a substantial disregard of law on the plea of interpretation of law. The liability without fault for an illegal act is also recognized theoretically on the identical basis. But when this is recognized only because of sympathy with the person who suffered damage, if there is any person who interprets the law in the opposite way, there will be found no justifiable ground to persuade him in the face of his inverse assertion. Hence, even though it is acceptable in the light of moral and ethical sentiment, it shall be denied from the standpoint of interpretation of law. In this sense, interpretation of law is scarcely almighty, and there seems to be no other way than to endeavor to amend or extinct such an immoral law. However, as described above, even when a law has undergone a change in its function as a norm despite its text remains unchanged, the original aim of the law may be attained only by recovering its function as a norm. It will be a misinterpretation of the law in this case, if the words of the provision of law which have already changed in its function are interpreted as holding identical sense as ever, that is, the more clings to the old interpretation of the text of the law, the more misinterpreted the law will be, which will be sheer adherence to a meaning as norm

originally not intended by the law. In such a case, it is inevitable to interpret the words of the provision of law with some modification so as to make the law function properly. Here, an alteration or modification in the meaning of the text of law never imply any change of the law. At interpreting of law on such an occasion, no room is left for free choice in approving the meaning of the text of law by the subjective view of the one who interpretes the law, and here, an objective criterion is set to the effect that interpretation of law should be made in such a manner that the initial aim of the law will be achieved. Reasonableness of interpretation shall be judged in accordance with this criterion. An interpretation of law can objectively be regarded justifiable only when the original aim of the law is gained, and when the function which has once been lost is regained. This belongs to inevitable evolution of law. Again refer to the aforementioned example. While Article 709 of the Civil Code has lost its original function, and can now work only contradictory to the requirements set by the fundamental principle of the civil law that everyone must be protected equally of his interests, its present function which can no longer achieve the initial aim of the law, must be now denied, and instead, aiming that both parties concerned will be equally protected against the damage arised despite both parties have been without fault a new interpretation must be made, whereby the related responsibility may be shared by both parties. Then the text of the article is, thus, given a new interpretation, and such meaning is the inevitable consequence of the interpretation of the provision of law, which may be regarded as a natural development induced by historical facts of society. If no one can deny that a law is influenced by the historical realities and suffers changes in its function, and if there is no way other than amendment or new interpretation of the words of law to recover its function once lost so as to be suitable for achievement of the original aim, such interpretation of law, as given above, may also be deemed as an inevitable effect arising in the course of history. And how interpretation of law should be made is objectively determined in the beginning already, provided the purpose of law is unchanged. So it is already objectified at the start. Therefore, conclusion is obvious as to how the law should be interpreted and how it can be reasonable to rectify the interpretation of the meaning of words of law, if such is required. It is the correct interpretation if it realize a natural and justifiable consequence. As referred to the aforementioned example, adequacy of interpretation is deter-

mined by judging whether or not the newly interpreted meaning of the word of law does the function of fulfilling the fundamental aim of the civil law that everyone shall be given equal protection about interests. In the science of interpretation of law, the task of understanding of the law is not a search to discern what function an existing law is performing as in the case of sociology of law, but it implies the grasping of the meaning of the words of law which shall be given by new interpretation aiming that it will make the law play its original role against an altered function which has come to display in consequence of historical developments of social facts. It is not an attempt to come to true knowledge of what is thought to exist as a law, as is the case with the sociology of law, but it is the perception of what ought to be thought to exist as a law. In this sense, whereas the sociology of law seeks to discern actuality and function of a law as a norm, the science of interpretation of law endeavor to ascertain the reasonable meaning of the words of law as a norm. Even though both of them intend, as their task, to understand and perceive the meaning and contents of a law as a norm and not the grammatical meaning of the words of the law, there is a difference between them also. The former observes through the medium of the actual status of the law in force, while the latter, through the medium of the inherent functions of the law. From this viewpoint, it may be said that the former perceives law in relation to its cause and effect, while the latter, in connection with the aim of law. As viewed from this angle, the science of interpretation of law may be said to start from where the activities of sociology of law terminate. Equally, the sociology of law comes to face a new task at the point where the activities of interpretation of law end.

Now, what does it signify that law undergoes evolution in parallel with the historical progress of a society? It means a process of developments in which changes of the realities of society bring about alterations in the function of law, and in consequence, if the law want to recover its original function, the meaning of the words of provision of the law come to require to be newly interpreted. When it became obvious that a law will no longer regain its original function which has been changed or lost even though the meaning of the words of the law may be newly interpreted, the law shall necessarily be amended or annulled, or a new legislation has to be promoted. Indeed, the evolution of law has its origin or cause in a law itself,

and is not only caused by alteration or innovation of law by the hand of the legislator. Contrariwise, interpretation of law may be said rather to accelerate evolution of law in this sense. However, such interpretation of law shall not be based on the subjective intent or motive of the ones who interpret the law, but be backed up by inevitability originating in historical realities irrespective as to whether or not it may be to the liking of the one who interprets the law. This is due to the fact that law in general involves two mutually conflicting elements, i. e., a definite aim and the proposition for realization of such aim. But such an aim or a proposition cannot go into action when the one is separated from the other. However, when this law once work on social facts, the proposition fulfils a certain function, and changes its function in accordance with the changing of the social condition. In this case, if the aim remains intact, two elements may come to conflict each other. A fact that law includes variable and invariable elements in this manner, is the motive of changes and developments of the law. Now, granting that law does change in their function as the social condition changes, does the social condition changes round so incessantly? In a long run, the social realities may change, come into being, and extinct in the course of the development of the society, but, taking a certain specific period of time, it is possible that there is almost no change as a matter of fact. However the function of law which rules the social reality which changes very slowly, may be presumed to undergo a change also but very rarely. In such a region, the text of law will maintain its significance as norm as it was set at the time of promulgation for a long duration of time. In this respect, the sociology of law also finds itself in identical situation. However, it is hardly possible that social condition does not entirely change in the course of history, and even when it should happen so, it may be incidental. In conclusion, apart from the question of relative difficulty, it may be considered that tasks are always found for the sociology of law and the science of interpretation of law, respectively, in a territory where law governs.

Yet, law does not necessarily exist in all the corners of human society as written law or custom law. If social order is called law in a broad sense, then it may be allowed to say "where a society is, there is a law." This implies only "where a society is, there is a social order", and it does not necessarily mean law in strict sense, namely, it must be admitted that there can be a region of social life that lacks law to govern. This may be sometimes

the one lacking legislation from the time of promulgation, or it can be a region of social life which has been created as a blind point of law in the development of the social reality. But in human society, social order itself is present always regardless whether it is good or bad. This is also same in the above two kinds of territories of social life. Particularly, in the former, it is frequent that custom law is in existence, but in the latter, since such a condition comes in being as a new fact of social life, it is usual that there is not even the custom law. The reason is that formation of a custom law requires, as its premise, numerous repetitions and prolonged continuation of social life extending over a long duration of time.

In a territory of human life, where statute law does not exist, but custom law does, a study of interpretation of law is nothing but ascertaining and making clear of the meaning of the words of law implied by such custom law, particularly through comparison with the law elucidated in the related statutes. For example, in the event that within the scope of the civil law, when such a practical function of custom law come to conflict with the fundamental principle of the civil law, there will be found no room for any action to overcome the contradiction by making revision on the interpretation of the words of the law, and all what can be done is only to keep watch over the changes which may take place with the custom law itself brought about by changes in social customs. Accordingly it is very probable that relatively less interest about it is taken in the aspect of science of interpretation of law. On the contrary, for the sociology of law, the understanding and perception of such custom law, and the investigation in its social functions will offer a sphere of colorful studies. Of course, the analyses of custom laws or social customs themselves are of importance as the analyses of historical facts in the study of history, since it holds much significance as a fundamental study. However, the problem serving as the premise in determining what is a custom law, namely, the problem as to what should be picked up as the custom out of the practices of social life, and what should be taken as a custom law, are particularly important as the question concerning with the category of custom law. Another point which gives greater significance to studies of social customs or custom laws, is that they have been formed under a minimum of influences of authoritative elements. The mode of life, for example, can never be placed under the control of authoritative power for a long time. Unless

approved by the people at large, when the compulsory force has slackened, such control will soon be gone. Contrariwise, when approved and even desired by the people, anything may continue to exist for a long time without any control. In this sense, the customs of human society always agree with the people's desire and become the base for the formation of legal character such as custom law. Such customs may sometimes be governed by antiquated ideology as viewed from progressive legislation, while on the contrary, social customs may be so progressive that legislation is left behind. In these cases we can notice that the customs of a society assume a certain critical attitude, or sometimes they have factors of resistance towards statute law. Moreover, the fact that they are not what have been created but what have grown and been formed in natural course, and they keep close internal relations to other products of civil culture, enhance the significance of studies in this field. In this respect, the sociology of law is assigned with a very important task in this field of study, and its results contribute much to jurisprudence in the sense of clearing the way for legislation. However, because it is difficult for social customs or custom laws to last long time in a form disagreeing with statute laws, influenced by legislation, and in consequence of changes in the peoples' legal sentiment by the effects of current legal thought, social customs and custom laws undeniably come to change such as it may not be possible if these influences are absent. In this meaning, authoritative elements can also bear influence upon the formation of social customs and custom laws, though insignificant after all, and analyses of such subjects are to be expected with studies of sociology of law.

The subject to be dealt with by the sociology of law and the interpretation of law in connection with the region created as a blind point of law as a result of the evolution of social condition, where there were statute laws in the beginning, may, after all, be summarized as changes in the function of law and justifiable interpretations of the words of law in relation to such changes. As to this point, another view may also be set forth. For example, since infliction of damages in despite of the absence of fault, such as those originating in the developments of modern large-scale enterprises, have never been anticipated by the legislators, consequently, for such new circumstances, there exists no pertinent law in force, and it is even opined that a new social order shall be conceived. This gives rise to confrontation between the conception that

demands legislation on a new basis and another which urges that based on any provision of existing laws and by discerning the prevailing legal sentiment in accordance with the methods of sociology of law, reasonable norm shall be found. Besides, there is also present the view admitting that the latter conception shall be adopted until the time arrives when a new legislation can be expected. The latter conception is more or less noted in the arguments of those belonging to the school of liberal jurisprudence insists upon so-called "living laws." In any case these concepts recognize a lack of law. In the author's opinion, this shall rather be considered as a problem pertaining to a change in the function of law and to inevitable revision on the interpretation of the meaning of law in the face of the same social facts. That is to say, the situation shall be perceived as a problem in which law shall necessarily make evolution by itself for the purpose of self-preservation of legal order. Between the view that considers the law became faulty and the foregoing view, some points are found which may be attributed to difference of attitudes in perceiving things, but both follow almost the identical way of thinking as a whole and fundamentally. Even so there is the difference in the manner of dealing with the problem, which is due to the difference in law of thinking hidden deep down at the bottom. One of the views is based on concept that social facts or the social conditions which are the object to be ruled by the norm are changeable, but law itself is not. On the contrary, the aforementioned way of thinking is founded on the concept that law develops by itself in parallel with the historical progress of the realities of society which are the object for law to govern. But the former concept does not basically deny the latter, and vice versa. Thus it may be taken as difference in the way of thinking. In this field of study, the relations between the science of interpretation of law and the sociology of law are most closely related irrespective as to whichever view lies at the bottom. In one of the way of thinking, many accomplishments by liberal jurists proved the above fact, while on the other hand, studies on sociology of law along the changes in the function of law have also contributed greatly to the necessary progress of science of interpretation of law. Indeed, apart from the results of the studies of sociology of law, science of interpretation of law might not have chances of its advancements. The concrete and practical studies on changes of the function of law, namely, studies of sociology of law, are imminently needed in the sphere of science of interpretation of civil law.

In connection with the principle of freedom of contract which was the breeding ground of labor laws, or the theory of ownership system which are developing towards socialization or denial of the conception of absolute ownership, and other norms related to relations of civil life which undergo changes in accordance with historical progress of society, this studies will promote their evolution, and work on them decisively.

As to what should be the subject to be dealt with in sociology of law, they may be made relatively clear in one phase, when they are brought into comparison with the science of interpretation of law, although this may not necessarily be applicable in all cases, and in this respect it is also obvious what contribution it would make to jurisprudence in general.