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Editor's Preface

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● EDITORS' PREFACE ●

In this second issue of Volume 22, Mr. James L. Hildebrand provides a perceptive analysis of the heuristic and "parental" functions of law in the Soviet Union's sociolegal system. Basing his analysis on both the unidirectional and the interactional aspects of these legal roles, Mr. Hildebrand surveys the manifestations of the opinion-creating and educational functions of law in the Soviet Union.

In the second article, Miss Judith C. Areen offers an enlightened view of public aid to nonpublic schools. The author reviews the assistance programs of several states which have attempted to aid parochial schools without violating the Supreme Court's neutrality requirements. It appears that some of the programs formulated to meet these requirements may draw the states into "excessive entanglement" with the church, a posture expressly proscribed by the Court in a recent decision upholding state tax exemptions for churches. Miss Areen suggests that the uncertainty surrounding aid to nonpublic schools could be resolved if the Court would set down broader standards for permissible aid, designed to insure the availability of quality education to all children, regardless of their religious preference, socioeconomic status, or geographic location.

Mr. Robert Dugan, in his commentary on standing to sue, offers a practical criticism of the injury in fact doctrine as it is presently applied by the courts. Mr. Dugan believes that, in the absence of a more precise definition of injury in fact, the primary advantage claimed for the doctrine — satisfaction of the case or controversy requirement without anticipation of the merits — will not necessarily be realized in all applications of the new test. Moreover, the author finds that in instances where the doctrine has averted an anticipation of the merits, the courts have often turned to the complainants' procedural shortcomings in order to limit the number of fully adjudicated cases and bar seemingly nonmeritorious suits.

