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Editorial Section

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EDITOR'S NOTE

This issue presents a varied fare. Of particular interest are the lead articles. *Revising State Usury Statutes In Light Of A Tight Money Market* proposes a unique solution to problem of accommodating usury statutes to the fluctuating supply and demand of money. In net effect, the authors suggest that government regulation reflect the economic reality that money is a commodity in the marketplace. In a similar vein, the authors of *Capital Gains Through Real Estate* have reviewed the law of taxation of real estate transactions and concluded that this area of law has failed to recognize the economic realities of the nature of the appreciation in real estate value. On the assumption that legislative relief is unlikely in this area, the authors have described a number of planning techniques to minimize the impact of these deficiencies.

The REVIEW has remained abreast of the current social tides of dissent and protest with the publication of *Maryland Zoning — The Court And Its Critics* by Herbert Goldman, a rebuttal to an earlier REVIEW polemic (26 MD. L. REV. 49 (1966)) challenging the "mistake

or change" rule. The presentation of argument and rebuttal in law review publication raises interesting questions about law review function. Theoretically, perhaps, law review writing differs from brief writing, or advocacy, in that a law review is not an adversary forum; typically one analyst is to evaluate a legal problem. In lieu of an adversary process for evaluating the law, a law review substitutes scholarly objectivity. Bias or predilliction is said to be inapposite, and careful logical colligation is said to compel the discovery of the "true rule." But logical colligation must proceed from a premise. And in an area of law, such as zoning, where there are widely divergent competing premises, the analyst cannot proceed to his task of evaluation until he has established his premise or a set of mutually consistent premises. In an area such as zoning, replete with competing policy considerations, the dialogue, or adversary process, can be the more meaningful method of intellectual inquiry into a problem. Mr. Shale Stiller, referring to the old Cook-Williston debate, commented in a recent edition of the REVIEW that "It is sad that the law reviews have abandoned this type of battle." (26 MD. L. REV. 297, 298 (1966)). We join in Mr. Stiller's lament and hope that he is encouraged by the revival of this tradition as Mr. Liebman joins battle with Mr. Goldman.