

FOREWORD

BY DR. KATHERINE UNTERMAN

A yellow fever outbreak. The creation of new mind-altering drugs. The invention of social media. The articles in this inaugural volume of the Texas A&M Undergraduate Journal of Law and Society (*TAMUJLS*) all grapple with the important question of how the law attempts to address unexpected, unpredictable, or novel changes in society.

As this issue comes out, in April 2025, the United States is witnessing an unprecedented exercise of executive power, and the world is facing new tariffs at levels that few would have predicted at the start of the year. Yet, the first half of the 2020s—the years that the authors of these articles attended Texas A&M University—have been full of startling outbreaks, from a global pandemic to war in Europe. As the old saying goes, the only thing to expect is the unexpected.

The articles in this volume cover a range of disciplines, methodologies, and topics, yet they all address the strengths and weaknesses of the law in adapting to novel social circumstances. Should the public forum doctrine apply to government actors on social media? This is the question that Madison Evans analyzes in her article “Navigating the Future of Town Halls,” which tests the limits of applying old laws to 21st-century dilemmas. When the public forum doctrine was devised in 1939—not to mention when the First Amendment was ratified in 1791—in their wildest dreams, no one could have imagined the Internet. Lily Nolan’s article, “The Unseen Slavery that Surrounds Us,” also addresses unforeseen impacts of the internet and social media—in this case on the phenomenon of sex trafficking. Despite barriers to law enforcement, Nolan finds reason to feel optimistic that through law, policy, and education, modern-day human trafficking can be combatted.

Yet sometimes the law is an obstacle to effectively responding to new social challenges. Benjamin Ford’s “The Poignant Public and the Paramount Private” provides a historical example of this. During the 1878 yellow fever epidemic in Memphis, state organizations found themselves hamstrung and unable to respond to the disease, whereas private organizations operated much more flexibly and effectively. After the cessation of the epidemic, new public health regulations were passed—yet these laws lagged behind the threats they addressed. Likewise, in “Valium and Beyond,” Emily Sabbagh recounts the slowness of the Food and Drug Administration (FDA) in designating new mood-altering drugs of the post-World War II years (such as Valium) as “controlled substances.” These highly addictive pharmaceuticals, which were largely marketed to women, were therefore minimally regulated and widely accessible into the 1970s.

On the other hand, sometimes the law can be flexibly and successfully adapted to new circumstances. One example of this is the adoption of the

1947 Japanese Constitution, described by Wesley Pokluda in his article “The American Constitution of Japan.” Modeled on the U.S. Constitution, yet with some distinctly Japanese elements, this post-World War II framework helped Japan successfully transition from an empire into a stable democracy. In “Guardians of Prosperity or Overreach?” Joshua Hillman demonstrates that laws are not one-size-fits all when it comes to countries trying to attract foreign direct investment. Greater legal protections of property rights are appealing to investors in African and Middle Eastern countries, while the same reforms might deter investors in Europe because they appear to be overregulation.

The authors in this issue are generally optimistic that law and civil society can complement each other in rising to address new or unexpected situations. Since these young scholars are the leaders of the future, they give us reason to feel hopeful about our ability to face the unanticipated challenges ahead, whatever they may turn out to be.

I would like to conclude this Foreword with an anecdote about some unexpected serendipity that began in my office in the Glasscock Building of Texas A&M during the spring of 2023. During a meeting with an undergraduate student, Catherine Meisenheimer, I encouraged her to publish an outstanding legal history paper that she had written in one of my classes. Yet none of the existing undergraduate journals at Texas A&M could accommodate papers as long as hers. Rather than sacrifice the depth and nuance of her research, Catherine and her classmate Lauren Currie—another highly talented researcher and writer—decided to start their own undergraduate research journal instead. Their vision was to create a forum to feature high-quality undergraduate scholarship from many majors, but all focused in some way on the law. They asked me to distribute a survey of interest to my upper-level legal history class, and two of the students who responded with enthusiasm were Diego Sepulveda-Allen and Luke Scheel.

Two years later, Catherine and Lauren have both graduated and are thriving law school students—Catherine at the Texas A&M School of Law and Lauren at South Texas College of Law in Houston. Diego is the Editor-in-Chief of *TAMUJLS*, the journal that grew out of their joint efforts, and Luke is the Executive Editor. Fourteen other Texas A&M undergraduates who share their passion for the law, government, and public policy have joined them to form the Editorial Board of this first issue of *TAMUJLS*. It has been a wonderfully unforeseen series of events since that day in spring 2023, culminating in the volume that you read here—an outstanding achievement that exceeds all of my expectations.

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Dr. Katherine Unterman
Associate Professor
Department of History
Texas A&M University