FROM THE NEW EDITOR

With this issue, the *Law & Society Review* enters its eighth year of publication. This issue also marks a transition to a new editor and to a new location at the State University of New York at Buffalo. I would like to acknowledge, with gratitude, that in large measure the contents of this issue were assembled and edited by my predecessor, Samuel Krislov, and his associates at the University of Minnesota. This point of transition seems an appropriate time to consider the direction in which the *Review* must move if, amid changing circumstances, it is to pursue its distinctive goal of providing a forum for social scientific inquiry into the legal process.

The growing volume of "law and society" research is reflected in the increased number of submissions to the *Review*. Since we can publish only about one sixth of the articles currently submitted, we are faced with the unpleasant necessity of rejecting numerous manuscripts of high quality. While we rely heavily on anonymous reviews, it would be disingenuous to claim that selection could be dictated solely by considerations of "scientific" merit. Such considerations cannot be conclusive where there are a number of disparate and not readily comparable lines of development in the literature, and competing notions of the proper direction of "law and society" research.

Since the *Review* serves as a forum linking different research communities, some notions of balance and coverage—among disciplines, approaches and topics—seem appropriate. But we should not, I think, try to be mechanically representative of current research. Rather, we should attempt to achieve some balance between promising areas which are presently almost totally neglected (*e.g.*, rule-making and dispute settlement in the "private sector," the interrelation of legal with economic controls, etc.) and those which already attract profuse research efforts.

Beyond its commitment to broad coverage and interdisciplinary exchange, the *Review* embodies some aspiration to convergence among disparate lines of inquiry, to the development of a coherent social scientific understanding of legal process. This means to me that we must be especially receptive to attempts to develop the "comprehensive theory . . . [accounting] for the basic interactions between society and the legal order" that Dean Schwartz referred to (President's Message, Vol. 7, No. 3) as the needed counterpart to the proliferation of empirical studies. I believe we should give highest priority to studies which reach for broad theory of legal process, either

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through presentation of new data or by critical re-analysis of data supplied by previous studies.

Dean Schwartz called for the development of a new intellectual paradigm to organize work in the "law and society" field. While sharing his sense of the high priority to be accorded theoretical development, I would add that the absence of such a paradigm may not be unrelated to the tenacity of the dominant "professional" paradigm which underlies most research on law: rules, courts and adjudication as the central and typical legal phenomena; the law as an integrated, purposive whole; behavior aligned with and guided by legal rules, and susceptible of conscious modification by appropriate alterations of these rules—these presuppositions not only animate professional thought but also have in large measure supplied the research agenda and conceptual categories for social inquiry about the legal process. The immediate problem of theoretical development may be less one of synthesis with "the best traditional legal thinking" (as Schwartz proposes) than of achieving intellectual autonomy from the most pervasive and unexamined aspects of legal thought. In any event, as our differences suggest, the nature, conditions and effects of "legal thought" itself constitute a neglected area of research—one which, because of its intimate tie with the prospects for theoretical development, deserves high priority.

The search for theoretical development ties in with other shifts in emphasis that seem to me appropriate. If we seek theory that transcends national and cultural boundaries, it must be based on a broad spectrum of experience. The *Review* should provide a link with the emerging international scholarly community engaged in the social scientific study of legal phenomena. To this end, I have invited a number of foreign scholars to join the Editorial Advisory Board. I hope to give more emphasis in publication to non-U.S. and especially comparative materials (including translations of classics that have previously eluded translation and of contemporary papers of seminal importance).

I would like to see more variation from the standard major article form and more scope for controversy and exchange built into the format of the *Review*. I hope that some of our articles will be accompanied by critical comment and rejoinder. I would like to open the pages of the *Review* to short research notes and to comments re-analyzing earlier findings and contesting accepted interpretations. Similarly, I hope we might elicit some critical reassessments of works that have become established as "classics" in the past decades. As the "law and society" literature proliferates, we urgently need reviews and literature surveys that analyze in detail major areas of this

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literature, summarizing findings, eliciting general propositions, pointing out the gaps and weaknesses, and suggesting promising lines for further inquiry.

Whether the *Review* will succeed in moving in the directions suggested here is not simply a matter of editorial policy. It depends primarily on the response of contributors and the participation of the members of the Law and Society Association. We very much welcome not only contributions of the kinds suggested above, but also suggestions about possible topics and authors for articles, literature surveys, and symposia and, generally, ideas about neglected areas of high intellectual promise.

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Editor

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