From the Editor

When the field of law and society got its start nearly three decades ago, most research necessarily focused on law in America. Contributors to the early issues of *Law & Society Review* shared the conviction that the law and its practitioners misrepresent how law really works and what it in truth delivers. They set out on an interdisciplinary quest to collect and publish empirical evidence that could show law in action and assess its significance in society. Today, the boundaries of our field and the topics we consider are wide indeed, but we are still in the very same business of understanding how law and legal institutions actually function in society.

The Law and Society Association, which publishes this journal, draws members from all the social science disciplines, many humanities disciplines, academic law, and some fields of practice. Three decades ago, our members were primarily American. Today, nearly 18% of the members and 28% of the institutional subscribers are located in other countries.

From the beginnings of the law and society movement in the 1960s, researchers have attempted to examine law beyond the confines of American society. There were notable exceptions, of course. The 1960s was a heyday for many legal anthropological investigations in non-Western societies. And other, nonanthropological contributions to sociolegal scholarship investigated law and society in cross-national contexts (such as the 1969 special issue of the *Review* devoted to "Lawyers in Developing Countries"). But despite both early efforts and current ones (such as the concerns reflected in the 1994 special issue of the *Review* on "Law and Society in Southeast Asia"), we still have a great deal to learn about how law works in its broadest social contexts.

Many of the contributions to this issue deal in one way or another with our continuing efforts to expand horizons and cross borders. We do this not only by considering new instances of law in action but also by expanding the frameworks that we employ to develop our understandings. There seems to be no end to what we will need to consider to investigate issues relevant to our concerns. And to achieve our goal, we must be willing to engage whatever perspective or orientation can illuminate the relation between law and society.

In this issue, Raymond Michalowski's study of Cuban law collectives examines the lawyering process in a socialist state. His findings show that the radically different premises on which the

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lawyer-client relationship is based in Cuba lead to a very different role for lawyers than in capitalist states. Michalowski's article provides both a rare look into a poorly documented and understood legal system and clear evidence that state ideology—of whatever sort—massively influences the nature and quality of law and justice.

Similarly, Nathan Brown's analysis of the relation between law and imperialism in Egypt investigates a legal system that has been infrequently addressed in law and society scholarship. His analysis of the imposition of nonindigenous legal ideas and practices in Egypt and of subaltern resistance to these efforts challenges conventional understandings. His article makes a convincing case for the theoretical value of expanding the base from which we generalize about law and society.

Yves Dezalay and Bryan Garth's investigation of international commercial arbitration pushes comparative law in another direction. Understandings grounded in the United States and other familiar contexts are inadequate to explain how law works beyond national borders. Dezalay and Garth examine the mechanisms for settling disputes arising from contractual violations in international commercial transactions. A new cadre of arbitrators has come into existence, complete with its own culture and rules of operation, to solve the problem of settling disputes that occur in such situations. Dezalay and Garth take us into this emergent legal domain, showing us who the arbitrators are and how they function.

Linz and his coauthors raise a different sort of question about the limits of law. Through their study of community standards regarding media depictions of sex and violence, they find the law out of sync with society. Their research finds relatively greater concerns about depictions of violence than sex. Yet the law restricts and sometimes punishes pornography while media depictions of violence are rampant and unconstrained. Their article raises questions about the relation of law to its social base and thereby the degree to which law serves the interests of its constituents. Their article not only suggests an agenda for further research in this area but also provides an empirical foundation for lively classroom debates about such matters as First Amendment rights, regulation, and pornography.

Sally Merry's 1994 Presidential Address, "Resistance and the Cultural Power of Law" begins this issue, serving as a reminder, for those of us who heard it in Phoenix, of her assessment of our field and the challenges that lie ahead as we attempt to expand horizons and overcome the limits of current frameworks. Her address is also a record for future law and society researchers to gauge how the field had developed near the end of its first three decades. Merry chronicles many successes but worries that expectations that law can be transformative may be more hopeful than

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realistic. She notes a new trend in scholarship that better connects power to law by showing how law is sometimes the site of power struggles and resistance. In the examples she surveys, Merry sees the law not merely as an instrument of the powerful but also as a mechanism for enhancing the power of subordinates. In such endeavors, Merry sees vitality in the efforts of law and society researchers to link scholarship with goals for social justice.

A Time of Transition

This issue marks the transition to a new editorial team. The masthead lists the names of those publicly involved in the production of *Law & Society Review.* There is much we hope to continue, but we also have some ideas of about how we can improve what we do. In the next few issues, I will discuss our ideas about the substance and direction of sociolegal scholarship as well as the procedures we use to review manuscripts and select articles for publication.

For many readers, the research and publications of the associate editors and myself are familiar. The nature of our research interest spans wide areas of sociolegal research. Patricia Ewick (Sociology, Clark University) researches the relationship between popular consciousness of law and the construction of legality. James Gibson (Political Science, University of Houston) studies judicial process and behavior, public opinion, and political parties in both the United States and many other countries. E. Allan Lind (American Bar Foundation and University of Leiden) investigates the psychology of procedural justice and legal authority, litigation behavior and claiming, and the consequences of various modes of disputing. The interests of Raymond Paternoster (Criminology, University of Maryland) include capital punishment, theories of crime and delinquency, and the role of emotions in decisionmaking. My research includes law in East African communities, language in American courts, and lay expectations about law. Although the combination of our various interests cannot possibly represent the breadth of current scholarship in law and society, we are committed to do our best to represent the highest quality research in our field through the articles we publish. Our own publications that have appeared in the *Review* are listed at the end of this section.

The masthead also contains the names of the members of the Editorial Advisory Board and the Advisory Panel on Symposia. These individuals assist in a broader way by helping solicit manuscripts that reflect the variety of current scholarship in our field. In areas of their own expertise, they also help determine the most knowledgeable reviewers who can in turn provide us with careful and thoughtful assessments of manuscripts. The Editorial

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Advisory Board meets at the annual meeting of the Law and Society Association to discuss matters pertaining to the Review's editorial policy.

Beyond these two groups of scholars, a much larger set of reviewers provides invaluable assistance with both those manuscripts we will publish as well as for those which are not appropriate for publication here. Most reviewers are members of the Law and Society Association, but we seek advice from nonmembers who can assist because of their special expertise in our field. We recognize and appreciate the generous and tireless assistance given anonymously by those who evaluate manuscripts.

The *Review* could not be published without the invaluable assistance given by those in the Editorial Office at Duke and the Production Office in Chicago. Deborah Gross has worked diligently during the transition of editorial functions from Buffalo to Duke. Her management of the orderly flow of manuscripts through the review process is critical. Tracy Brown and Margo Cooper work with authors to ensure that all references cited are correct. Bette Sikes runs our Production Office in Chicago, just as she has done for the past five years. Her astute work as copy-editor and her diligence as production manager helps maintain high editorial standards.

Finally, a word of thanks to the previous editor and his team. Frank Munger has passed on a well-managed and smoothly functioning editorial office. We will do our best to maintain the level we have inherited and continue working as he and his team did toward elevating those standards whenever possible.

William M. O'Barr

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