From the Special Section Editor

Family policy has suddenly attained a prominent place on the political agenda and family law has become a livelier field of academic scholarship. This symposium reflects a portion of this changed environment.

Three of the papers deal with some aspect of divorce while the fourth examines the correlates of wife abuse in a context of an increasing legal involvement in such incidents. Thomas B. Marvell's examination of whether no-fault divorce increased the divorce rate and the analysis by Jessica Pearson, Nancy Thoennes, and Patricia Tjaden of some of the consequences of using mandatory guidelines for calculating child support illustrate an important category of studies and the difficulties they face. Legal changes are adopted to achieve particular goals but they often have unintended consequences which may or may not be judged desirable. Even more than is ordinarily true, alterations of family law are not usually subjected to formal evaluations. Moreover, data routinely collected by administrative agencies are generally of even poorer quality than in other policy arenas both because the responsible agencies (often courts) are unaccustomed to collecting statistical information and because many events concerning family relationships are considered to be private and, therefore, are not readily open to inspection. Marvell's analysis is based on published divorce rates which are probably as accurate as most data collected by a myriad of local agencies (cf. the crime rate), but they still have much error embedded in them and remain too skimpy to examine some of the most fascinating questions, such as why a legal provision like no-fault divorce apparently stimulates divorces in some locales but fails to do so in others. Pearson and her associates collected their data from court records and encountered many gaps and inaccuracies. Even on such an important matter as the imposition of child support obligations, *publicly* collected data based on judicial transactions are almost nonexistent.

In other areas of changing family law, similar analyses could immeasurably enrich and elevate public debate about the desirability of change. No one has collected reliable data across many jurisdictions about the amount of property and liabilities transferred at divorce which would enable policymakers to evaluate the impact of such alternative policies as equal or equitable distribution upon different segments of the population. Likewise, we are in the dark about many of the consequences of alternative policies about abortion, such as their impact on family relationships, on labor force participation of women, or on attitudes toward the legal system by

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those affected. Another area begging for more empirical research is one recently explored by David Chambers (1988) and Kathleen Bartlett (1988): the role of the law in regulating step-relationships, a matter which will surely become the object of legislative attention in the near future as those relationships proliferate and generate problems which cannot be solved privately.

Kirk R. Williams and Richard Hawkins analyze a problem that has increasingly fallen within the scope of legal regulation, spouse abuse. They attempt to separate the contributions of private and public forces to violent outbreaks within the family. It is, as they recognize, a difficult task. Yet their work is a model which might be fruitfully extended to many areas in which the legal system seeks to regulate family affairs. Child abandonment by a divorced parent might be analyzed by the same model perhaps revealing the potential for intervention by the legal system into this extremely troubling but prevalent phenomenon. Another example is the government's intervention in shared housing arrangements through zoning laws and public housing tenancy regulations.

Policy substance is only one element of the law's involvement with the family; procedure is another. The analysis of both old and new procedures may provide new insights into the way that government reaches into family life. In this symposium Greatbatch and Dingwall examine one of those new procedures by giving us a glimpse into an ongoing mediation session and the influences at work therein. Together with the reports of Sarat and Felstiner (1986; 1988) of client-attorney conferences in divorce cases, this work begins to map the formal and informal procedures used to resolve family disputes within the legal system. However, these only form a beginning. So far we possess only a few glimpses into the offices of attorneys and the conference rooms of mediators; we do not have observations of courtroom proceedings where most decrees are approved, some are altered, and a handful are tried. Much more remains to be examined either by personal observation or through the eye of a television monitor.

Large areas of family law have been left unrepresented by this symposium. There is no account of the politics of family law change even though understanding how changes occur may be an important element in comprehending their consequences. Family law reaches far into the psychological domain of such phenomena as legitimizing relationships, boosting or stifling emotional outbursts in familial settings, and promoting or curtailing a sense of responsibility to others. But there is little research about the role of the law into such matters.

Moreover, most sociolegal research on the family has neglected the experience of other countries at parallel levels of urbanization and economic development and with similar cultures which have adopted quite different family policies and legal enti-

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tlements. This symposium does not report analyses of these alternatives although there are rich opportunities for such studies.

It is perhaps unfair to expect such a wide reach at this early point in the resurgence of family law research. I would hope that many of the gaps in our knowledge about the law and family life will begin to be filled by our efforts in the next decade.

Herbert Jacob
November, 1989

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