FROM THE EDITOR

The six articles which make up this issue are joined together not through some inward design, providential or editorial, but through the routine contingencies of selection and timing. In their accidental propinquity they tell us something about where law and society scholarship has been and where it seems to be going.

In their various ways, these papers testify that social scientific research on the legal process has achieved some independent standing in American academic life. They point to the presence of flourishing research traditions distinct from the learning about law cultivated, in law schools and elsewhere, for professional purposes. These studies depart sharply from the exclusive fascination with higher agencies — and especially with appellate courts — that has characterized legal scholarship. They focus on a variety of sectors of the legal process — including police forces, prosecutors' offices, civil and criminal trial courts, a state legislature, and public opinion. These varied settings are viewed directly, rather than through the lenses of judicial opinion. The authors do not concentrate on rules, but consider a wide array of factors that influence legal processes. Finally, these studies focus on description and explanation, rather than on justification and prescription.

Quite apart from such general matters of perspective, much about this collection of articles will seem familiar to those who have tried to keep up with the "law and society" literature. In spite of our avowals of cosmopolitanism, all six articles are about the legal process in the United States. In spite of our interest in the private sector, all of them concern official legal agencies. In spite of our suspicion that the most promising unexplored territory may lie elsewhere, four of the six concern various aspects of criminal justice. In these ways, this issue reflects where law and society research has been — heavily domestic, concerned almost exclusively with agencies of the state, and especially emphasizing the criminal process.

While this collection mirrors the past in these respects, it also hints at emerging trends and new themes. As the available data base increases and as more sophisticated techniques of measurement become available, we find what might be called second generation reappraisal. Thus David Seidman and Michael Couzens utilize interrupted time series analysis to probe police

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crime statistics. It is a sign of the maturation of social research on law that this kind of critical reappraisal is brought to bear not only on a subject like crime reporting, which has always been fair game for scholars, but also on widely accepted scholarly findings. Thus John Hagan provides a careful re-analysis of what has surely become received wisdom as to race discrimination in sentencing. Similarly, Gregory Casey uses his discussion of public perceptions of the Supreme Court as the occasion for a re-assessment of earlier notions about judicial myth and its sources.

Another theme, this one substantive rather than methodological, that emerges is an interest in the flow of litigation. If the working of courts is central to our understanding of the legal process, we must begin with the observation that they are passive institutions. They have to be set in motion by some party. So we want to know about party initiative and about the filters which stand between that initiative and judicial action. David Neubauer gives us a picture of the screening process in a prosecutor's office. Craig Wanner provides us with our most comprehensive picture of party initiative in using civil courts. We know remarkably little about what civil courts do and Wanner's account not only fills a gap in our knowledge but also suggests interesting possibilities for comparison over space and over time. We expect to publish a second installment on dispositions soon. Compared to hundreds of studies of appellate courts and even dozens of studies of small claims courts, the singularity of Wanner's study reminds us how thoroughly these ordinary civil courts have been ignored.

Similarly, attention has focused on the impact or effectiveness of legal norms — rather than on the forces which shape them. John Galliher, James McCartney and Barbara Baum provide the only study here in which law (in the sense of authoritative norms) is the dependent variable. It adds a clear and cogent case study to our small stock of empirical studies of how laws are produced.

Taken together, these papers suggest that the interplay of formal legality with social dominance, organizational pressures, and symbolic politics does not fall into any simple pattern. On the one hand, formal legality may be manipulated (Seidman and Couzens) or ignored (Casey) or routinized (Wanner). On the other hand, we find instances, as the papers by Hagan and by Neubauer suggest, in which legal rules and

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professionalism may have unexpected explanatory power. The interactions, the papers here suggest, are more complex and the resultant legal reality more patchwork and uneven than is anticipated by either the celebration or the debunking of legality. The task is to move beyond these to more adequate models.

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