From the Editor

In my last "From the Editor," I described the *Review*'s plans for engaging authors and the research community in exchanges that illuminate both shared and differing points of view. The next three issues of the *Law & Society Review* will have symposiums of research and discussion about an area of study or, as in the current issue, multiple and contrasting views of a question that has broad significance for law and society research. These symposiums, each of which will fill about half an issue, offer exchange and an opportunity to examine important questions in depth.

In the current issue Joel Handler's presidential address to the Law and Society Association challenges law and society scholars to think critically about the influence of postmodernism on research. Handler's claim that postmodernism's influence undermines the ability of research to address problems of inequality and oppression and his criticisms of particular research are discussed and answered in the six comments by scholars published with his address.

In the next issue (Volume 27, No. 1) the symposium topic will be research on the death penalty. The issue will include comments on the research presented in the symposium and discussion of the future of law and society research on the death penalty after *McCleskey v. Kemp* (1987).[1] The following issue of the *Review* (Volume 27, No. 2) will feature a mini-symposium on crime and inequality edited by John Hagan.

The Politics of Postmodernism: The Presidential Address Symposium

In his presidential address, Law and Society Association president Joel Handler examines the influence of postmodernism on contemporary law and society research. His address is both a call to recognize a shared commitment to justice for minorities, women, and the poor and an argument, naming

[1] *McCleskey* rejected an equal protection challenge, brought by a black man convicted of murdering a white man, alleging racial discrimination in Georgia's capital sentencing process. Among other forms of support for the claim, the plaintiff cited the Kalven Prize–winning research by David Baldus (see Baldus et al. 1983) showing statistically significant racial disparities in capital sentencing. Justice Powell, writing for the majority, concluded that such research was irrelevant, insisting that petitioner McCleskey "prove that the decisionmaker in his case acted with discriminatory purpose" (*McClesky v. Kemp* 1987:1766). Since *McCleskey*, the Court has greatly restricted its consideration of statistical demonstrations of bias in the administration of the death penalty.

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names, that the value of contemporary research for political and social change has been weakened by postmodernism. Handler discusses important moral and political questions that underlie and motivate research. At the same time, his criticism sharpens generational, political, and philosophical lines of difference that have for a decade divided (and energized) both published and unpublished exchanges about politics and social science in the law and society field.

To begin the engagement invited by Joel's address, six comments, Joel's reply, and a postscript by Joel's long-time colleague and friend Stewart Macaulay also appear in this issue. The comments respond to some of the questions raised by Handler's interpretation of postmodernist social theory and his criticism of its implications for research, including the roles of social structure and individual agency in explaining individual behavior, the nature of political action in contemporary society, and the potential contribution of research to transformative politics.

Handler's criticism of postmodernism emerges against a background of change in the law and society field and in the social sciences more generally. Both critical legal studies and cultural anthropology have influenced many law and society scholars. Their combined influence has "decentered" research on legal institutions—that is, has moved research away from studies framed by the formal institutions of law toward studies of culture outside the courts and away from the influence of given social structures to the manner in which individuals acquire and change cultural roles. Cultural anthropology suggested strongly the plural nature of the dispute resolution culture of modern societies, leading to sustained criticism of "legal centrism" in law and society research. The critical legal studies movement has been a conduit for European social theory and philosophy questioning the necessity of structural hierarchies and, consequently, explicitly challenging social science theory that placed assumptions about social structure at its center. Under the influence of this postmodern theory, particularly after its deconstructivist turn, law and society research has begun to examine previously unnoticed implications of culture that impute a false necessity to the social order and, particularly, the legal order.

Among these varied influences on contemporary research, Handler identifies postmodernism as having had a profound and undesirable effect. Handler argues that in its quest for radical liberation of the individual, postmodernism has rendered the concept of individual identity so indeterminate that all claims of common or shared interest based on a status such as gender, race, or class are rendered invalid, and thus no "meta-

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narrative" envisioning transformative politics can be created to guide scholars or those resisting oppression.

Handler calls for research that makes solutions possible. In response to those who would protest that "there are no grand narratives," Handler replies, "The opposition is not playing that game . . . everyone else is operating as if there were grand narratives" (p. 49) and they are taking power. Moreover, he argues, "the individualistic Grand Narrative of liberal capitalism continues to mask the institutionalized basis of racism" and other forms of oppression (p. 51).

Like other recent presidents of the Association, Handler calls for an examination of the research enterprise and the shared value commitments that underlie it (cf. Levine 1990). To a great degree, the shared commitment to justice has facilitated continuing engagement and openness in the law and society field. Yet, growing interest in the political implications of law and society research, as well as the maturing of progressive scholarship, has opened what was a small field to broader intellectual currents. What is certainly a widely shared, and thus a unifying, interest in the power and politics of gender, race, and class oppression is also a source of important differences in perspective.

Some of the comments that are being published with Handler's address suggest alternative ideas about the relationship between individual and collective action, between power and political change, blending, to different degrees, institutional and standpoint theories.

Other comments take issue with Handler's understanding of postmodernism, arguing that an accurate reading of postmodernist theory leads directly to important insights Handler overlooked about the limitations and possibilities of individual and collective action and thus about the conditions under which power is exercised or challenged.

Whether Handler has correctly identified the sources and implications of differences in perspective will be, I hope, widely discussed. He has courageously and engagingly directed attention to broader implications of fundamental questions for law and society research.

Articles on Criminal Justice Networks and on Family and the State in Antigua and Barbuda

In an analysis of networks among courts, police, lawyers, political offices, the press, and special interest advocates, Jack Heinz and Peter Manikas describe the structure of the criminal justice system in Chicago. The central conceptual and measurement problem in studying the structure of the criminal justice system is its complexity. In what respect can the multiple agen-

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cies and organizations with some role in the process be said to form a system? Heinz and Manikas offer an important contribution by conceptualizing such a system. Starting from a suggestion by Hagan (1989) that the "looseness" of the system may be one of its most important characteristics, Heinz and Manikas use smallest space analysis to create three-dimensional models of the system based on a concrete measure of the linkage between its constitutive parts, namely, frequency of communication between them. The model has immediate and important implications for the mobilization of law and legal policy through the criminal justice (for example, when statutes of decisions of the courts impose new requirements) and for explanation of pathologies of the system (for example, rule violations, failure to implement decisions, and lack of coordination).

Mindie Lazarus-Black examines the historical interplay of class structure, economy, and law on the family in Antigua and Barbuda since colonial times. Lazarus-Black's research reveals a pattern of class interest behind legislation on marriage, welfare, and sexual relations between members of the same and different social classes. Her research illuminates not only changes in the law but also the culture that evolved in the shadow of the law governing gender relations. Lazarus-Black's study concludes with a fascinating examination of the most recent legal changes in which legal norms of equality confront the cultural reality created in the shadow of the law, a confrontation in which the interplay of law and culture is critical to the recognition of the rights of illegitimate children and the emerging political role of women.

Frank Munger

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