## FROM THE EDITOR

Though disparate in subject matter and approach, the papers in this issue converge, in their various ways, on a series of discontinuities — between data and theory, theory and policy, policy and impact — that seem to me central and abiding concerns of "law and society" scholarship.

Several of these papers trace the extension into new settings of elements of the adversarial due process style of legality. In the three police departments studied by Stephen Halpern the extension was promoted and impelled by organized interest groups. The advent of due process, if I read Halpern right, is attended by a measure of ironic reversal: due process for the police may mean less accountability by the police. In his study of the impact of *Argersinger*, Barton Ingraham tells us of reform from above. He reflects on the transmutation of adversarial ideals into the dross of routine processing and points to the gap between impact in the sense of securing compliance and impact in the sense of effectuating underlying policies.

Ingraham's paper stands within the tradition of impact studies, examining the effect at the operating level of a legal rule or policy propounded by a higher agency. The study of court use in a Turkish town by June Starr and Jonathan Pool is also an impact study, though on a very different scale. It attempts to ascertain the impact not of a single court decision or legislative enactment but of the installation of a whole legal order. In a much-cited article, published in an early issue of this *Review*, Gregory Massell (1968) provided a dramatic demonstration of the misadventures of an abrupt imposition of a radically different legal order.[1] In contrast, Starr and Pool suggest that the "revolution," which abrogated a long-established legal order in Turkey and put a new and alien one in its place, has succeeded in transforming legal life at the local level.

All concur that formal legal arrangements do make a difference, but the difference is not necessarily in accord with our most informed expectations. The gap between legal policy and unanticipated consequences is paralleled by a gap between knowledge and policy. Several of these papers discuss the problems of translating our fragmentary and imperfect understanding of the legal process into recommendations for the formation of legal policy. Anne Mahoney assesses the evidence for labeling theory in the juvenile justice area. Daniel Katkin, Bruce Bullington and Murray Levine evaluate the shift in child placement practices proposed by Goldstein, Freud and

https://doi.org/10.1017/S0023921600027237 Published online by Cambridge University Press

Solnit in their widely acclaimed *Beyond the Best Interests of the Child*. Each of these articles points out the narrow empirical base upon which reforms are touted in the name of (social) science. In each case, the critics suggest, the claims of revisionist theory as a guide to action are undermined by neglect of the total context of action.

In their exchange on the problem of operationalizing Durkheim's theory of legal evolution, Upendra Baxi and Richard Schwartz remind us how problematic is the process of moving from plausible grand theory to a convincing test. Much social inquiry about law has focused on the gap between precept and practice, between "the law on the books" and the "law in action." Whatever the shortcomings of this dichotomy as an analytic tool (and I agree with Richard Abel [1973] that they are considerable) it has the virtue of sensitizing us to the comic duality of law. These papers remind us that there are similar disparities in social science itself and especially in the attempt to translate its insights into prescriptions for change. Like the law itself, our efforts at reform are attended by unanticipated consequences (and unattended by anticipated ones) — perhaps because, like the law's, our partial theories violate the wholeness and complexity of experience.

*Marc Galanter*

## NOTES

[1] The full study from which Massell's article was drawn has recently been published by the Princeton University Press as *The Surrogate Proletariat: Moslem Women and Revolutionary Strategies in Soviet Central Asia*: 1919-1929 (1974).

## REFERENCES

ABEL, Richard L. (1973) Law Books and Books About Law. 26 Stanford Law Review 175.

MASSELL, Gregory J. (1968) Law as an Instrument of Revolutionary Change in a Traditional Milieu: the Case of Soviet Central Asia. 2 Law & Society Review 179.

https://doi.org/10.1017/S0023921600027237 Published online by Cambridge University Press