From the Editor

While it may not yet be a full-blown paradigm crisis, rumblings of discontent can be heard in the corridors and meeting rooms of law and society settings. They jostled the Association into its critical-traditions theme for the Chicago meetings. They can also be felt in the rising tide of manuscripts filling my mailbox each week. Questions of direction, of role, of relationship between the institutions of law and state seem to be bubbling up. While many continue to elaborate the agenda of positivistic social science empiricism, others are dedicated to the development of alternative agendas as ways of moving beyond established responses to the law/society dichotomy. Still others, pursuing their own muses, have been developing noteworthy alternatives without much thought as to where they might be leading the law and society parade.

The diversity of manuscripts and the tension of discontent generate choices which I did not anticipate when I accepted this position. One route for me to follow is to publish a something-for-everyone grab bag in every issue: a little of this and a little of that so that every issue would satisfy readers of diverse interests with relevant materials for their files. One problem with this approach, however, is that even among those committed to empirical research agendas, the number of subspecialties is so large and diverse that the range cannot be covered even in two or three issues. Appellate court buffs do not necessarily find impact research interesting even when the methodologies are similar. The problem becomes greater then if the already overflowing pot of the *Review* must accommodate the restless ingredients of dissent.

Another route is to ignore the dissent and publish only safe pieces representing the best empirical research being done. Plenty of quantitative analyses continue to pour in despite years of drought in Washington. Concentration on them would help insure the *Review*'s continued reputation as a top-rate social science journal. Hypothesis testing remains a rich and diverse activity—many stones remain unturned. But how can the *Review* ignore the various arguments that stoneturning is not enough? Being an eclectic field, law and society has thrived not only on its respectability but also on the continued willingness of strange bedfellows to throw an occasional friendly elbow or

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knee to make others take note. It is no small achievement that the bed remains occupied.

A third alternative, to concentrate only on the dissent and ignore the research, is neither realistic nor fair, though it would certainly draw attention to the debates. Still, since the issues being raised in these debates are central to the entire enterprise, it seems to me the *Review* ought to play a role in furthering the dialogue that goes beyond simply making space available on a random basis.

To the extent that scheduling allows, therefore, I have attempted to group articles so that single issues represent categories at issue in current debates. For example, in this issue each of the articles is quite straightforwardly positivist. These are good examples of social science empiricism addressing theoretical issues that have been raised in the past. Each article is related in some way to both theory testing and policy issues.

In J.L. Miller, Peter H. Rossi, and Jon E. Simpson's study, for example, there is statistical evidence that basic structural variables (race and gender) affect the way people perceive justice. The authors link their specific results with prior studies on the fear of crime by showing that structurally produced differences in experience with crime produce significant differences in basic justice thinking. The surprise (compared to common sense expectations) is in the structural location of lenient as opposed to harsh approaches to justice.

Helgi Gunnlaugsson and John F. Galliher use Iceland's experience with beer prohibition to show that the linkage of class and status politics, which Gusfield (1963) found in his classic study of prohibition, is not a necessary condition of symbolic law. With a different pattern of industrial development than in the United States, Iceland's apparently similar symbolic rejection of certain forms of alcoholic drink stems from a very different set of circumstances.

Paul Burstein and Kathleen Monaghan present an analysis of legal impact that stands out because of its emphasis on legal mobilization. Focusing not just on the before and after numbers, they show in detail how the "after" measures of impact depend on the continued activity of a mobilized public which, in view of their analysis, appears to have been effective in keeping equal employment opportunity legal objectives on track, at least at the appellate court level.

Sheldon Eckland-Olson uses both quantitative and qualitative methods in developing an analysis of prison violence that goes beyond simplistic explanations based either on overcrowding or on aspects of social organization. The complexity of pris-

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ons as institutions, he argues, means that reform initiatives aimed at altering prison conditions (e.g., reducing crowding, professionalizing the custodial function) may reduce some forms of violence while increasing others. His call is for theoretically well-based empirical research as a way of combating the inadequate models currently in use among prison reformers.

Like the longer pieces in this issue, Barbara F. Reskin and Christy A. Visher's research note submits to empirical test concepts that have already enjoyed considerable longevity in our field. Harking back to Kalven and Zeisel's jury studies (1966), Reskin and Visher devise a way to test the "liberation hypothesis" of an interaction effect between the strength of evidence in a jury trial and the tendency of jurors to inject extralegal considerations. Where evidence is strong it cancels most extralegal effects. But where it is weak or ambiguous, jurors appear to feel free (liberated) to hang their decisions on various extralegal factors.

Finally, Craig A. McEwen and Richard J. Maiman's research note addresses Vidmar's challenge (1984) to their earlier conclusion that mediation is more effective than adjudication in producing viable dispute settlements to which disputants comply. Comparison of Vidmar's data with their own supports the view that Vidmar's concept of admitted liability, far from negating their own conclusions, actually helps to specify the conditions under which mediation will produce results superior to adjudication.

Despite the diversity of subject matter and method in these papers, they all represent good examples of restrained, disciplined empirical research. By grouping them together in this issue, I hope to make them more accessible not only to those interested in the specifics, but also to those seeking to explore the bigger issues of law and society self-examination.

In issues to come, other clusters will include papers designed to stimulate our sociological imagination rather than impress us with their methodological rigor, papers that demonstrate the effectiveness of longer-range and/or comparative methodologies, and hopefully papers which address the basic issues of direction within our field.

This attempt at clustering is not necessarily a permanent agenda for the remainder of my term in this office. Rather it is an experiment, an attempt to broaden the dialogue over "where we go from here" by providing at least semicoherent clusters of material for debates. No one of these clusters should be interpreted as the "new direction" of the *Review*. Nor am I includ-

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ing papers because of their conformity to the pattern rather than their quality. All of these papers have been through rigorous reviewing and editing procedures that have identified them as among the best currently under consideration. The clustering is a process of directed timing, not a search for specific pieces to fill some conceptual gap.

As in any other experiment, our knowledge of its value will depend on feedback. I welcome your comments and suggestions.

Robert L. Kidder
July, 1986

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