From the Editor

Few would disagree that ideology is a loaded term. Some who see the title of this special issue may toss it aside as a waste. Others may reach gladly for it, thinking "At last the *Review* has seen the light." I don't think either reaction will prove justified based on my reading of the papers here. What you will find in these pages is a careful attempt to identify and demonstrate both the potential in and confusion surrounding this gadfly of a word.

The next essay, prepared by the editorial group also known as the Amherst Seminar, spells out the primary issues which you will find addressed in the papers that follow. Therefore, I will not try to repeat their summary. Instead I will speak about why I decided to discuss the creation of this special issue with the Amherst group and what my reactions are to the final product.

If it was ever accurate to speak of the law and society movement as an ideology, one would have to conclude that its "hegemony" has long since been fragmented by a multiplicity of challenges. From the early days of sociological jurisprudence and legal realism, the movement took on a particularly empirical, positivist slant with its emergence as part of the take-off of social science in the late 1950s and 1960s. Our version of this science consisted in taking legal doctrine for granted and investigating the conditions under which its impact was either defeated, diverted, or distorted by social forces in need of reform. For theory, we tended to look to anthropological studies and sociological extrapolations for functional models and new ideas for reform. As a challenge to the hegemony of traditional legal scholarship, this project found few beachheads, and even those proved infirm as new, seemingly kindred law school spirits giving birth to critical legal studies seemed to either ignore even the best social scientific efforts to expose contradictions in the legal system or to include them in its list of demons to be exorcised. At the same time, restless souls began attacking the very foundation of our science, namely our objectivity. Questions were raised about the possibility that all ways of studying law and society would necessarily be tainted with ideology, leaving only the option of choosing your poison.

Some have remained true to the original scientific agenda rejecting all "ideology talk" as misguided enthusiasm or cynicism while others have pursued a modified course trying to merge the analysis of data with the slippery contradictions of a discourse which has had ideology as a central, if elusive, concept.

Is it possible to carry on a truly objective social science as Durkheim proposed? Is any social science trussed before it even

LAW & SOCIETY REVIEW, Volume 22, Number 4 (1988)

https://doi.org/10.1017/S0023921600028711 Published online by Cambridge University Press

starts by the inescapable cultural blinders of its practitioners? Turning the question around at the tormenters of those who would be scientific, is it possible to "analyze" anything using the concept ideology without comparing what are thought to be the dominant ideas in a social setting against some separately measured indicator of what is "really happening"? Are there observable social phenomena which are essentially nonideological? If so, how are they to be observed and interpreted? If not, if everything is ideology, are we not caught in a futile tautology where any statement we make becomes merely another thrust in a pointless agenda of philosophical aggrandizement?

I had heard enough of various discussions along these lines to know that the issues are not easily dismissable as obvious ploys of one camp or another. I also knew that the Amherst Group had been giving some concentrated thought to related issues. With helpful nudges from others who shared similar concerns, therefore, I contacted members of the seminar and proposed a special issue on ideology. The object was not to produce the definitive collection on the subject, nor even necessarily to arrive at a single agreed definition of the term. Rather, it was to exploit the potential group effects of mobilizing the seminar to focus on a single project in this area so that much "loose talk" about ideology could be tightened, and so that the many among us who wince uncertainly at the unfamiliar and sometimes mysterious jargon of these dialogues could see the variety and integrity of research which incorporates ideology as a central feature of analysis.

I am pleased with the outcome, though I confess to finding the basic concept much broader and more diffusely defined than I had imagined at the outset. Ideology, as presented in this issue, is a set of beliefs or arguments, but it is also a process of conflict over beliefs. Ideology is associated with conflict, and sometimes, but not necessarily, with domination. It may or may not be connected to false consciousness. Law is ideology, but also an arena within which competing ideologies are asserted. Law is one place where views of society are developed and promoted, so in some sense it seems at times to be a kind of mega-ideology, a taken-for-granted context and language for diverse ideological constructions. Yet it also becomes the object of construction and reconstruction. Ideology, in the form of law dominates but is also the medium by which to escape domination.

I am not disappointed that these ambiguities are left unresolved here. The value of this issue to me is in its demonstration of the many ways in which ideology can be incorporated as part of systematic research which connects us with "real world" legal phenomena. The construction of meanings in legal settings does prove to be researchable even though the research process and product may become part of that constructive process.

Whether ideology talk goes with, or against, your grain, I in-

https://doi.org/10.1017/S0023921600028711 Published online by Cambridge University Press

vite you to use this issue to open new horizons on what law and society research can be in the future. We cannot duck these issues or smother them in a fog of undigested data. They lie at the heart of the enterprise.

R.L.K.
October, 1988

https://doi.org/10.1017/S0023921600028711 Published online by Cambridge University Press