FROM THE EDITOR

Two recent and very readable works provide students of "law and society" with an opportunity to reflect on the state and prospects of scholarship in this area. Both Robert Stevens' (1972) short history of American legal education and William Twining's (1973) intellectual biography of Karl Llewellyn recount the failure of the first serious attempts at integration of law and social science in the late 1920's and the early 1930's. The law and society scholarship of the past decade or two seems to have moved beyond some of the problems that beset its earlier counterpart. A more ample and sophisticated social science is at hand. The world of legal scholarship, shaken by its own unresolved intellectual crisis, is less resistant. A research tradition (or a cluster of such traditions) distinct from the cultivation of doctrinal learning (plain or policy-flavored) has been institutionalized in the social science disciplines, in the law schools, and in communities of discourse which cross disciplinary lines. Although social inquiry into the legal process still faces formidable institutional problems, especially in the law schools, it enjoys the luxury of having its main problems in the intellectual realm.

The notion that the deficiencies of legal learning are to be supplied by empirical research has attained the status of an innocuous commonplace. Empirical studies have multiplied—to our great benefit. But where will the accumulation of data lead us? What kind of understanding of the legal process do we expect to emerge? To call for the development of a distinctive and coherent body of tested theory about the legal process is easy. To produce it, however, is a difficult and precarious undertaking, but one which must be attempted if "law and society" studies are to sustain their intellectual viability.

This issue contains the longest article the *Review* has ever published, Richard Abel's "Toward a Comparative Theory of the Dispute Process." This departure from our normal format reflects our concern with the search for comprehensive social theories of law. Abel's paper seems to us the most ambitious attempt so far to provide a theoretical framework for the study of dispute processing, a term which comprehends much (but not all) of the legal process. Professor Abel ties together many strands, found in diverse research traditions and in disparate idioms, to erect an intellectual framework within which various lines of research can be located and assessed and their mutual relevance appreciated. It provides a challenging agenda for research on dispute

https://doi.org/10.1017/S0023921600030656 Published online by Cambridge University Press

processing institutions and an example of comparative theory that may be richly suggestive for the study of other aspects of legal process.

It is a happy coincidence that each of the other two articles that appear in this issue provides a vivid and concrete instance of dispute processing by a single institution. Edward Beiser's "The Rhode Island Supreme Court" offers a rare close-up of the workings of an appellate court at the "upper" end of the American legal system; Lynn Mather's account of a public defender's office provides us with a picture of the criminal process at the "field level." Each proceeds by what might be thought of as a modified ethnographic method which is increasingly applied to the study of our domestic institutions. Each combines attention to the distinctive characteristics of the institution under study with sensitivity to the range of variation among institutions which are functionally or formally similar. As the number of such studies grows, so does the possibility of testing crucial propositions about such variation. Also, as studies of separate institutions proliferate, we can begin to ask about what might be called the ecology of such institutions: their influence on one another, the flow of business among them, the patterns by which people shop among them, etc. As Professor Abel indicates, the study of individual institutions will remain incomplete until we have ways of studying the whole environment or array of legal institutions with which they coexist.

I would like to take this opportunity to emphasize again that we welcome responses to our authors and would be happy to publish those responses that we think of general interest.

Marc Galanter

REFERENCES

STEVENS, Robert (1972) "Two Cheers for 1870: The American Law School," in Donald FLEMING and Bernard BAILYN (eds.) Law In American History. Boston: Little, Brown and Company. [5 Perspectives in American History 403 (1971).]

TWINING, William (1973) Karl Llewellyn and the Realist Movement. London: Weidenfield and Nicholson. [Distributed in the United States by Fred B. Rothman, Inc.].

https://doi.org/10.1017/S0023921600030656 Published online by Cambridge University Press