Presidential Address

GOOSE BUMPS AND "THE SEARCH FOR SIGNS OF INTELLIGENT LIFE" IN SOCIOLEGAL STUDIES: AFTER TWENTY-FIVE YEARS

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This article focuses on the emergence of sociolegal studies over the past twenty-five years through an analysis of the development of the Law and Society Association. The paper takes the view that this scholarly field is best understood from a broad-based, multidisciplinary perspective that includes, but does not privilege, legal scholarship. Also, the article argues that sociolegal studies has been pluralistic, self-reflective, and dynamic since its inception and that current critiques must be examined in light of this past. Three areas of contemporary concern—the centrality of law; the impact of policy, politics, and reform motives; and the nature of science—are assessed in terms of sociolegal studies specifically and social science inquiry more generally. Opportunities for growth and change are considered.

I. INTRODUCTION

Jane Wagner's bestseller and award-winning Broadway play (1987) called *The Search for Signs of Intelligent Life in the Universe* starred Lily Tomlin as a crazy bag lady named Trudy, who

This article was originally delivered as the Presidential Address at the annual meeting of the Law and Society Association in Madison, Wisconsin, on June 9, 1989. Except for footnotes, references, and a limited number of expansions, this article is essentially that speech and preserves in language and tone the conversation that I sought to engender with my colleagues on the occasion of LSA's twenty-fifth anniversary.

Many good friends and colleagues engaged in the debate and reflection that contributed to the formulation of this speech. Most importantly, I wish to thank Ronald M. Pipkin who met and valued the law and society "Trudy" in early spring of 1989. I am grateful also for the wisdom and good sense generously provided by Richard Lempert, Bliss Cartwright, Shari Seidman Diamond, Frank Munger, Barbara Yngvesson, Carrie Menkel-Meadow, Stewart Macaulay, Bonney Sheahan, Katherine Rosich, and Beryl Radin.

These acknowledgments would be quite incomplete without my indicating a special note of gratitude to Trudy (Lily Tomlin) and her creator (Jane Wagner). With brilliant humor and penetrating insight, Wagner's play reinforced my own proclivities for searching with optimism. The brief excerpts from Jane Wagner's *The Search for Signs of Intelligent Life in the Universe* (1987) are included here with permission of Jane Wagner and Harper & Row, Publishers.

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sees herself as a creative consultant to aliens from outer space. Trudy and the aliens are a cosmic fact-finding committee charged with searching the world for Signs of Intelligent Life. They collect all kinds of data about life on Earth in an effort to figure out, once and for all, just what it all means. Trudy (Wagner, 1987: 29) worries about how to explain things to the aliens. She says,

> We think so different.
>
> They find it hard to grasp some things that come easy to us,
> because they simply don't have our frame of reference.
> I show 'em this can of Campbell's tomato soup.
> I say,
> "This is soup."
> Then I show 'em a picture of Andy Warhol's painting
> of a can of Campbell's tomato soup.
> I say,
> "This is art."
>
> "This is soup."
>
> "And this is art."
>
> Then I shuffle the two behind my back.
>
> Now what is this?
>
> No.
> *this* is soup
> and *this* is art!

I feel like Trudy today—the bag lady in *Search for Signs of Intelligent Life in the Universe.* At one point, Trudy says that her space chums ask her to explain goose bumps—whether they come from the heart, from the soul, from the brain, or from the geese. The aliens insist that Trudy take them somewhere so that they can get goose bumps. They are dying to see what it is like. I would like to take you today on a similar odyssey of discovery, of where and how to get goose bumps in sociolegal studies.[1] To do so, I examine our past, consider our present, and reflect on our future in terms of the continuity, change, and self-reflection that have always been the hallmarks of our field.

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[1] The term "sociolegal studies" is used here to denote the social study of law, legal process, legal systems, normative ordering, law-related behaviors, and what is endemically legal in society. However broad the scope, it is meant to embrace the study of law as a social phenomena, not the use of social science in or by law. Used interchangeably with social science of law, law and society, or justice studies, these labels refer to the field of inquiry, not the Law and Society Association. I prefer the term "sociolegal studies" because it is inherently interdisciplinary and can integrate and extend the classical characterizations that derive from the older disciplines (e.g., sociology of law, anthropology of law, psychology and law, legal history, public law, judicial process, criminology, law and economics). While over the years "sociology of law" has occasionally also been used as a synonym for "law and society," I have refrained from this usage so as not to treat sociology differently from the other disciplines that are part of this interdisciplinary fusion.

II. HISTORICAL PERSPECTIVES

There are many stories about the growth of the field, its sources of influence, and the dynamics underlying the founding of the Law and Society Association (LSA). As we approached this twenty-fifth anniversary year of the Association, some stories of our emergence and enterprise appeared in print (e.g., Friedman, 1986; Sarat and Silbey, 1988; Trubek and Esser, 1989), and others were told.[2] Much of the recent commentary reflects on law and society through the lens of legal scholarship (see also, e.g., Trubek, 1989; White, 1986; Schlegel, 1984; Whitford, 1986).[3] From that vantage in particular, there is attention to the seeming marginality of our work.[4] My story adopts a different focus. It locates the center of gravity, not in legal scholarship and the law school world, but in the interdisciplinary intersection of the social sciences, *including* but not *privileging* our law-trained colleagues attracted to empirical inquiry on law-related matters.[5] By considering our early his-

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[2] David Trubek was invited to give the 1989 Mason Ladd Memorial Lecture at Florida State University on his view and vision of law and society. This lecture entitled, "Law and Society: Does It Deserve a Future?" expands on the perspective that Trubek has been formulating over recent years (see Trubek, 1984, 1986; Trubek and Esser, 1989). The twentieth anniversary was also a time for reflecting on our field. In 1983, Stewart Macaulay delivered the James McCormick Mitchell Lecture, "Law and the Behavioral Sciences: Is There Any There There?" at the State University of New York at Buffalo Faculty of Law and Jurisprudence (see Macaulay, 1984). At the 1984 LSA annual meeting, Marc Galanter's presidential address reviewed the growth and contributions of sociolegal studies (1985).

[3] Since the authors of these cited works are law trained, this "Mirror, Mirror on the Wall" (to borrow from Fred Konefsky and Jack Schlegel) is understandably one that reflects the biases and frames of reference of law school identifications and modes of thought. Konefsky and Schlegel (1982) effectively reveal the limitations of insiders writing histories of their own law schools. Recognizing that this same critique could be applicable to me, I have aimed to produce a micro-level account of what happened as a way of testing and building interpretation.

[4] The issue of marginality vis-à-vis one's field of training seems to be more the preoccupation of law-trained colleagues than of sociolegal scholars trained in the social science disciplines (see, e.g., Friedman, 1986; Trubek, 1989). Perhaps the prestige hierarchies are more rigid within the law school world, and there is more consensus about the dominant paradigm (whether critical or supportive). Perhaps the advocacy training of legal education reinforces proclivities for critique and debate. Or, perhaps, quite simply, empirical study of social phenomena *is* the "stuff" of social science training, and, for our law-trained colleagues, "joining the tour" represents a greater departure from the central goals and roles of their "home" departments. When Galanter called "law and society" discourse a "second legal learning" (1985: 537), he showed that legal scholarship is a reference point for law-trained colleagues in a way that likely exists only loosely, if at all, for social-science-trained colleagues.

[5] This shift in emphasis does not mean that the law school world *is not* or *could not be* an important part of the enterprise. As a fellow traveler in law school circles since the early 1970s and as a missionary at heart for our field, I see changes in the role of empirical scholarship in law school, and also I see potential for even greater change in both the attitude and participation of law-trained scholars. Others, with more "hands on" experience, seem to question this optimism (see, e.g., Friedman, 1986; White, 1986; Trubek, 1989). They are

tory-in-action, I believe we can decenter our emphasis on the law school and tell a story that reveals more diversity of influence and perspective.

A. LSA's Formation and Foundation

Let me start this odyssey with roughly the first year of the Law and Society Association's life—June 1964 through September 1965. That was a time of intense organizational effort and planning for the Association and the field. While there were pockets of sociolegal activity on a number of campuses, not until 1964 was there any movement to work together or to create the conditions for routinized intellectual exchange.

On June 15, 1964, Harry Ball, a sociologist and coordinator of the Wisconsin Sociology and Law Program, took the lead. He wrote to invite all members of the American Sociological Association (ASA) interested in sociology of law to attend a breakfast meeting at the ASA Convention in Montreal at 7:15 A.M. on September 1.[6]

The breakfast attracted about ninety persons, and it was chaired by Arnold Rose of the University of Minnesota who was then vice-president-elect of ASA. As was true of such professional gatherings of that day, the group, except for sociologist Rita James Simon, was white and male. The meeting itself focused on activities at various academic institutions and what sociologists might do in this arena. Leonard Cottrell, social psychologist and secretary of the Russell Sage Foundation, spoke about the foundation's efforts to support training and research, with over a million dollars already invested.[7]

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less sanguine and emphasize that other intellectual movements receive greater visibility in law school life (e.g., critical legal studies, feminist jurisprudence, law and economics). As I see the past, law-trained colleagues helped shape the field just as did sociologists, political scientists, anthropologists, and some other disciplines like psychology that were less well represented early on. As I see the future, law school is likely a fertile ground for new recruits and "converts," but certainly not the only fertile ground nor any more central to sociolegal studies. For an insightful appraisal of the history of empirical research in law schools and some constructive strategies for change, see Schuck (1989).

[6] The first *Newsletter* of the Association, published in November 1964, chronicled the formation of LSA.

[7] In 1959 the Russell Sage Foundation made a commitment to support centers of interdisciplinary work in law and social science. The first grant was to the Center for the Study of Law and Society at the University of California, Berkeley, in 1960. Support followed in 1962 to the University of Wisconsin and in 1964 to Northwestern University and the University of Denver (see Ross, 1968). Between 1961 and 1974, the Foundation spent approximately $3 million for institutional grants. In addition to these initial programs at Berkeley, Wisconsin, Northwestern, and Denver, major support was also provided to Yale. Columbia, Pennsylvania, Harvard, and Stanford also received some funding. The Yale Law School Program, which received $542,800 from 1967 to 1974, offered approximately three residency fellowships each year (six at any one time), with a total of twenty-five fellows in all (see Schwartz *et al.*, 1976).

The influence of the Russell Sage Foundation on the growth of sociolegal studies and LSA was substantial. From 1961 to 1974, Russell Sage expended

A rump group, convened as an ad hoc committee, met prior to breakfast and after this rather exhilarating event. With the exception of Robert Yegge, a University of Denver law professor with a sociology background, the rest were sociologists. In addition to Yegge, most important to the initial creation were Harry Ball, Red (Richard) Schwartz (Northwestern University), Sheldon Messinger (University of California, Berkeley), and Jerome Skolnick (Berkeley).[8]

The tale of that first year is not only about a group of young, bold male sociologists setting out to establish new turf; it is also about choices and dilemmas. First and foremost, the ad hoc committee considered whether this enterprise should be a section of ASA (notice the concern was for sociology, not law). With an interesting turn of the political wrist, the committee deferred discussion of section status for a year and decided to become a separate, freestanding organization—the Law and Society Association, as we are still called today.[9] From reports of that meeting, it is clear that interdisciplinary outreach across law and social science was always contemplated. While sociologists took the lead, their vision and the networks of exchange already developing went beyond sociology.

Also, during that first meeting the notion of a publication was spawned—then called a *Bulletin* but two years later named the *Law & Society Review*. The ad hoc committee agreed that the *Bulletin* should carry news and notes and include suggestions for research and research reports, but the committee was hesitant about including "articles." Their hesitancy about the depth of this young field, however, did not dissuade them from submitting a request to the Russell Sage Foundation in January 1965 to underwrite the

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over $5 million in this area primarily through a fellowship residency program, institutional grants, and support for research projects. Russell Sage also provided core funding to LSA to underwrite a journal. Finally, the Foundation was instrumental in initiating summer institutes at the University of Denver and the University of Wisconsin (see Schwartz *et al.*, 1976; Lipson & Wheeler, 1986; Wheeler, n.d.).

[8] The rump group which met prior to breakfast also included Cottrell and sociologists Philip Selznick (Berkeley) and Robert Alford (Wisconsin). The ad hoc committee meeting after breakfast included sociologists Allen Barton (Columbia University), Edwin Lemert (University of California, Davis), Thomas Monahan (New York State University, Oswego), and Arnold Rose.

[9] In the first *Newsletter* (1964: 5), Harry Ball, chairman of the ad hoc committee creating LSA, addressed the future character of the Association. He thought that it "would be the most beneficial to the development of the area of social science and law" to have LSA function as a separate society that offered individual membership but also offered member subgroups, from the American Sociological Association and ultimately other societies, the opportunity to formalize as sections in those societies. This recommendation spoke directly to the question confronting the sociologists in Montreal in 1964. Interestingly, by June 1965, the second *Newsletter* (1965: 4) reported that the expanded ad hoc committee (consisting of twenty members nearly all of whom were sociologists) felt strongly that the Association should "remain autonomous for the immediate future."

journal. LSA received a three-year grant of $54,000—in today's dollars the equivalent of almost $200,000.[10]

During those first several months there were other indicators of the urge for independent integrity and emphasis on the importance of organized scholarly dissemination. In the LSA *Newsletter* in November 1964 (p. 3), Ball announced that the Wisconsin Sociology and Law Program was sponsoring an experimental "Law and Society Section" in the *Wisconsin Law Review*, in part to assess the richness of materials available in this nascent area. He emphasized, however, that the arrangement with the *Review* "will not be allowed to operate so as to compete to the detriment of the proposed *Bulletin*." Evidently, the founders—in the law school and in social science departments at Wisconsin—were cautious about undercutting the development of LSA's new journal.[11]

On November 17, 1964, with the filing of the certificate of incorporation signed by Robert Yegge, Red Schwartz, and Harry Ball, the Association achieved legal status. Less than three months from the first meeting in Montreal, LSA was born!

During the period from June 1964 through the summer of 1965, much of substance was also being accomplished to nurture the field of sociolegal studies. Alford and Messinger (1966) undertook a survey of the interests and backgrounds of the 650 persons who responded to Ball's initial call.[12] Meetings of political scientists and anthropologists were planned by Herbert Jacob and Laura Nader, respectively, for each of their annual meetings.[13] Messinger also suggested to Stanton Wheeler—sociologist, Russell Sage Foundation staff member, and Editor of *Social Problems*—the value of planning a special issue on law and society, sponsored jointly by the LSA and the Society for the Study of Social Problems (SSSP).[14]

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[10] The plan to request support from the Russell Sage Foundation was reported in the first *Newsletter* (November 1964). The receipt of funding for the *Bulletin* was reported in the second issue of the *Newsletter* (June 1965).

[11] The *Wisconsin Law Review* published this special section from 1965 until 1973.

[12] In response to the Alford and Messinger survey (1966), 32 percent of the sample reported that the field of law and society was a "primary" interest; another 55 percent saw it as "equal to any other [interest], but not central"; and only 13 percent considered law and society "peripheral." While there is no recent polling of members, there are strong signs of enhanced engagement and an undiminished level of affect today.

[13] The July 1966 issue of the LSA *Newsletter* reported that the Association of American Law Schools planned to sponsor a roundtable on law and social science in December 1966. There were other indicators of social science interest in sociolegal studies at about that time. For example, in April 1964, the Wenner-Gren Foundation had sponsored a conference on the anthropology of law at the Center for Advanced Study in the Behavioral Sciences in Stanford, CA. Two years later in 1966, Wenner-Gren sponsored a second international conference in Austria to stimulate studying legal systems in cultural and societal contexts (see Nader, 1969).

[14] For an accessible glimpse of the intense substantive and organizational work pursued during the first fifteen months, see Yegge (1966).

The papers prepared for that special Summer 1965 supplement formed the basis for three sessions held in cooperation with the 1965 annual meeting of SSSP and ASA, August 29–September 1. Most notable was Jerome Skolnick's synthetic and analytic paper, "The Sociology of Law in America: Overview and Trends" (1965). Like others in the law and society enterprise at that time, Skolnick acknowledged the intellectual debt to law, particularly to legal realism, and to disciplines like anthropology, but he distinguished between this law and society effort that began in the 1950s and is "only just emerging at the turn of the sixties" (1965: 5) and the legal realist movement (see also Jones, 1965; Schwartz, 1965).[15] While no fine work is without its critics,[16] this article mapped in a knowledgeable and forward-looking way the nature of fundamental research in sociolegal studies. Most important perhaps was his emphasis on the importance of basic research on law and systems of social control over time and across contexts. In a companion paper, law professor Harry Jones (1965) also called for basic research on law-related phenomena that is driven by its social science importance, not its legal applications.[17] Only fifteen months after Ball's first letter, this special issue of *Social Problems* and the three symposiums officially "kicked off" of the field.

III. GROWTH AND CHANGE IN LSA

While the inception of LSA and the development of this scholarly movement were dynamic and vigorous, I do not argue that linear growth or monolithic development followed along some fixed trajectory. From the start, the enterprise was based on exploration, experimentation, and diversity of ambition.[18] In examining

[15] Skolnick (1965: 8) appreciated the importance of the legal realist movement but thought its "most direct contribution [was in socializing] a generation of law professors who would be disposed to sociological interests in living law." For particularly incisive analyses of the legal realist period and its influence, see Schlegel (1979, 1980); Kalman (1986).

[16] See Auerbach's critique (1966) and Skolnick's response (1966) on the meaning of legality and the scope of law and society inquiry.

[17] Jones showed strong interests in encouraging the empirical study of law. In 1963, he participated as a member of a committee to advise the University of Denver College of Law on their new program of research on judicial administration. In August of 1963, Yegge—the new director of this Denver program—held a colloquium in La Garita, Colorado, to consider behavioral science perspectives on judicial administration (see Jones, 1963; Yegge, 1963). Donald Young, then president of the Russell Sage Foundation, chaired the advisory committee and also attended that four-day colloquium.

[18] The Editor's introduction to Vol. 1, No. 1 of the *Law & Society Review* (Schwartz, 1966) shows at once the inclusiveness and breadth of the field and the uncertainty and introspection about alternative paths of inquiry. While Schwartz noted the increasing interest from diverse disciplinary perspectives in knowledge about law *and* in information of value to legal policy, he emphasized that the "crucial task" was gaining a theoretical understanding of law as part of the social order (1966: 6). Over the years there are many indicators of the breadth of ambition of the Association and the view that, irrespective of other important priorities, the first priority is to develop LSA as a scholarly

the first twenty-five years of law and society, there are several patterns and transformations that are noteworthy.

A. Law-Trained Involvement

The interdisciplinary urge and the attraction to engage with counterpart legal scholars produced rather rapid change in the demography of the leadership. For example, by 1965 Editor Schwartz had asked Victor Rosenblum—political scientist, law professor, and director of Northwestern's Law and Social Sciences Program—and John Coons, law professor, to join as associate editors of *Law & Society Review*. The composition of the first group of trustees also shows the ascendancy of law as partner with sociology despite the presence of other disciplines.

The growing role of law-trained colleagues in the law and society movement seemed to reflect social networks[19] emergent from patterns of financial support[20] and the strongly felt view that teaching and research in the sociolegal enterprise would be enriched by *law* and *social science* collaboration.[21] The law and soci-

society. For example, these were central themes in the work of the Committee on Organization and Purpose chaired by Jack Ladinsky in 1973 and the Committee on Organization, Administration, and Structure chaired by Richard Schwartz in 1982 (see also, e.g., minutes of the December 27, 1973, board meeting (Law and Society Association, 1973)).

[19] Social networks and patterns of communication are important to the development of any enterprise. For example, the impact of James Willard Hurst's work (1950, 1964) on understanding the development of law and the relationship between legal and social change is without question. Similarly one needs only look at citations in the *Law & Society Review* or symposiums at the annual meeting to measure Hurst's intellectual influence. What I had not realized prior to working on this speech is that Hurst also served on the Social Science Research Council in the 1950s. Similarly, I discovered that in 1970 Robert Yegge was named to the National Science Foundation Advisory Committee for Social Sciences, the first law-trained person to serve in this capacity.

[20] The Ford Foundation, the Russell Sage Foundation, the Walter E. Meyer Research Institute (succeeded by the Council on Law-Related Studies) sought to encourage the participation of law professors in this interdisciplinary enterprise. Ford Foundation support for research in law and the behavioral sciences at the University of Chicago Law School in the 1950s galvanized interest in bringing law professors and social scientists together in interdisciplinary exchange, most visibly in the now classic Chicago Jury Study (Kalven and Zeisel, 1966). Also, in the 1950s, the Social Science Research Council initiated summer institutes in law and social science. The first of four was held at Harvard in 1956 with law-trained scholars such as Harold Berman, Willard Hurst, Karl Llewellyn, and Soia Mentschikoff exchanging ideas with social scientists, among them Red Schwartz and E. Adamson Hoebel (see Schwartz, 1973). Another indicator of law-trained involvement was the incorporation of the American Bar Foundation in 1952 by the American Bar Association and its establishment as a research institute (see American Bar Foundation *Handbook*, 1988). Some time later, when in 1971 the National Science Foundation formalized a Law and Social Science Program, a priority was placed on work that drew law academics into interdisciplinary collaboration. See also Lipson and Wheeler (1986).

[21] The philosophy of science underlying the initial conception of law and society was that law-trained people should participate in sociolegal studies. While at a substantive level the aim was for a social science of law, at an operational level there was an early emphasis on joining law with other disciplines

ety centers supported by Russell Sage—at Berkeley, Wisconsin, Northwestern, Denver, and somewhat later Yale—emphasized interdisciplinary training and involvement across law and social science. In addition, the summer training institutes, commencing in the 1960s, drew heavily on law-trained colleagues attracted to sociolegal work. The Social Sciences Methods in Legal Education Institute at Denver was specifically directed to law academics and jointly sponsored by LSA and the Association of American Law Schools.[22] Thus, while the movement was not law-school driven, law-trained colleagues were attracted by and drawn into the sociolegal arena and became significant participants.[23]

B. Democratization

From its inception, the ad hoc committee envisioned a participatory membership organization. Yegge, Ball, and Schwartz termed themselves "caretakers."[24] The first bylaws, adopted April 2, 1967, conferred on "each 'member' one vote," but gave members little to vote on. The board of trustees was to be a self-perpetuating group, and the officers were to be elected by the trustees. It was not until February 1972 that the trustees asked the membership through the *Newsletter* for suggestions for nominations. Six years later, in 1978, the first indicator of democratization surfaced quite inconspicuously with a charge to the By-Laws Committee "to bring about a degree of organizational democracy, as by involving members in the election of officers and/or trustees."[25]

Electoral reform came slowly and in two stages. The bylaws revised in June 1979 established open election for trustees and president-elect, but not secretary or treasurer. This change went into effect with the 1981 elections. Not until a revision of the by-

as a way of advancing the scholarly enterprise. The latter goal was not so easy to achieve. The Schwartz *et al.* report (1976) examining the Russell Sage Program expressed concern that the residency fellowships, otherwise very successful, did not receive applications from law-trained people in numbers or quality equal to those from social scientists. The report recommended publicizing the availability of these fellowships among graduating law students (a postdoctoral program of sorts). Schuck (1989) recently offered some constructive suggestions for involving law professors in empirical work.

[22] These workshops were funded by the Russell Sage Foundation and the Walter E. Meyer Research Institute of Law. The first of these summer institutes was held in 1967, and they were continued on an annual basis for six years (with the National Science Foundation contributing support by 1970). The Behavioral Science and Law Institutes at the University of Wisconsin, directed to advanced graduate students and law students, operated for four years (1968–71) with support primarily from the National Science Foundation and Russell Sage Foundation.

[23] Through my term, there have been eleven LSA presidents, six of whom have been law-trained. Richard Abel, LSA president for the 1989–91 term, and Joel Handler, who became president-elect in the autumn of 1989, are both law-trained.

[24] See discussion in the LSA *Newsletter* (June 1965: 4).

[25] This was stated in the January 1979 (p. 2) issue of the *Newsletter* in a report of the activities of Association Committees.

laws in June 1987, however, was full openness mandated. This final change did not occur until the fall election 1989, twenty-five years after LSA's inception. No simple explanation accounts for the lengthy transition to a fully participatory scholarly society. One could conjecture that self-perpetuating boards have difficulty divesting themselves of power and influence. One could also recall that there were genuine concerns about the depth of interest in the field and in a freestanding association. For a society that takes pride in its openness and accessibility, there is no doubt that LSA's governance structure needed to change.

C. Institutionalization and Field Building

From the outset, the Law and Society Association articulated strong aspirations for field building. Some saw the Association as being largely the publisher of a journal (a perception even occasionally still voiced today). Clearly, in the early years, the *Law & Society Review* was the most visible and regular statement of LSA's purpose. During that same time, however, the officers and trustees were heavily engaged in outreach with other scholarly associations and public and private funding agencies. Also, while building the Association, many of these persons worked at the local level to build centers and groups.[26]

It is not happenstance that the Association met in Madison to celebrate its twenty-fifth year. During the first five years, the Association operated with tremendous volunteerism at the University of Wisconsin, especially with sociologist Jack Ladinsky and political scientist Joel Grossman taking the institutional lead. A point of transition came in 1971 when James Wallace—law professor at the University of Denver (DU), joint degree person, and former Russell Sage Fellow—was named the first Executive Officer, and the operation moved to DU. Commenting on this transformation, then President Rosenblum with characteristic enthusiasm remarked, "[w]e have come of age."[27]

The notion of the role of symposia, workshops, and even—perish the thought—separate meetings dates back also to the earliest years of LSA. In November 1967, then President Yegge (1967: 5) reflected on the informality of efforts so far, except for a summer institute and the *Review*, and the limitations on sharing and generating new knowledge while being "piggyback participants at the professional meetings of related disciplines." He asked rhetori-

[26] The first *Newsletters* and the President's Report, published regularly in the first seven volume years of the *Law & Society Review*, reveal the extent of the local and national activities underway in research, teaching, and infrastructural development (e.g., summer institutes, interorganizational collaboration on meetings and events, new academic programs).

[27] Rosenblum's statement was quoted in a report on the new Executive Officer and headquarters in the *Newsletter*, July 1971.

cally, "Would it be proper, or even feasible, for the Association to provide a forum for the committee of the whole?"

During the early years, there was considerable diffidence about convening a separate meeting. The first separate meeting, a research colloquium, was held in 1975 at the law school at the State University of New York, Buffalo, where Red Schwartz was then dean. In 1973, the minutes of the trustees reflect contemplation of a biennial meeting. In the 1974 *Newsletter,* it was called a first national meeting. By the 1974 trustees meeting, there was apparent concern about too much hype: It was decided to entitle the 1975 event a research colloquium rather than a national meeting. A second separate meeting was held in 1978 in Minneapolis. Excited by the success of these first two events, the trustees adopted a policy of annual meetings. The first was held only ten years ago—1979 in San Francisco—two days and twenty-three sessions.[28]

Numerous examples of field development and the leadership role of LSA could be cited.[29] Most important of late is the graduate student workshop initiated in 1987. Reflecting LSA's commitment to the next generation of teaching and research, the Association has brought together some forty students each year from across social science and law, pursuing degrees at more than thirty institutions. Reminiscent of the summer institutes or the Russell Sage Residency Fellowships from the 1960s or early 1970s, this reassertion of LSA's commitment to training is an indicator of the importance placed on field development. In 1988, the trustees decided to continue this activity for at least five years. This year the vision includes planning a two-part summer workshop in 1991 for graduate students and new scholars in the field.

D. Broadening Horizons[30]

Over the years an expansion of horizons can be seen in disciplinary diversity, the integration of younger researchers, interna-

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[28] The 1989 annual meeting spanned four days and included 101 sessions.

[29] Marc Galanter's presidential address (1985), given on the occasion of the twentieth anniversary of the Law and Society Association, offers a complementary perspective on the substantive and institutional momentum of the field.

[30] Broadening horizons are reflected, however subtly, in changes in the written policy statements guiding the *Law & Society Review* (all published on inside covers of each issue). In 1967 (Vol. 2, No. 1), the *Review* welcomed submissions "by lawyers, social scientists, and other scholars . . . on the relationship between law and social sciences," and defined LSA as a "nationwide group . . . whose purpose is . . . research and teaching on political, social, and economic aspects of the law." In 1974 (Vol. 9, No. 1), Editor Galanter altered the policy to read that the *Review* welcomed submissions "which bear on the relationship between society and the legal process." In 1978 (Vol. 12, No. 2), a small but significant transformation was also rendered by Editor Abel, who substituted "international group" for "nation-wide." In 1983 (Vol. 17, No. 2), Editor Lempert broadened the disciplinary message by adding "cultural" and "psychological" to the description of LSA so that it read: "whose purpose is . . . research and teaching on cultural, economic, political,

tional involvement,[31] and the participation of women. While the centrality of sociology and law and to a lesser degree political science remain evident, the overall texture of LSA has been changing in terms of disciplines and "new blood."[32] The role of women is perhaps the most dramatic area of change during LSA's second decade.

Feminization of the Workplace. In numbers, the changes are so startling as to turn the "heads" of even nonquantitative types. From the beginning of LSA through 1970, one woman—Laura Nader—served double-duty as the only woman on the Editorial Advisory Board of the *Law & Society Review* and on the Board of

psychological, and social aspects of law and the legal system." Finally, in 1990 (Vol. 24, No. 1), Editor Diamond changed the last phrase to "social aspects of law and legal systems."

[31] The expansion beyond U.S. borders has been slowly evolving, but more remains to be done (Levine, 1987). At a substantive level, sociolegal studies from its earliest period drew especially on work in the anthropology of law and was attracted to comparative legal study (see, e.g., Bohannan, 1957; Gluckman, 1955; Gulliver, 1963; Nader; 1969; Schwartz, 1954). At an institutional level, it is not happenstance that "American" is absent from the Association's name; we are the "Law and Society Association," not the "American Law and Society Association." Despite LSA's commitment in principle to an international orientation, operationally LSA has been primarily a U.S. enterprise. With open elections since 1981, modest changes can be observed in the composition of the board of trustees. Also, in the past five years (in 1984 the annual meeting was jointly sponsored with the Research Committee on Sociology of Law of the International Sociological Association), non-U.S. scholars have participated in greater numbers, and there is much more exchange of ideas and joint work. In 1988, the trustees agreed to convene the 1991 annual meeting in Amsterdam. With a theme aimed at connecting sociolegal work to the global village, LSA hopes that international working groups might coalesce, before and after this annual meeting, and generate cooperative research and ongoing exchange. Parallel efforts to LSA are underway in other countries (e.g., scholarly associations in Canada, Australia, England, and Japan) and in other international groups (e.g., Research Committee on Comparative Judicial Studies of the International Political Science Association). While detailed consideration of these other efforts are beyond the scope of this speech, they do indicate the broadening horizons of sociolegal work.

[32] While Law and Society as an association has thus far been populated by people with training in some disciplines more than others, sociolegal studies in principle includes all social science perspectives on law-related phenomena (see note 1). Scholars doing relevant work in certain subfields—for example, parts of criminology or law and economics—may not interact very much with the sociolegal effort in LSA. While historical, conceptual, methodological, or even political reasons may account for the relative independence of particular social science perspectives on law, this is not to say that they are analytically disconnected in principle or that enhanced communication may not produce a more robust enterprise.

Also, it is important to note that LSA, as a multidisciplinary scholarly association, has changed over the years and can continue to change. For example, during the first few years of LSA's development, psychologists were not active in the Association. Not until 1970 did June Louin Tapp take on a formal role. By 1989, however, the nine-member Executive Committee of the Board of Trustees included three social psychologists. Forging such connections (as LSA has done effectively across certain arenas) is part of what the Law and Social Science Program at the National Science Foundation has sought to do.

Trustees. June Louin Tapp joined the Editorial Board in 1970. By 1972, Tapp became the first woman officer, and Rita James Simon (the only woman at the first meeting and on the ad hoc committee) became a trustee.

It was not until members first voted for trustees in 1981 that women increased their chances of being elected. The track record after that improved, with six of eight trustee slots filled by women for the class of 1986, three of eight for the class of 1987, four of eight for the classes of 1988, 1989, and 1990, and five of eight for the class of 1991.

These same trends are evident from any number of perspectives. Over the past twenty-five years, women have entered the social sciences and law teaching in increasing numbers. Thus, changes in LSA, as well as in the American Society of Criminology (whose presidents in 1988–89 and 1989–90 are women), must be examined in a broad social context. Comparison to the past, however, remains instructive. Over the past ten volume years, the proportion of female authors in the *Review* rose from 12–14 percent to over 20 percent.[33] Although the summer institutes and the Russell Sage Residency Fellowships of the late 1960s and early 1970s included very few women, the data of today are far more favorable. Of the graduate students attending the LSA workshops over the past three years, 50 percent were women. Countless other stories could be told.

Race and Minority Participation. While transformation in the role of women is gratifying, our field and association have not done well on issues of race and outreach to blacks, Hispanics, and other minorities who have much to offer our enterprise. In recent years there has been some outreach through the substantive program and participation in the annual meeting. But substantial involvement is missing from our past, and remains an essential agenda for our future.[34]

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[33] Starting with Volume 23, 1989—LSA's twenty-fifth anniversary year—Shari Seidman Diamond became editor of the *Review*. The eighth Editor since the inception of the review in 1966, she is the first woman to hold this position. Similarly, I became the eleventh president of the Association in 1987, the first woman to hold this office.

[34] Concern about the limited outreach to minorities dates back a number of years. The minutes from the board of trustees meeting on August 29, 1972, reveal that then President Victor Rosenblum urged greater efforts to include female and black participants in the summer institutes being sponsored by LSA and AALS. See also note 22 and accompanying text. Also, the Schwartz *et al.* (1976) Report examining the Program in Law and Social Science of the Russell Sage Foundation observed the small number of women who received residency fellowships and the absence of minority group members. While in other respects this committee praised the fellowship program, they urged that any future activity address the characteristics of the residents: "We recommend, accordingly, an increase in the efforts to locate, encourage the application of, and increase the proportion of women and minority-group members among the ranks of the residents" (p. 30). Unfortunately the Russell Sage fellowships were discontinued, and this recommendation could not be imple-

IV. SELF-REFLECTION, DILEMMAS, AND DEBATES

I have examined the development of the field through the lens of LSA[35] to show that the enterprise has been pluralistic, dynamic, and self-reflective since its beginning. This is not to say that contemporary critiques are unimportant or that we should glorify our earlier work or lives.[36] It is to say, however, that the seeming contradictions, tensions, and areas for reexamination that are troublesome today might best be addressed in light of this past. This includes the centrality of law, the impact of policy and reform motives, and the meaning of the scientific enterprise in a changing and value-based world.

A. Law with a Little "l"

The centrality of law has always been an issue of tension in sociolegal studies. In their recent work, Silbey and Sarat (1987: 166) called for expansion of boundaries beyond state law to "spaces and places" in such social arenas as the family, workplace, or community. This point is compelling and familiar: In order to understand law, our scholarly work must not only focus on isolating and

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mented. Mechanisms like LSA's 1991 summer workshop for students and new faculty can help to address diversity issues.

[35] Other points of departure might have been pursued. An examination of private and public funding patterns from the 1950s through the present (e.g., National Institute of Justice, National Institute of Mental Health, National Science Foundation) must be examined to understand fully sources of influence on the development of the field. Also, the role in the 1960s of the Social Science Research Council's Committee on Governmental and Legal Process, in the 1970s of SSRC's successor Committee on Law and Social Science, or in the 1970s of the National Research Council's Committee on Research on Law Enforcement and the Administration of Justice could usefully be assessed. As Program Director of Law and Social Science at the National Science Foundation since 1979, I would find such analysis of considerable interest (the NSF Program was spawned as a freestanding entity at the end of fiscal year 1971). So, too, one would want to consider the production of teaching materials (see, e.g., Friedman and Macaulay, 1969; Friedman, 1975; Kidder, 1983; Lempert and Sanders, 1986), the proliferation of journals (see, e.g., Abel, 1980a: 430; Galanter, 1985: 538), the evolution of academic programs and departments as well as the transformation of existing programs (see, e.g., Levine and Pipkin, 1988) and the growth of other organizations (e.g., American Society of Criminology) and subfield societies (e.g., American Psychology-Law Society; Law, Courts, and Judicial Process Section of the American Political Science Association). On the occasion of LSA's silver anniversary, it seemed timely to focus on organizational markers as a way of understanding the origins and texture of sociolegal studies.

[36] Among the most useful pieces in this regard is an article by Richard Abel (1980b), "Redirecting Social Studies of Law," which was published as the afterword to a special issue of the *Law & Society Review.* While this piece is often cited directly (Macaulay, 1984: 150) or indirectly (Trubek and Esser, 1989: 5–6) for its observation that the "questions and answers" in our field "have begun to sound a comfortable, but rather boring 'clackety-clack' " (Abel, 1980b: 805), the explicit charge of this special issue and this article *was* to examine the field critically and offer constructive ideas for the future. At this task, the Abel article did remarkably well. Many of Abel's calls in that piece (for example, to study the development of law throughout the emergence of legislation, not just through an emphasis on the courts) remain germane today.

explaining patterns of departure from law but also look at law in different locales. Coming to understand law with a little "l" in everyday lives is consistent with calls that date back to the 1960s and early 1970s from Lon Fuller (1969), Philip Selznick (1969), June Louin Tapp (1971), and many others.[37] For example, Tapp and Kohlberg (1971: 87) sought a focus on "interaction in a variety of authoritative rule systems . . . a multiplicity of settings beyond . . . state law."

While the call is not new, it has been endorsed more readily in principle than in practice. One explanation of this ambivalence may flow from the influence of legal scholarship and the apprehension that a broader definition of boundaries might strip our incipient field of a field.[38] In the *Law & Society Review* in Summer 1976, then-Editor Galanter revealed this tension. Galanter (1976: 487) questioned:

> Can there be a field of "law and society" if it is not held together by the normative vision of legal learning? . . . We seem to pursue a field of inquiry whose ambit is defined by reference to a kind of learning that we reject as inadequate. In exposing the law's claims to autonomy and displaying its continuity with other aspects of social life, we seem to undermine the possibility of a coherent and self-contained field of inquiry which addresses it.

Feeley (1976), too, worried about the implications of expanding a concept of law to "a greater variety of functions and forms" and about whether this could precipitate our own demise: "Ironically . . . my position, if followed, seems to lead to the abolition of a rationale for a distinctive discipline of legal studies or a separate theory of law and society" (*ibid.*, pp. 520–21).

As an advocate of the discipline and of the view that sociolegal studies is *not* an *area* study,[39] I have little problem seeing the field

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[37] For example, Sally Falk Moore (1973) showed how the rules in the self-regulating social field of the garment industry in New York or among the Chagga in Tanzania were crucial to understanding social life. Looking beyond state law to other rule systems and to social control mechanisms in different social contexts has always been part of the fabric of the field (see also Skolnick, 1965: 28–30). The issue even appeared before the 1960s and the growth of sociolegal studies. For example, Llewellyn and Hoebel brought a broad definition to their work on the Cheyenne (1941). Twining (1973) provided an incisive analysis of Llewellyn's and Hoebel's respective conceptions of law and reported Llewellyn's great reluctance as early as 1930 to arrive at a definition of law out of concern that it might create boundaries that would exclude some aspect of life from the domain of law (Twining, 1973: 571).

[38] An early example of encouragement from a legal scholar to develop law and society work in terms that are of intrinsic theoretical and empirical importance, not in terms defined by legal scholarship, can be found in Jones (1965).

[39] My view on the disciplinary character and potential of sociolegal studies is known (see Lempert, 1982; Levine and Pipkin, 1988). This speech, however, is not directed to this issue, nor does the strength of my argument hinge on whether one sees virtue to a disciplinary conception of this multidisciplinary field in contrast to a conception of the field as remaining embedded in a number of other disciplinary perspectives. Scholars differ in their position on

as optimally embracing legal norms, legal ordering, and law-like processes in a variety of settings. Justification for our autonomy does not depend on being coterminous with the formal institutions of law. Indeed, much of the richest theoretical and empirical work may lie in other nooks and crannies of law-related phenomena (for example, social control in the classroom, disputing in the workplace). Galanter, to my mind, had it right originally, in 1974, when he pressed the case for "autonomous social research on law" (1974a: 1065) that would embrace normative ordering as broadly construed. Thus, the issue of how we conceptualize law, though not new, speaks to the very heart of what we are and can be.

B. Policy, Politics, Relevance, and Reform

Another dimension of sociolegal research generating considerable self-reflection, sometimes frustration, and even good old "guilt" is politics. The research enterprise itself is not exempt from politics that are internal or external to a field. Every social process has its value hierarchies, and although preferences in theory, method, or context may vary over time or change with time, academic "politics" can subtly affect what is or is not done. Also, to the extent that research is an integral part of broader social processes, the production of knowledge is itself political. Finally, since research may vary in its policy relevance or consequences, there is considerable tension about the value or limitation of addressing politically "hot" topics and concerns about "capture" or being "captured."

These are not new problems for sociolegal scholars or for social researchers generally.[40] The fact that they are generic does not make them less consequential. There are always the questions of what to do and when or whether to do it,[41] and, there are no

this issue and on the consequences, if any, of alternative visions (see, e.g., Diamond, 1989a; Friedman, 1986; Lempert and Sanders, 1986).

[40] The tensions between basic and applied research, between theoretical and policy oriented concerns, and between political and policy interests are recurrent themes in the literature. While sociolegal scholarship has been driven essentially by an interest in "social science *of* law" and not "social science *in* law" (Friedman, 1986: 778), there has been both ambivalence and rumination about the extent to which law, legal policy, and legal efficacy have implicitly or explicitly determined the shape and substance of sociolegal work (see, e.g., Abel, 1980b; Sarat, 1985; Sarat and Silbey, 1988). This rumination is not new. In the very first LSA-sponsored symposium, Skolnick (1965; 23–24) grappled with the tension between basic and applied work, and he concluded that drawing precise lines was not as important as identifying and developing theoretical issues on whatever the problem. As can be seen in contemporary reviews and analyses, policy insights can be gleaned from fundamental research *and* valuable theoretical knowledge can be produced through studies of specific policy-relevant issues (see, e.g., Lempert, 1988a; Macaulay, 1984; Galanter, 1985). This is not to diminish the importance of Sarat and Silbey's caution (1988) that we must also be attentive to the political dimensions of our work.

[41] Both how to do scholarship and how to communicate about it are issues of importance. For recent examples see the exchange on the politics and policy problems involved in research on spouse assault in Sherman and Cohn

easy answers. In a 1974 article, "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," Trubek and Galanter lamented the consequences of scholars' being deceived or coopted by the policy and political motives of governments and lawyers in the United States and in developing nations. Yet, recently Trubek (1989) called on sociolegal scholars to become more politically "overt."

This seeming contradiction is more the rule than the exception. Even among less activist colleagues, there is a sense that one's work should be relevant and important. It may be endemic to the scholarly condition to experience enduring ambivalence—an approach/approach, avoid/avoid conflict of sorts. Yet, for those who have chosen careers in teaching and research, there is abundant opportunity for fundamental work on politically important issues (such as race, gender, ethnic conflict) without sacrificing scholarly integrity to political statement.

For law and societyists committed to building fundamental knowledge about law-related processes, this duality is not new even within the same individual let alone across colleagues. There was no univocal voice, as some might suggest, from sociolegal research in the past; there is no single message today; and there is no reason to expect or even to seek an authoritative resolution in the future.

C. *Science, Values, and the Value of Science*

Part of the questioning of the politics underlying what we do or *should do* links to contemporary concerns about the value of scientific inquiry. Science, as I see it, is a form of work, not merely a set of graduate degrees (witness the professional social science done by scholars with only legal training). It is certainly not the only form of valuable work, but work of value nonetheless.

Science as a mode of work is a way of building knowledge through the development of ideas grounded in or examined against observing, collecting, accumulating, scrutinizing or even at times altering the empirical realities of life. It is a mode of work *we* do; hence a mode of work we are obliged to examine. Criticisms from within sociolegal studies about the value neutrality of scholarship, the determinate nature of knowledge, the interactive effects of researcher and researched are all important for constructive self-reflection (e.g., Macaulay, 1984; Trubek, 1984, 1989; Trubek and Esser, 1989; Sarat and Silbey, 1988; Silbey and Sarat, 1987). Philosophers and sociologists of science have contributed substantially to our understanding of these issues.[42] Current writing, especially

(1989) and Lempert (1989); also see the thoughtful discussion of the relationship between civil justice research and policy-related issues in Hensler (1988).

[42] For an excellent contemporary analysis of these issues and how science can learn from such critiques, see Collins (1989).

from feminist and interpretivist scholars, has added fresh insights and new dimensions for self-correction.[43] Within sociolegal work, despite some "straw-persons," there have been useful cautions about excesses and bias in the past and about limits on knowing that should inform our future.

For those who value the process of learning and the value of understanding without any illusion about the absolute certainty of what we know, the critiques are instructive, not separate and apart from science, but integral to the activity and integrity of science itself. Science, keep in mind, is a social process and, like all social processes, it is dynamic, even at times erratic, but capable of change. Thus, the critiques are grist for the dialogue of doing science in a more profound way.

To see sociolegal work as science does not require a belief in a universal theory or universal laws or belief in the view that science is value free and not embedded in social life. Optimally, like other areas of social science inquiry, law and society work must be both synthetic and flexible. To do it well, scholars would benefit from attending to micro and macro theory; examining data from different time periods, units of analysis, and locales; seeking explanation in specific contexts; and searching for coherent results through multiple methods, across long time spans, and in comparative perspective.[44] Also, the "solo practitioner" model of inquiry may require rethinking. As an approach, there are inherent, even unconscious biases deriving from individuals' personal experiences. Of course, reflection can help some; so, too, can deliberate efforts to examine forms of information that would be unexpected or counterintuitive. Neither, however, substitutes for the opportunity to reconstruct reality through collaborative projects that build on the differences, not the sameness of more than one person or research group.

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[43] Among the leading philosophers of science framing feminist critiques in social science is Sandra Harding (1986, 1987). The invitation that she participate as the lead speaker at a plenary session on "Feminist Epistemology and Law and Social Science" at the 1989 annual meeting of LSA indicates the importance that LSA researchers place on serious consideration of these issues. In each discipline, scholars are grappling with the relationship between such critiques and social science inquiry (see, e.g., Peplau and Conrad, 1989; Stacey, 1988).

[44] Many of these points and others are persuasively presented by Collins (1989). He examined subjectivist, interpretivist, reflexive, and emergent critiques of science and addressed how they might have a constructive impact (e.g., by encouraging more microsocial research in naturalistic settings, looking at particularistic contexts, focusing attention on feelings and thoughts of real people). With rigor and good judgment, he showed how such critiques can be a part of science, not separate and apart from it.

IV. WORRIES

Once again I am reminded of Lily Tomlin, her incredible play, and her incredible search. Early in the play, Lily leaves Trudy—the bag lady—to one side, and, in her own voice, goes on ruminating, itemizing her worries about the complexities of creating a Nobel sperm bank, why our lives are like soap operas, and about the many things that can create paralysis of mind and spirit, that can intrude upon the enterprise of doing and living (Wagner, 1987: 25–26). I, too, from time to time leave my Pollyanna personality to one side and find myself worrying:

I worry that we might get so caught up in thinking about why we are doing what we are doing that we might stop doing research. I worry, too, that we might stop being self-reflective and start doing research again. I worry we may devalue worrying.

I sometimes worry about why I can find no categories—even transitory ones—to impose on my reading of the past or my aspirations for the future; then I realize the limitations of categories and for a moment feel relieved until I worry about the consequences for scholarship and teaching of others' defining categories for us.

One might think I worry a lot. I worry what might happen if our next generation sees us as so caught up in worrying that they turn from social science and become lawyers or, worse yet, politicians.

I worry about our law-trained colleagues and what they would worry about if they gave up worrying about their marginality in law schools and saw sociolegal work as an aspect of social knowledge, not legal knowledge. I worry, too, about the social science-trained among us and what they would worry about if our lawyer colleagues stopped worrying.

That's when I start worrying about how to better reconcile all the isms—positivism, interpretivism, liberal legalism, feminism, criticalism—and whether there can be an autonomous sociolegalism that is synthetic of the isms. Then I understand why Lily worries so much about sperm banks and the need for quality. I worry a lot about quality and whether there can be quality in sociolegal knowledge until there are Nobel *egg banks*.

I worried a lot about this speech. Would I be engaging, could I be engaging, can one be engaging and still be substantive?

VI. BACK TO THE FUTURE

While my earlier reflections and these worries have sought to take seriously the concerns and critiques that recur in the field, central to my message is that we must simultaneously move forward. In my daily professional life, I am often called on to describe our field to outsiders—new graduate students; law school faculty members; colleagues in the social, biological, and physical sciences; science policymakers; and, on rare occasions, elected offi-

cials. When asked to explain what we do, I recall, as my grandmother challenged me on more than one occasion, "Don't look at what you *say*, look at what you *do*."

In shifting gears, I do not want to deemphasize the importance of critical introspection, but we should also remember that our current debates have a long history not only in law and society but in social research more generally. As I have sought to point out, both as individuals and as a group, we have always grappled with the tensions inherent in legal learning, scientific methodology, and political relevance. Researchers in the 1960s had to come to terms with the Vietnam War and the civil rights movement just as researchers today confront the dismantling of poverty programs and a rapidly shrinking world shaped by events in Azerbaijan, Soweto, and Beijing. Whatever stance we may take on the value of either policy-driven or fundamental work on such issues, we have been able to produce (and continue to produce) a remarkable number of thoughtful pieces about the role of law in society covering a wide range of research sites (from "mainstream" studies of courts, legislatures, and administrative agencies to the "byways" of Albanian blood feuds, English witchcraft, and Israeli kvutza).

Everyone, I am sure, has his or her own list of favorite works in the field.[45] If a newcomer walks into my office, I usually say, "If you want to learn something interesting about the way law has evolved or how it operates (or fails to operate), just take a look at my bookshelf." And then, almost at random, I take down a sample of books. For example, I might point out:

- From Stewart Macaulay's 1966 study of automobile manufacturers and their dealers (and later in Galanter's classic 1974 (1974b) on "Haves and Have-nots"), we learned to appreciate the impact of litigant resources, especially the role of repeat players in major test cases, on the development of judicial opinions favorable to particular economic interests.
- From Leon Mayhew's 1968 study of the Massachusetts Commission Against Discrimination and Albert Reiss's 1971 work on the police, we learned the importance of proactive groups in mobilizing and channeling citizen complaints.
- From H. Laurence Ross's 1970 study of the Insurance Company of North America, we learned how the organizational demands of routine claims processing (especially the need to "close files" quickly) transform the abstract norms of tort liability.
- From Laura Nader and Harry Todd's 1978 edited work, we learned the strength of cooperative and comparative study of the disputing process; the importance of strong scholars (like Nader) also serving as strong mentors; and the necessity of ex-

[45] Excellent analyses of sociolegal work are readily available in the literature, both in reviews and critiques (see, e.g., Abel, 1980b; Macaulay, 1984; Galanter, 1985; Friedman, 1986; 1989; Ross and Teitelbaum, 1988; Tomasic, 1987, Lempert, 1988b, Diamond, 1989b).

amining disputes and disputing style as an ongoing, dynamic process that is shaped by and embedded in social relations between and among parties and between parties and remedy agents.

- From Malcolm Feeley's 1979 study of criminal courts in New Haven, Connecticut, we learned to be skeptical of the received wisdom that attributed the practices of plea bargaining to heavy caseloads in urban court settings.
- From John Heinz and Edward Laumann's 1982 study of lawyers in Chicago, we learned how sophisticated survey methods can be used to document the vast differences in wealth, power, and prestige among attorneys oriented to corporate and individual legal practices.
- From Keith Hawkins's 1984 study of water pollution regulation in England, we learned to interpret the symbolic messages of selective prosecutions designed to protect an agency's authority against deliberate or negligent lawbreakers.
- From Susan Shapiro's 1984 study of the Securities and Exchange Commission, we learned that enforcement is as much directed to derailing and deterring illegal activity as to taking action against it, that the social organization of illegality determines how it is detected, and that different intelligence strategies catch and can catch different offenses.

Taken as a group, these studies span the history of research in sociolegal studies, and, within any five-year period, I could easily have chosen many more, equally deserving examples. Of course, over time there are new theoretical questions, fresh directions, and novel problems that invite examination. Procedural justice, unheard of twenty-five years ago,[46] has provided new ways of thinking about the components of justice and the links between judgments about social processes, outcomes, and the legitimacy of a legal forum (see, e.g., Lind and Tyler, 1988). Similarly, in the 1960s, there was the work of Hurst (1964) but little else that aimed to connect systematically how social and economic conditions affect use of law and changes in its role and function. The labor-intensive work on trial courts, led by the pathbreaking study of Friedman and Percival (1976), shows the importance of looking at legal institutions within their social and economic context and across long spans of time (see, e.g., Munger, 1988, 1990a, 1990b; Friedman, 1989).[47] We also see that work on law and language has

[46] Although there is a prior history of social research on equity, fairness, and justice, the studies of John Thibaut and Laurens Walker (1975) undertaken in the early 1970s galvanized interest in procedural justice as an area of inquiry.

[47] A forthcoming special issue of the *Law & Society Review* (1990, Vol. 24, No. 2) on "Longitudinal Research on Trial Courts" examines the progress in research over more than a decade, assesses theoretical and methodological issues in this area, and considers the contributions and potential of this genre of work for expanding our understanding of legal and social change. This special

moved from a peripheral place in law and society in the early 1970s to a core area of contemporary concern (see, e.g., O'Barr, 1982). Now "words" are scrutinized as the basic "data" for analyzing the process of defining, transforming, and resolving disputes and other law-related actions. And, these examples are only a fraction of what might have been mentioned.

Beyond the strength of our past work and current efforts, our depth is best measured by looking to our future. Here I am particularly impressed by the opportunities for excellence. A few illustrations from the cohort of new faces makes the point:

- Michael McCann (1988), in the Department of Political Science at the University of Washington, examines "the myth of rights" through six case studies of pay equity campaigns over the last decade. His interests are *not* on the court per se but on variations in comparable worth experiences and different ways in which social movements might use or be limited by the concept of right.
- Lauren Edelman (1988), trained in law and sociology and in the Department of Sociology, University of Wisconsin, looks at legal change in the workplace and the role of organizations as a mediating institution between law and its implementation. Her study speaks to legalization in the workplace and the functioning of organizations as entities of social control and regulation.
- Virginia Drachman (1988), in the Department of History at Tufts University, addresses the role of women lawyers in modern American society. Her study reconstructs generational cohorts of women lawyers, examines their entrance into a male dominated profession, illuminates the relationship between their professional and personal lives, and analyzes long-term social change in the legal profession itself.

These projects show the virtue of expanding horizons and the paradigm questioning that always occurs in a vital field of inquiry. All three of these individuals are looking outside of the institution of law—to social movements, to the workplace, and to occupational and personal lives—to bring new insights and understanding. All address issues relating to women, confront problems of politics and social values, and blend methods and sources of data that permit alternative interpretation of material. While all three projects relate to our past, all raise new and enticing issues that are our future. And, in 1989 more than in 1979, and certainly more than in 1969 and 1959, women scholars are quite visible participants in our ranks.

Can we do more? Of course, we can and should continue to—in the problems we choose to study, in the ways we define the breadth of what constitutes law-related matter, in our commit-

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issue is an outgrowth of a scientific conference planned and convened by Frank Munger (1990) at the State University of New York–Buffalo in 1987.

ment to challenging our assumptions, not just through self-reflection about our research but also through self-reflection about who does it, how we choose to listen and hear, and how our work is done. Most importantly, we need to be self-reflective about our commitment to teaching and mentoring a strong and diverse next generation, especially in terms of gender and race. When I look around this room and consider the alumnae and alumni of now three classes of graduate student workshops who coalesced in the hope that sociolegal studies has something to offer, I can say quite definitively that this gives ME goose bumps.

So, I end this odyssey with a sense of pride in our past and what has been achieved in such a short time. From the perspective of our next generation, it is springtime, not the autumn of our enterprise. I end as well with a sense of optimism flowing from our critiques, from our current agenda of work, and from what future law and societyists can and will accomplish as they depart from and link to our past. I see more similarity than difference in our goals and aspirations. The fact that our readings of history may vary, that some of us disagree on where sociolegal studies has been, what has been accomplished, and where it is going does not bother me at all. Let me end, as I began, with Wagner's play. Trudy's search ends with her taking the aliens to a play. After their departure, she says to the audience (Wagner, 1987: 212–13):

> Did I tell you what happened at the play? We were at the back
> of the theater, standing there in the dark,
> all of a sudden I feel one of 'em tug my sleeve,
> whispers, "Trudy, look." I said, "Yeah, goose bumps. You definitely
> got goose bumps. You really like the play that much?"
> They said
> it wasn't the play
> gave 'em goose bumps,
> it was the audience.
>
> I forgot to tell 'em to watch the play; they'd been watching
> the *audience*!
>
> Yeah, to see a group of strangers sitting together in the dark,
> laughing and crying about the same things . . . that just knocked
> 'em out.
> They said, "Trudy,
> the play was soup . . .
> the audience . . .
> art."
>
> So they're taking goose bumps
> home with 'em.
> Goose bumps!
> Quite a souvenir.

I like to think of them out there
in the dark, watching us.
Sometimes, we'll do something and they'll laugh.
Sometimes we'll do something and they'll cry.
And maybe one day we'll do something so magnificent,
everyone in the universe will get
goose bumps.

REFERENCES

ABEL, Richard L. (1980a) "Taking Stock," 14 *Law & Society Review* 429.
——— (1980b) "Redirecting Social Studies of Law," 14 *Law & Society Review* 805.
AMERICAN BAR FOUNDATION (1988) *Handbook*. Chicago: American Bar Foundation.
ALFORD, Robert R., and Sheldon L. MESSINGER (1966) "The Prospects of a Law and Society Association," 0(3) *Law & Society Association Newsletter*, 6.
AUERBACH, Carl A. (1966) "Legal Tasks for the Sociologist," 1 *Law & Society Review* 91.
BOHANNAN, Paul (1957) *Justice and Judgment Among the Tiv of Nigeria*. London: Oxford University Press.
COLLINS, Randall (1989) "Sociology: Proscience or Antiscience?" 54 *American Sociological Review* 124.
DIAMOND, Shari S. (1989a) "From the New Editor," 23 *Law & Society Review* 3.
——— (1989b) "From the Editor," 23 *Law & Society Review* 169.
DRACHMAN, Virginia (1988) "Career Patterns of Women Lawyers in Modern America." Grant Proposal, National Science Foundation, SES 88-10678.
EDELMAN, Lauren (1988) "Organizational Response to Legal Change." Grant Proposal, National Science Foundation, SES 88-14070.
FEELEY, Malcolm M. (1979) *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
——— (1976) "The Concept of Laws in Social Science: A Critique and Notes on an Expanded View," 10 *Law & Society Review* 497.
FRIEDMAN, Lawrence M. (1989) "Litigation and Society," 15 *Annual Review of Sociology* 17.
——— (1986) "The Law and Society Movement," 38 *Stanford Law Review* 763.
——— (1975) *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation.
FRIEDMAN, Lawrence M., and Stewart MACAULAY (1969) *Law and the Behavioral Sciences*. Indianapolis: Bobbs-Merrill Co.
FRIEDMAN Lawrence M., and Robert V. PERCIVAL (1976) "A Tale of Two Courts: Litigation in Alameda and San Benito Counties," 10 *Law & Society Review* 267.
FULLER, Lon (1969) "Human Interaction and the Law," 14 *American Journal of Jurisprudence* 1.
GALANTER, Marc (1985) "The Legal Malaise; or, Justice Observed," 19 *Law & Society Review* 537.
——— (1976) "From the Editor," 10 *Law & Society Review* 483.
——— (1974a) " The Future of Law and Social Science Research," 52 *North Carolina Law Review* 969, 1060 (Proceedings of a Conference on Developments in Law and Social Sciences Research).
——— (1974b) "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 *Law & Society Review* 95.
GLUCKMAN, Max (1955) *The Judicial Process Among the Barotse of Northern Rhodesia*. Manchester: Manchester University Press.
GULLIVER, Philip H. (1963) *Social Control in an African Society*. Boston: Boston University Press.

HARDING, Sandra (ed.) (1987) *Feminism and Methodology: Social Science Issues*. Bloomington: Indiana University Press.
——— (1986) *The Science Question in Feminism*. Ithaca, NY: Cornell University Press.
HAWKINS, Keith (1984) *Environment and Enforcement: Regulation and the Social Definition of Pollution*. Oxford: Clarendon Press.
HEINZ, John P., and Edward O. LAUMANN (1982) *Chicago Lawyers: The Social Structure of the Bar*. New York: Russell Sage Foundation.
HENSLER, Deborah R. (1988) "Researching Civil Justice: Problems and Pitfalls," 51(3) *Law & Contemporary Problems* 55.
HURST, James Willard (1964) *Law and Economic Growth: The Legal History of the Lumber Industry in Wisconsin, 1836–1915*. Cambridge, MA: Harvard University Press, Belknap Press.
——— (1950) *The Growth of American Law: The Law Makers*. Boston: Little, Brown.
JONES, Harry W. (1965) "A View from the Bridge," *Social Problems* 39 (Special Issue on Law and Society, Summer).
——— (1963) "Law and the Behavioral Sciences: The Case for Partnership," 47 (5) *Journal of the American Judicature Society* 109.
KALMAN, Laura (1986) *Legal Realism at Yale 1927–1960*. Chapel Hill: University of North Carolina Press.
KALVEN, Harry, Jr., and Hans ZEISEL (1966) *The American Jury*. Boston: Little, Brown.
KIDDER, Robert L. (1983) *Connecting Law and Society*. Englewood Cliffs, NJ: Prentice-Hall, Inc.
KONEFSKY, Alfred S., and John Henry SCHLEGEL (1982) "Mirror, Mirror on the Wall: Histories of American Law Schools," 95 *Harvard Law Review* 833.
LADINSKY, Jack (chair.), Mark MASSEL, and Victor ROSENBLUM (1973) "Report of the Committee on Organization and Purpose of the Law and Society Association." Law and Society Association files.
LAW AND SOCIETY ASSOCIATION (1973) Minutes of the Board of Trustees Meeting, December 27.
——— (1972) Minutes of the Board of Trustees Meeting, August 29.
——— (1979) *Newsletter*, January 1979.
——— (1971) *Newsletter*, July 1971.
——— (1966) *Newsletter*, July 1966, Vol. 0, No. 3.
——— (1965) *Newsletter*, June 1965, Vol. 0, No. 2.
——— (1964) *Newsletter*, November 1964, Vol. 0, No. 1.
LAW & SOCIETY REVIEW (1990) "Longitudinal Research on Trial Courts," 24(2) *Law & Society Review* (Special Issue).
——— (1990) 24(1) *Law & Society Review* (Inside Cover).
——— (1983) 17 (2) *Law & Society Review* (Inside Cover).
——— (1978) 12 (2) *Law & Society Review* (Inside Cover).
——— (1974) 9 (1) *Law & Society Review* (Inside Cover).
——— (1967) 2 (1) *Law & Society Review* (Inside Cover).
LEMPERT, Richard (1989) "Humility Is a Virtue: On the Publicization of Policy-relevant Research," 23 *Law & Society Review* 145.
——— (1988a) " 'Between Cup and Lip': Social Science Influences on Law and Policy," 10 *Law & Policy* 167.
——— (1988b) "Law and Social Science." Presented at the University of Michigan Law School, Ann Arbor, Michigan.
——— (1982) "From the New Editor," 17 *Law & Society Review* 3.
LEMPERT, Richard, and Joseph SANDERS (1986) *An Introduction to Law and Social Science: Desert, Disputes, and Distribution*. New York: Longman.
LEVINE, Felice J. (1987) "Joining the Tour," in *Law & Society Newsletter*, October, 1987, 1.
LEVINE Felice J., and Ronald M. PIPKIN (1988) "Graduate Programs in Sociolegal Studies: A Requisite for the Future." 4 (1) *Focus on Law Studies* 4.
LIND, E. Allan, and Tom R. TYLER (1988) *The Social Psychology of Procedural Justice*. New York: Plenum Press.
LIPSON, Leon, and Stanton WHEELER (eds.) (1986) *Law and the Social Sciences*. New York: Russell Sage Foundation.

LLEWELLYN, Karl N., and E. Adamson HOEBEL (1941) *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Norman: University of Oklahoma Press.

MACAULAY, Stewart (1984) "Law and the Behavioral Sciences: Is There Any There There?" 6 *Law & Policy* 149.

——— (1966) *Law and the Balance of Power: The Automobile Manufacturers and Their Dealers*. New York: Russell Sage Foundation.

MAYHEW, Leon H. (1968) *Law and Equal Opportunity: A Study of the Massachusetts Commission Against Discrimination*. Cambridge, MA: Harvard University Press.

McMANN, Michael W. (1988) "The Impact of Reform Litigation on Social Change." Grant Proposal, National Science Foundation, SES 88-21598.

MOORE, Sally Falk (1973) "Law and Social Change: The Semi-autonomous Social Field as an Appropriate Subject of Study," 7 *Law & Society Review* 719.

MUNGER, Frank (1990a) "Introduction: Longitudinal Research on Trial Courts," 24(2) *Law & Society Review*, in press.

——— (1990b) "Afterword: Studying Litigation and Social Change," 24(2) *Law & Society Review*, in press.

——— (1988) "Law, Change, and Litigation: A Critical Examination of an Empirical Research Tradition," 22 *Law & Society Review* 57.

NADER, Laura (ed.) (1969) *Law in Culture and Society*. Chicago: Aldine.

NADER, Laura, and Harry F. TODD, Jr. (eds.) (1978) *The Disputing Process: Law in Ten Societies*. New York: Columbia University Press.

O'BARR, William M. (1982) *Linguistic Evidence: Language, Power, and Strategy in the Courtroom*. New York: Academic Press.

PEPLAU, Letitia A., and Eva CONRAD (1989) "Beyond Nonsexist Research: The Perils of Feminist Methods in Psychology," 13 *Psychology of Women Quarterly* 379.

REISS, Albert J., Jr. (1971) *The Police and the Public*. New Haven, CT: Yale University Press.

ROSS, H. Laurence (1970) *Settled Out of Court: The Social Process of Insurance Claims Adjustments*. New York: Aldine.

——— (1968) "Programs in Law and Social Science," 2 *Law & Society Review* 509.

ROSS, H. Laurence, and Lee E. TEITELBAUM (1988) "Sociology of Law," in E. F. Borgatta & K. S. Cook (ed.), *The Future of Sociology*. Beverly Hills, CA: Sage Publications.

SARAT, Austin (1985) "Legal Effectiveness and Social Studies of Law: On the Unfortunate Persistence of a Research Tradition," 9 *Legal Studies Forum* 23.

SARAT, Austin, and Susan SILBEY (1988) "The Pull of the Policy Audience," 10 *Law & Policy* 97.

SCHLEGEL, John Henry (1984) "Notes Toward an Intimate, Opinionated, and Affectionate History of the Conference on Critical Legal Studies," 36 *Stanford Law Review* 391.

——— (1980) "American Legal Realism and Empirical Social Science: The Singular Case of Underhill Moore," 29 *Buffalo Law Review* 195.

——— (1979) "American Legal Realism and Empirical Social Science: From the Yale Experience," 28 *Buffalo Law Review* 459.

SCHUCK, Peter (1989) "Why Don't Law Professors Do More Empirical Research?" 39 *Journal of Legal Education* 323.

SCHWARTZ, Murray L., Marvin E. FRANKEL, Neil J. SMELSER, and James Q. WILSON (1976) "Final Report of the Committee to Review the Program in the Law and Social Science of the Russell Sage Foundation." New York: Russell Sage Foundation.

SCHWARTZ, Richard D. (1973) "President's Message: To Ad Hoebel—With Thanks," 7 *Law & Society Review* 531.

——— (1966) "From the Editor . . .," 1 *Law & Society Review* 6.

——— (1965) "Introduction," 12 *Social Problems* 1 (Special Issue in Summer, 1965).

——— (1954) "Social Factors in the Development of Legal Control: A Case Study of Two Israeli Settlements," 63 *Yale Law Journal* 471.

SCHWARTZ, Richard (Chair.), Lawrence FRIEDMAN, Robert KAGAN, Samuel KRISLOV, Felice LEVINE, and Robert YEGGE (1982) "Report of the Committee on Organization, Administration and Structure of the Law and Society Association." Law and Society Association files.

SELZNICK, Philip (1969) *Law, Society, and Industrial Justice*. New York: Russell Sage Foundation.

SHAPIRO, Susan P. (1984) *Wayward Capitalists: Target of the Securities and Exchange Commission*. New Haven, CT: Yale University Press.

SHERMAN, Lawrence W., and Ellen G. COHN (1989) "The Impact of Research on Legal Policy: The Minneapolis Domestic Violence Experiment," 23 *Law & Society Review* 117.

SILBEY, Susan S., and Austin SARAT (1987) "Critical Traditions in Law and Society Research," 21 *Law & Society Review* 165.

SKOLNICK, Jerome H. (1966) "Social Research on Legality: A Reply to Auerbach," 1 *Law & Society Review* 105.

——— (1965) "The Sociology of Law in America: Overview and Trends," 12 *Social Problems* 4 (Special Issue on Law and Society, Summer).

STACEY, Judith (1988) "Can There Be a Feminist Ethnography?" 11 *Women's Studies International Forum* 21.

TAPP, June L. (1971) "Reflections," 27(2) *Journal of Social Issues* 1.

TAPP, June L., and Lawrence KOHLBERG (1971) "Developing Senses of Law and Legal Justice," 27(2) *Journal of Social Issues* 65.

THIBAUT, John, and Laurens WALKER (1975) *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum.

TOMASIC, Roman (1987) "Continuity and Change in the Sociology of Law," 11 *Adelaide Law Review* 70.

TRUBEK, David M. (1989) "Law and Society: Does It Deserve a Future?" Mason Ladd Memorial Lecture, Florida State University, February 23, 1989, Tallahassee.

——— (1986) "Max Weber's Tragic Modernism and the Study of Law in Society," 20 *Law & Society Review* 573.

——— (1984) "Where the Action Is: Critical Legal Studies and Empiricism," 36 *Stanford Law Review* 575.

TRUBEK, David M., and John ESSER (1989) " 'Critical Empiricism' in American Legal Studies: Paradox, Program, or Pandora's Box?" 14 *Law and Social Inquiry* 3.

TRUBEK David M., and Marc GALANTER (1974) "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States," 1974 *Wisconsin Law Review* 1062.

TWINING, William (1973) "Law and Anthropology: A Case Study in Interdisciplinary Collaboration," 7 *Law & Society Review* 561.

WAGNER, Jane (1987) *The Search for Signs of Intelligent Life in the Universe*. New York: Harper & Row (First Perennial Library edition).

WHEELER, Stanton (N.D.) "A History of the Russell Sage Foundation." Draft manuscript, Yale University.

WHITE, G. Edward (1986) "From Realism to Critical Legal Studies: A Truncated Intellectual History," 40 *Southwestern Law Journal* 819.

WHITFORD, William C. (1986) "Lowered Horizons: Implementation Research in a Post-CLS World," 1986 *Wisconsin Law Review* 755.

YEGGE, Robert B. (1967) "President's Report: Where Do We Go From Here?" 2 *Law & Society Review* 5.

——— (1966) "The Law and Society Association to Date," 1 *Law & Society Review* 3.

——— (1963) "Justice Explored—University of Denver Begins a New Program in Judicial Administration," 47(5) *Journal of the American Judicature Society* 106.