From the Editor

As editor of the *Law & Society Review*, I get to read an astonishingly heterogeneous array of manuscripts and an even larger mix of reviews that evaluate those manuscripts. All of us, authors and reviewers alike, use research to understand the workings of law and legal institutions, but we often disagree about what products of research constitute evidence or proof. Some of the criticisms I hear are that a piece lacks a comprehensive theoretical framework, or that a case study is too unrepresentative, or that self-reports of behavior cannot be trusted as evidence of the way people would behave. Implicit in each of these observations is a vision of how we can know something about the social phenomena we study.

Researchers vary in their visions, of course, and the variance may be more pronounced in an interdisciplinary field than in areas of study that share a single research paradigm. I am convinced, however, that the variations in research approach appearing in the pages of the *Review* are not so much the product of these different visions but rather are the result of variations in what and how we can learn about the particular legal phenomena we are studying. The standards we apply in conducting and judging our research need to resonate with the kind of questions we are asking, the state of theoretical development, the accessibility of particular kinds of data, and the feasibility of sensitive measures of the relevant constructs. The collection of articles in this issue provides a set of examples that reveals the contours and range of ways of knowing in sociolegal research. Each of the articles presents a different kind of evidence; each presses the limits of available theory and data sources to provide new knowledge about law and legal institutions.

The first two articles in this issue dramatically illustrate the range of approaches that different stages, access, and scope demand. Richard Lempert reports the results of a unique prospective longitudinal study of a single tribunal, the Hawaiian Housing Authority. Returning to the site of his dissertation research 20 years later, he is able to examine the changes that have come about over time and to trace the vulnerability of an informal set of procedures to changes in norms for handling housing evictions. He supports his claims about change with quantitative analyses of decision outcomes and counts of levels of participation at hearings, as well as impressions by participants gleaned from interviews early and late in the process of change. His observations, informed by prior theoretical and empirical work on informal justice, lead him

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to propose a new typology for characterizing procedural informality on two dimensions: party participation and judicial stance.

While Lempert's article represents an intensive look at the changes that have taken place over time in a single tribunal, Inga Markovits takes on the daunting task of predicting the future of judicial review of administrative action across the entire landscape of Eastern Europe. Amid a kaleidoscope of change, Markovits considers the recent reforms that socialist legal systems have experienced in the wake of *glasnost'* and their likely consequences for the expanding judicial review of administrative action. As Markovits indicates, "court statistics are meager, judicial decisions often inaccessible, and empirical studies almost non-existent." (1989: 403) Yet, she has a base of knowledge about socialist legal process and about Western uses of and attitudes toward judicial review that lays the foundation for her predictions and, more importantly, provides a grounding for her insights on the contextual and organizational requirements for meaningful judicial review of grievances between citizens and their government.

Sometimes a natural experiment provides an opportunity for resourceful researchers to test the assumptions that guide legal decisions. Courts regularly make predictions about the future behavior of the offenders that appear for sentencing, and under most circumstances it is difficult to test the accuracy of those predictions. James Marquart, Sheldon Ekland-Olson, and Jonathan Sorensen have taken advantage of an unusual research opportunity to test the predictions of dangerousness made by juries in the Texas legal system in deciding whether a capital offender should be executed. They examined the behavior of ninety-two Texas offenders who had their capital sentences commuted after they were convicted of capital crimes and sentenced to death based on a jury's prediction of dangerousness. These offenders rarely committed further violence and their behavior was indistinguishable from that of other recipients of life sentences. Of course, only twelve of the offenders were released from prison during the duration of the study, but the psychiatric predictions presented to juries in many of these cases promised further murders by these offenders even within the prison walls.

For many years researchers have claimed that courts, and particularly the Supreme Court, can produce compliance even among citizens who disagree with their decisions because of the legitimate authority possessed by such tribunals. Yet the empirical evidence for this proposition is surprisingly sparse. James Gibson moves from the general attitudinal measures found in earlier research to a test of individual behavioral predispositions designed to measure resolve to act in the face of an objectionable determination by a local legislature, local judge, or the Supreme Court. While respondents are less likely to predict they would act in opposition to a decision by the Supreme Court than in response to the decisions of

the other two bodies, the differences are surprisingly small and appear not to be mediated by differences in the perceived procedural justice of the three legal institutions.

In the last article in this issue, June Starr, like Lempert, presents a 20-year sweep of data in her study of the changing role of law in the lives of rural Muslim women in Turkey. Her ethnographic research revealed the skillful attempts by these women to control family size and set up individual households, using the law to endorse and protect their growing autonomy. The quantitative record here is necessarily incomplete, but it provides support for the proposition that rural women swiftly learned to take advantage of Ataturk's legal reforms.

Most of us were trained in at least one of the social science disciplines and our perspective on research is no doubt strongly molded by the accepted research models that socialized us. Thus, for example, those trained in anthropology are accustomed to data from case studies, those trained in political science and sociology more willingly accept survey data, and those with backgrounds in social psychology find experimental simulations familiar and meaningful. These differences come as no surprise; common wisdom recognizes that investigators see the world through the filter of their experience. But in fact, while such molds influence researchers, they do not necessarily characterize the sociolegal research enterprise at its best. Convincing evidence more often depends on the nature of the object of study and the stage of the research rather than on a particular disciplinary paradigm. Our ability to answer the big questions and to construct and test grand theory is constantly channeled and limited by what we can measure, the number of locations we can reasonably become intimately familiar with when the social context is a crucial element in constructing meanings, and how much we already know about the legal phenomena we are studying.

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REFERENCE

MARKOVITS, Inga (1989) "Law and *Glasnost'*": Some Thoughts about the Future of Judicial Review under Socialism," 23 *Law & Society Review* 403.