

From the New Editor

This issue of the *Review* is the first under my editorship. However, I have, in fact, had very little to do with it. Because a long-planned leave interfered with an efficient transition, my involvement in this issue has been limited to selecting the topic of the special issue and prevailing upon Shari Dimond to serve as special issue editor. Shari supervised the review process and made the necessary editorial decisions, and Joel Grossman together with the fine staff that he has assembled at Wisconsin produced this issue. They deserve the credit for what you will read, and I am very grateful to them.

More than once I have been asked, “What will the *Review* look like under your editorship?” and “What themes will you emphasize?” My honest answer is, “I don’t know.” If after three years people are able to associate themes with my editorship, I hope it is because the best quality work submitted to the *Review* during my editorship has clustered around certain topics and I, together with the many reviewers I shall rely on, have been able to identify it. In other words my goal is to select for the *Review* the best of the social science work being done on the law and legal systems regardless of topic or approach. I leave it to those who specialize in the psychology of the unconscious and the sociology of knowledge to decide whether this aspiration—however honestly felt—can amount to more than self-deceit.

Indeed, I myself must put a gloss on what I have said by briefly outlining a perspective I bring to my editorship. I am intrigued by and tend to share the view—attributable in the first instance, I believe, to Felice Levine—that law and social science is an emerging discipline. What does this mean? The field is not a discipline if being a discipline requires departmental status within our colleges and universities, the proliferation of graduate programs designed to give specialized training in the field (although some such programs exist), or a convenient title that describes one’s disciplinary affiliation. (Few among us present ourselves by the cumbersome title of “law and social scientist.” We tend to be political scientists, lawyers, sociologists, psychologists, etc.).

What members of the Law and Society Association tend to have in common, among ourselves and with disciplines, is that however piecemeal our individual contributions, we are trying

to develop coherent theory about a particular aspect of social life—legal systems. In this I think “law and social science” differs from what are commonly called area studies. The goal of area studies is to understand the circumstances and problems of particular regions, but understanding neither requires nor aims toward a general theory of the area studied. Those in Chinese area studies, for example, do not strive to develop a general theory of China.

If by methodology one means a paradigmatic way of doing research (as the laboratory experiment in psychology) or a conventional way of approaching data (as by regression analysis in economics) there is no distinctive methodology associated with law and social science. But in another sense we do have a distinctive, albeit not unique, methodology. It is to be multidisciplinary. Legal systems cannot be understood by anyone working entirely or even largely within the paradigms of any one of the established disciplines. Those interested in understanding the law must read widely and must bring to bear learning from many areas on their work. Hence this journal. *The Law & Society Review has space for work squarely within the parameters of established disciplines*, for such work can be building blocks to more general theory, but it is also a unique outlet for works that draw on a range of disciplines in an effort to understand legal life. My hunch is that as the field has progressed those at the cutting edge have more and more found it necessary to draw on work from areas in which they were not formally trained in order to understand the theoretical issues they confronted.

A field whose methodology is multidisciplinary suffers if those with relevant disciplinary affiliations do not contribute effectively to the common enterprise. To my mind both the field and this journal have suffered because the contributions of those with certain backgrounds have been disproportionately absent from the *Review* and from the material which those who take an avowedly multidisciplinary perspective on law and legal systems most often refer to.

One might cite a number of perspectives that are only rarely found in these pages. I shall focus, by way of example, on psychology and economics. Choosing the three issues of Volume 14 and two of Volume 15 that happened to be at hand, I found that only three of the 49 authors whose disciplinary backgrounds were identified came from psychology and none were economists. Yet these fields contain large numbers of people interested in law related problems and there are

substantial bodies of literature on both law and psychology and law and economics. There are many reasons why the *Review* tends to neither receive nor publish much work in these areas. These include the prestige structure of the different disciplines, the presence of specialized “Law and . . .” journals in both psychology and economics, and the fact that much of the work in these areas is concerned more with normative prescription than with the general understanding of legal systems. Ultimately, however, the most important reason why the work of psychologists and economists is disproportionately absent from the *Review* may be that much of the work in these areas is not very sophisticated by the “disciplinary” standards of law and social science. While the work may be good psychology or good economics, its failure to consider what is known across disciplines about the way legal systems operate means that the work often has little to contribute to the deeper understanding of legal behavior. In psychology the most common problem concerns the external validity of otherwise well-designed experiments, while in economics it is the invalidity or suspect nature of assumptions that underlie otherwise impressive models of law-related behavior. That these shortcomings are neither universal nor necessarily intrinsic to these disciplines is evident from the work of the psychologists who have contributed to this special issue.

I hope my editorship will see an increase in submissions from psychologists and economists who are concerned with understanding legal systems and law-related behavior and who appreciate the importance of a multidisciplinary—that is to say law and social science—perspective, for I am convinced that scholars with backgrounds in psychology and economics have much to contribute to the common enterprise of understanding the law and legal systems. At the same time psychologists and economists can learn a good deal that is relevant to their own work, even that which is avowedly normative, from reading the range of articles that appear in the *Review*.

My attitude toward psychology and economics is essentially a commitment to the value of diverse perspectives in enhancing our understanding of legal behavior and legal systems. Thus, the invitation to submit work that I have implicitly extended to psychologists and economists is intended also for historians, anthropologists, critical theorists and others writing from perspectives that do not routinely appear in the *Review*. If work from such perspectives aims at

increasing our understanding of legal systems and law-related behavior it has a natural home in the *Review*.

Ultimately, however, I return to where I began. Diversity is important, but the one essential is quality. Without wishing to deny the inherent subjectivity of qualitative judgments and the extent they are affected by subjective interests, my overriding goal is to publish the best of the work submitted. If the *Review* during my tenure publishes proportionately more work by (to carry on with the example), psychologists or economists, it will, if my aims are realized, be because more psychologists and economists have decided to submit their best work to this journal. Political scientists, sociologists and lawyers who are in the habit of submitting their best work to the *Review* should rest assured that their contributions are always welcome.

Richard Lempert