

From the Editor...

PERSONNEL AND PROGRESS IN SOCIOLEGAL RESEARCH

THE PAST YEAR HAS WITNESSED a number of developments heartening to those of us who are betting on the future of the law and social science movement. Without pretending to sample systematically, I would like to mention enough of these events to give some idea of the range they cover. Those that are omitted should be brought to my attention for future reporting here, since this column can easily serve as a forum for chronicling the growth of sociolegal efforts.

For one thing, there has been a flood of publications of great importance for the field. Some of these, such as Julius Stone's monumental *Social Dimensions of Law and Justice* (1966) represent the culmination of the older tradition of sociological jurisprudence. Everything of value in that tradition (as well as much that is not) is chronicled in Stone's latest work or in his two earlier volumes, *Legal System and Lawyer's Reasonings* (1964) and *Human Law and Human Justice* (1965). With characteristic adroitness, moreover, Stone arranges his materials so that they can readily be used as a foundation by subsequent builders.

Also appearing during this period is the key work thus far to come from the University of Chicago Jury Project, *The American Jury* (1966) by Harry Kalven and Hans Zeisel. An outgrowth of fifteen years of collaborative effort, the latest Kalven-Zeisel book signals a style of work that foreshadows future patterns. The book represents a careful examination of the operation of juries in the criminal process. Its analysis is based on a corpus of evidence derived from reports of judges concerning specific cases. Whatever the methodological problems (and some real ones are described in Abraham Goldstein's review—reprinted in this issue) the materials are handled with a sophistication and elegance that will come as no surprise to readers of earlier work by the two authors. To their credit, they were opportunistic in utilizing the judges as the best single source of systematic information on the operation of juries vis-à-vis legal standards as seen by professionals. The book is informed by a concern with jurisprudential issues, but departs creatively from

traditional jurisprudence in trying to tell "how it really is." Given our present disciplinary specialization, the book could hardly have been written by a single scholar. Training programs now underway might well define their objectives to include the development of sociolegal scholars who could individually match the standard set by Kalven and Zeisel.

Approaching this goal is the book by Jerome Skolnick on the police, *Justice Without Trial* (1966), reporting the results of detailed participant observation of a West Coast police department. Using the concepts of contemporary sociological theory, Skolnick interprets the data in such a way as to show their relevance to the jurisprudential dilemma of legality vs. crime control. As a consequence of this blend, the book enlightens us on the process by which law on the books is transformed (or distorted) into law in action. It is difficult to imagine such a product coming from a scholar who lacked Skolnick's sophistication in law as well as social science.

The development of a cadre of sociolegal scholars of this order is one of the top priorities in the field. Skolnick had the benefit of unusual opportunities for working with academic lawyers: on the faculty of Yale Law School, at two SSRC summer institutes in law and social science, at Berkeley's Center for the Study of Law and Society, and as Carnegie Fellow at the Harvard Law School. Can we provide training of comparable intensity and quality for numbers of scholars? Some efforts along these lines have been initiated, but the returns are not yet in. Each of the programs described elsewhere in this issue attempts to provide such training in one way or another. Berkeley and Wisconsin promote the exchange of ideas and research collaboration at the level of younger faculty and graduate students. Denver has added staff members to the Law School faculty who have interests and (in the case of Ross and Sykes) full professional status in the social sciences. Their role is to teach law students the concepts and methods of social science through formal coursework and by participation in legally relevant social research. Northwestern provides social science training up to and including the Ph.D. for law graduates and some legal training for social science doctoral candidates specializing in sociology of law or law and politics.

The need for knowledge of law and social science is felt at other universities as well. Efforts to meet the need follow various strategies. Staff members have been added in social science or psychiatry at such law schools as Yale, Chicago, Pennsylvania, Michigan, and Harvard.

A Center for the Study of Law and Social Control, following the Berkeley model, is being created at Texas. Informal exchanges involving lawyers and social scientists have developed at many universities—Minnesota and Illinois being two of the most prominent examples.

Another attempt to fill the interdisciplinary gap has been undertaken by a joint committee of the Association of American Law Schools and the LSA. The two organizations are cosponsors of a summer institute on Social Science Methods in Legal Education (SSMILE) to be held at the University of Denver, June 26–28. Twenty-six law professors will assemble there to work on the design of legally relevant empirical research, including at least one project that each participant plans to carry out himself. The faculty includes Allen Barton and Maurice Rosenberg of Columbia, Jerome Skolnick of Berkeley, and Robert Yegge of Denver—all for the entire period; with visits by Alfred Conard (Michigan), Geoffrey Hazard and Harry Kalven (Chicago), Wilbert Moore (Russell Sage), and Richard Schwartz (Northwestern). The purposes of the program, specified in the preliminary workbook, are as follows:

1. To afford solid grounding in the methodology of field research on law in action and on the interaction of society and law. The program will include attention to systematic research techniques—for example, participant-observation; interview and questionnaire surveys; sampling operations; and forms of quantitative and non-quantitative empirical investigation. The capabilities, costs and limitations of standard types of research designs will be analyzed.
2. To engage in constructive clinical analyses and evaluation of research projects designed by the Institute's participants. These will consist of proposals submitted as part of the application for admission to the Institute and may be proposals already tendered to foundations for research grants, or merely in preliminary considerations.
3. To identify vital research challenges in many areas of law—some closely related to present scholarly interests of the participants, others, candidates for future attention.
4. To examine law's various roles in a changing society in an effort to gain perspective without suffocating in hot air.
5. To get the maximum feedback for law teaching from the foregoing endeavors.

Assuming that the empiricists have their way, the results of the project will be appraised to determine its net benefits. If, by this appraisal, the results prove beneficial, the supporting foundations—Walter E. Meyer and Russell Sage—will be approached for a second institute in the summer of 1968.

Another plan for providing social science training for law professors will be considered at the LSA Trustees meeting in October. It calls for one or even two years of training for law professors in social science. The pattern of fellowships would parallel those already instituted under a Carnegie grant for social scientists at the Harvard Law School.

These efforts represent a response to the felt need for systematic information in the shaping of rational legal policies. Enough evidence of unanticipated consequences exists: drug addiction increasing because of efforts at enforcement, public defender systems enhancing conviction rates, Draconian divorce codes generating perjury, and so forth. The society appears ready to turn for guidance to the social sciences, at least where sufficient work is available to merit confidence. Evidence that such confidence is well placed is to be found in the striking accomplishments of the President's Crime Commission, a project completed with incredible speed and a minimum of interdisciplinary conflict. Even where the corpus of existing research is more limited, as in the case of civil rights, the impulse to rely on empirical evidence is strong—as indicated by the serious reception given the Coleman report, *Equality of Educational Opportunity* (1966).

To utilize these opportunities fully, for the benefit of society and social science, we need many more well-trained people. They must understand legal policy as well as social science. Many, of course, will concentrate on specific policy questions. But it is vital that their efforts be informed by, and contribute to, larger questions of the relations between law and society. As we add to our empirical findings, the need for theory multiplies. In n -dimensional space, all vectors are welcome.

—RICHARD D. SCHWARTZ