From the New Editor

This year marks the 25th anniversary of the Law and Society Association. Over the course of this 25-year history, interest in the study of law and legal systems has expanded and now attracts a broad spectrum of scholars. The current issue of the *Law & Society Review* reflects this growth. Represented are the work of scholars formally trained in political science, psychology, sociology, and law. Articles by anthropologists, historians, and economists have been accepted for future issues. A growing number of researchers see sociolegal studies as their primary research domain. An increasing number have formal training in both law and a social science discipline.

The *Law & Society Review* has documented the evolution of research on law and legal institutions. As the new editor, my primary goal is to see that articles published in the *Review* reflect the best of the wide range of research and writing being done by researchers in law and society.

While scholars have not yet reached consensus on whether the scientific study of law represents a discipline or a common area of research addressed by a number of disciplines, it is clear that valuable research about law and legal institutions proceeds in many diverse directions, in part because of the varying backgrounds of those doing research in the field. Scholars trained in different disciplines come at the same research question with different theoretical perspectives, and often use different methodological tools. The challenge is to reap the full benefits of these various visions and research instruments.

In the spirit of encouraging us to share, examine, and learn from our differences, I will occasionally invite a response to a manuscript I accept for publication in the pages of the *Review*, and ask the commentator to provide a different perspective on the research approach taken by the author. The objective is not to solicit criticism, but rather to stimulate exchange and debate on how we approach our research questions so that we maximize what can be learned from our investigations.

The articles in this first issue of Volume 23 represent a wide range of research approaches, but all of them (with the exception of Richard Lempert's commentary) include data from empirical studies. Such articles make crucial contributions to our understanding about law, but it should be clear that manuscripts contributing to the advance of theory that do not contain a shred of new empirical data will be very welcome in these pages.

This issue of the *Law & Society Review* begins with Ray

LAW & SOCIETY REVIEW, Volume 23, Number 1 (1989)

Paternoster's study of offending decisions by young adults. According to the rational choice model of criminal behavior, the decision to offend is constantly being re-evaluated. Using panel data to examine changes in offending behavior over time, Paternoster separately examines decisions to offend for the first time, to desist from offending, and to continue offending. He shows that decisions to start, persist, and continue to refrain from offending are associated with different circumstances, as are offending decisions involving different offenses. Moreover, the effects of severity and certainty of punishment, central to the deterrence doctrine, are quite small or non-existent. If this pattern of deterrence findings can be replicated with more serious offenses and more sensitive measures of punishment severity and certainty, the power of the deterrence doctrine as an explanation for criminal behavior will deserve re-assessment.

The study by Jim Atleson focuses on lawyers who deal with a set of potentially volatile disputes involving requests for injunctions against labor-organized picketing. His interviews with both union and company attorneys in Buffalo, New York reveal how these apparently intransigent all-or-none disputes of value are transformed into disputes of interest that can be resolved without full recourse to formal adjudication. He argues that the legal culture of Buffalo facilitates settlement because practitioners in the small community share an interest in appearing reasonable to one another. Whether such an interest is unique to small communities is a question well worth further exploration.

The next two articles, one by Angela Browne and Kirk Williams and the other by Herb Jacob, both address questions of legal and policy impact. Legal changes and policy innovations often have unexpected outcomes, altering behaviors in unanticipated ways. In the past several years, a number of states have recognized the seriousness of assaults within the family and have made legal and social resources available to women in cases of domestic violence. In an innovative study, Angela Browne and Kirk Williams attempt to trace the impact of these legal and policy reforms on changes in the rates of female-perpetrated homicide in each of the 50 states. Their results suggest that some homicides may be facilitated by the absence of perceived alternatives, an absence that legal and policy changes can modify.

Herb Jacob provides new data to fuel the continuing debate about the effects of no-fault divorce (Weitzman, 1985). While Weitzman's research used California data to show that no-fault divorce has had a substantial detrimental effect on women, Jacob uses data from a national panel survey of women before and after their divorces. While Jacob's data reveal that divorce generally harms the financial position of women, he finds no evidence that no-fault divorce is more harmful than fault-based divorce to the post-divorce finances of women. This article is not likely to be the

last in the debate, however. The effects of no-fault may be limited to particular groups and may interact with other legal reforms, like changes in community property and child custody rules. There is more to learn.

The two final papers in this issue were stimulated by Richard Lempert's introduction to Volume 18, Issue 4 when he was editor of the *Law & Society Review*. Lempert admired the field experiment of Larry Sherman and Richard Berk (1984) that tested the impact of various police responses to spouse assault on further violence. He expressed concern, however, over what he saw as premature efforts to draw general policy conclusions from the experiment. Replications, he argued, were needed to address some of the serious remaining questions about the meaning of the findings. He also raised some concerns about the appropriate role of scientists in publicizing the results of their research.

In this issue, Larry Sherman and Ellen Cohn both document and respond to Lempert's concerns. They describe in detail the substantial efforts Sherman made to publicize the results of the Minneapolis experiment. They also provide some evidence from a panel survey of police departments that indicates those efforts at publicizing probably had some effect in changing police policy across the country. They agree that replications are crucial and suggest that efforts to publicize results are a crucial way to obtain the cooperation necessary to mount replications.

In his response, Lempert outlines the risks associated with publicizing the results of the Minneapolis experiment and raises questions about the generalizability of the results and the interpretation of the dependent variable. He discusses the problems associated with media presentations that simplify and distort the carefully qualified statements of scholarly reports. Lempert suggests that these concerns are consistent with a restrained role for the sociolegal researcher in a world in which policy-relevant results may affect the behavior of legislators and administrators.

These two articles clearly present the trade-offs that arise from efforts to publicize findings from policy-relevant research. My hope is that they will stimulate thought and debate on the appropriate roles and activities of sociolegal researchers, as well as on the best ways to accumulate knowledge about law and legal institutions. The topic they address is important and the exchange is provocative: The reader cannot avoid disagreeing with at least something in one of them.

My final comments in this first editor's introduction are words of thanks. Editing offers a stimulating gallop through the expansive terrain of work currently being done in sociolegal studies. An editor can only enjoy the ride if she can depend upon support from others. Fred Meyer, a graduate student at the University of Illinois, not incidentally in the organizational psychology program, is

the administrative assistant for the *Review* who manages to keep track of all manuscripts, reviews, and the myriad of other paper we generate. If something is misplaced, I have done it, but Fred rarely lets that happen.

On a day-to-day basis, associate editor, Jay Casper of the Political Science Department of Northwestern University and my colleague at The American Bar Foundation, is a primary source of insight and good judgment. Colleagues at the University of Illinois at Chicago and the American Bar Foundation provide generous support and advice. Finally, the other heroes and heroines of the publication are the reviewers across the country and outside the United States who contribute the thoughtful analyses that inform my decisions on publication. Many thanks to all.

Shari S. Diamond
March, 1989

REFERENCES

LEMPERT, Richard O. (1984) "From the Editor," 18 *Law & Society Review* 505.

SHERMAN, Lawrence W., and Richard A. BERK (1984) "The Specific Deterrent Effects of Arrest for Domestic Assault," 49 *American Sociological Review* 261.

WEITZMAN, Lenore J. (1985) *The Divorce Revolution: The Unexpected Social and Economic Consequences for Women and Children in America.* New York: The Free Press.