



Law & Courts

NEWSLETTER OF THE LAW & COURTS SECTION OF THE
AMERICAN POLITICAL SCIENCE ASSOCIATION

A Letter from the Section Chair

NORMATIVE IMPLICATIONS OF EMPIRICAL THEORY

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One of the complaints of those in the Perestroika movement is that quantitative scholars all too frequently ignore important normative issues.¹ Indeed, my immediate and esteemed predecessor as section chair, in urging a normative focus to our work, wrote that “political science scholarship is valuable only to the extent that works help citizens and policymakers make better political decisions.”² My view is that political science scholarship is valuable to the extent that works help students and scholars better understand the political world. Knowledge is our primary goal; it is an end in and of itself. Nevertheless, I would also argue that the quantitative empirical research Perestroikans criticize often has as much if not more to say about normative questions than explicitly normative research does.

Let me begin with what I hope is some common ground. Most academic political scientists choose to enter the field out of deep normative concerns about one or more political issues. For me it was questions of civil liberties, which took root from a high school reading of *1984* and then continued through the Nixon administration, COINTELPRO, and vigilant reading of writers such as Nat Hentoff. No surprise then that I took to studying the Supreme Court and wrote my dissertation on the Court’s search and seizure cases.

I recall my first conference, where I presented my search and seizure work, only to have the discussant pooh-pooh (that’s an official term, right?) my empirical work predicting the Court’s search and seizure decisions, wanting to know instead what *I* thought of these decisions. Now I love talking about politics, and the idea of getting paid to talk about politics was one of the main things that lead me into academics. Yet I couldn’t understand why people—outside of bar-room conversations—would be interested in my personal views on the correctness of these decisions. On a scholarly level, I thought I had something interesting to say about how the Court makes decisions, but not about how the Court should make decisions. So I have to say, with all due respect, that I disagree with Mark Graber’s position that “Scholars seeking to explain judicial voting, for example, would self-consciously present their works as contributions to debates over how justices should decide cases instead of as critiques of previous efforts to explain judicial decisions.”³

continued on page 4

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**CLICK HERE TO
NAVIGATE
TO TABLE OF
CONTENTS ON
PAGE 2**

Table of Contents

Point and Click to Navigate to Article

L <i>etter from the Chair</i>	<i>pages 1,4-5</i>
S <i>ymposium: Exploring the (dis)Connections between Political Science and Law & Society Law & Society and Political Science on Different Paths by Doris Marie Provine</i>	<i>pages 6-8</i>
<i>From the Middle Out Rather than Top Down or Bottom Up by Herbert M. Kritzer</i>	<i>pages 9-11</i>
<i>Intellectual Crosscurrents by Christine Harrington</i>	<i>pages 11-14</i>
<i>The LSA Legacy: Adding a Dose of Madness to our Methods by Michael McCann</i>	<i>pages 15-19</i>
<i>Interdisciplinary Wanderings by Austin Sarat</i>	<i>pages 20-22</i>
<i>Amalgamation! Law & Society and Political Science by Julie Novkov</i>	<i>pages 22-25</i>
<i>Political Scientists and the Law & Society Tradition by Malcolm Feeley</i>	<i>pages 25-26</i>
A <i>rticle: My Deanship by Mark Graber</i>	<i>pages 27-29</i>
R <i>esearch Spotlight: The Expanded Burger Court Database by Harold Spaeth</i>	<i>pages 30-31</i>
B <i>ooks to Watch For</i>	<i>pages 32-34</i>
A <i>wards and Announcements</i>	<i>pages 35-37</i>
U <i>pcoming Conferences</i>	<i>page 38</i>

*Instructions
to
Contributors*

General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. **Law and Courts** is published three times a year in Winter, Spring, and Summer. Deadlines for submission of materials are: November 1 (Winter), March 1 (Spring), and July 1 (Summer). Contributions to **Law and Courts** should be sent to the editor:

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We will be glad to consider articles and notes concerning matters of interest to readers of **Law and Courts**. Research findings, teaching innovations, or commentary on developments in the field are encouraged.

Footnote and reference style should follow that of the *American Political Science Review*. Please submit two copies of the manuscript electronically as either an MS Word document or as a PDF file. Contact the editor or assistant editor if you wish to submit in a different format. Graphics are best submitted as separate files. In addition to bibliography and notes, a listing of website addresses cited in the article with the accompanying page number should be included.

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Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

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Announcements and section news will be included in **Law and Courts**, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when possible. Finally, authors should notify **BOOKS TO WATCH FOR EDITOR**:

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(Chair's Column, continued from Page 1)

But in helping us understand the world better, the quantitative empirical research criticized by Perestroikans often add enormously to helping us understand normative questions. I don't think the normative implications of my search and seizure work were huge, but the fact that the Court's decisions could be readily explained as a function of some readily measured variables pertaining to the extent of the intrusion weighed against the prior justification for the search certainly mitigates against arguments that the exclusionary rule should be abandoned because the Court's search and seizure decisions were too complicated to be understood. More importantly, Brad Canon's empirical finding⁴ that warrants skyrocketed following *Mapp*⁵ makes it nearly impossible to claim, as Chief Justice Burger has,⁶ that the exclusionary rule has not deterred police officers.

Consider as well the death penalty. Normative theorists can make argument after argument about why the death penalty is moral, immoral, whatever, but in the end these arguments are largely justifications for pre-existing views and do little to change most people's minds.

Empirical theorists, by contrast, may actually provide information that is more valuable to the normative debate than normative theorists do. Imagine a world in which capital punishment had a coarsening effect on society, so much so that each additional execution led to five more people being murdered.⁷ It would be difficult to imagine that even the strongest supporters of the death penalty would continue to support it if each execution of a murderer resulted, on average, in five new murder victims. Alternatively, what if in fact there is, as Sunstein and Vermeule suggest, a deterrent effect to capital punishment that is "powerful" and "impressive"?⁸ What if, for every legally guilty person executed, two innocent lives were spared through deterrence? Or four? Or, as Isaac Ehrlich argues, 8?⁹ Is there some point at which opponents of the death penalty change their minds in response to a large and demonstrated deterrent effect?

Empirical arguments may be crucial for normative debates over affirmative action too. The conlawprof listserv spent the better part of November arguing the merits of affirmative action. To no one's surprise, most of the supporters come from left of center while most of the opponents come from right of center. But as interesting and as intelligent as the debate has been, I haven't seen any evidence that people's pre-existing positions have changed. Missing from the normative debate, though, has been any evidence about the empirical effects of affirmative action. What if—and I'm not saying it is—but what if Rick Sander is correct? What if affirmative action in law schools actually leads to fewer African Americans becoming lawyers?¹⁰ Or doctors? Would not this empirical work have far greater normative consequences than most of the normative writings on the subject?

The value of empirical research for sustaining normative arguments has its limits, needless to say. First, many of the questions we are interested in are extraordinarily complex, and the claims we make from our research are always uncertain.

More problematically, though, there is an enormous literature demonstrating that one's prior attitudes directly influence how one views empirical evidence about the world.¹¹ Thus, liberals are much more likely to accept studies demonstrating no deterrent effect of capital punishment, while conservatives are much more likely to accept studies demonstrating that there is a deterrent effect.¹² Moreover, citizens are more likely to seek out information that confirms their prior notions,¹³ thus magnifying the effects of motivated reasoning.

The normative implications of these empirical findings extend not just to judicial politics,¹⁴ but to rational choice and democratic theory as well. Findings that rational weighing of evidence is extremely difficult—particularly for the well educated, who are better able to counterargue—or that deliberation and debate lead to polarization, are as important to normative questions about our polity as is much of what is written by explicitly normative theorists.

Notes

¹ On the Perestroika movement, see Miller, D.W. 2001. "Storming the Palace in Political Science." *The Chronicle of Higher Education*. September 21, 2001, p. A16.

² <http://www.law.nyu.edu/lawcourts/pubs/newsletter/summer06.pdf>, p. 4.

³ *Ibid.*

⁴ Canon, Bradley C. 1973. "Is the Exclusionary Rule in Failing Health?" *Kentucky Law Journal* 62: 681-730.

⁵ 367 U.S. 643.

⁶ *Bivens v. Six Unknown Federal Agents*, 403 U.S. 388 (1971).

⁷ Thomson, Ernie. 1997. "Deterrence Versus Brutalization: The Case of Arizona." *Homicide Studies* 1 (2): 110-128.

⁸ Sunstein, Cass R., and Adrian Vermeule. "Is Capital Punishment Morally Required? Acts, Omissions, and Life-Life Tradeoffs." *Stanford Law Review* 58: 703, 706.

⁹ Ehrlich, Isaac. 1975. "The Deterrent Effect of Capital Punishment: A Matter of Life and Death." *American Economic Review* 65: 397.

¹⁰ Sander, Richard H. 2004. "A Systemic Analysis of Affirmative Action in American Law Schools." *Stanford Law Review* 57: 367, available at <http://www.law.ucla.edu/sander/Systemic/final/SanderFINAL.pdf>. For a critique, see Wilkins, David B. 2005. "A Systematic Response to Systemic Disadvantage." *Stanford Law Review* 57: 1915.

¹¹ Kahan, Dan, and Donald Braman. "More Statistics, Less Persuasion." *Pennsylvania Law Review* 151: 1291, available at http://research.yale.edu/culturalcognition/documents/more_statistics_less_persuasion.pdf.

¹² Charles Marc Ross Lord & Mark Lepper. 1979. "Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence." *Journal of Personality and Social Psychology* 27: 2098-2109.

¹³ Taber, Charles S., and Milton Lodge. 2006. "Motivated Skepticism in the Evaluation of Political Beliefs." *American Journal of Political Science* 50 (3): 755-69.

¹⁴ Braman, Eileen. 2006. "Reasoning on the Threshold: Testing the Separability of Preferences in Legal Decision-Making." *Journal of Politics* 68 (2): 308-321.

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Symposium:

Exploring the (dis)Connections between Political Science and Law & Society

Editor's Note: In 2006, a range of political scientists participated in a series of roundtables held during the annual meetings of the Southern Political Science Association, the Western Political Science Association and the Midwest Political Science Association, during which they discussed the connections – or disconnections – between Political Science and Law & Society. They were asked to address one or more of the following issues: historical perspectives of the relationship between political science and law and society, the intellectual crosscurrents of the two, what political scientists bring to law and society and what do they bring back to political science as a result of their participation in law and society, the differences between the political scientists who participate in law and society and those who do not, and what the future holds for the political science-law and society connection. This symposium consists of the written remarks of most of the participants of the 2006 roundtables.

Law & Society and Political Science: On Separate Paths

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Once upon a time, when I was a graduate student, the Law and Society movement and political science, or at least that part of it interested in courts, seemed more connected than they do now. The Law & Society Association and *The Law & Society Review* offered an umbrella that covered many things, from disputing in pre-modern societies, to appellate court research. The ethic of inclusion was born partly of necessity: the organization was new, and it needed support from established disciplines. The openness of those early years arose also from the creative, rather vague, consensus that brought the organization into being. The founders believed that the empirical study of law should be part of the academic research enterprise and the liberal arts curriculum. With the support of the Russell Sage Foundation, the organizers hoped to educate a new generation of interdisciplinary scholars who would challenge the doctrinal approach to legal education that prevailed in law schools and undergraduate constitutional law classes. The founding generation also believed that socio-legal studies had a role in policy making. For all of these purposes, an interdisciplinary approach was best. There was a palpable commitment to finding a place for every field and discipline at the table.

A lot has changed since these early years. There is certainly less optimism about the role of social science scholarship in politics. And it has proven more difficult than expected to keep every social science discipline in a single socio-legal conversation, in large part because of specialization and the success in some disciplines, e.g. economics and psychology, in including law as part of their own core. The changes have been gradual, growing more obvious over time. I am tempted by the metaphor of speciation, in which two inter-breeding populations become separate over time because of small, accumulating changes in the way they adapt to their environments. Or perhaps, like Darwin's finches, these two fields have differentiated because of their isolation from each other. The problem with this metaphor is that there is no common ancestor here – law and society and political science were always distinctive. What has happened is that socio-legal studies has established itself as a field; it is no longer primarily a clearinghouse where empirically-minded scholars interested in things legal find common ground. Meanwhile, political science has stood its ground, metamorphosing in its own ways, but not broadening its disciplinary paradigm to include socio-legal studies.

Courts Research as a Marker of Different Goals and Interests

Courts offer a convenient vantage point for noting differences in socio-legal studies and political science. Both fields are appropriately concerned with courts, but their interests are not the same. Political science studies courts because the judicial branch in a constitutional democracy has policy making responsibilities. There is no escaping them as a key part of the political establishment in the United States and a relevant consideration in every system of government. The theories of decision that political scientists use in studying courts – behavioral, rational choice, and institutional – reflect broad

trends in the discipline. Despite this connection, courts scholars rightfully complain that they are sometimes overlooked by political scientists in other fields and that their insights are undervalued. What is important to note here, however, is that this debate is relatively narrow. Both within the subfield, and between the subfield and political science as a whole, the intellectual challenge is fairly well defined: to understand who gets what in politics, and why. Methodological disputes are similarly rather narrow, generally staying within the traditions of normal science characterized by hypothesis testing with quantitative data.

Socio-legal scholars have several starting points in thinking about courts. One arises from the place courts occupy in the disputing process, a topic of long-standing interest in law and society scholarship. From this vantage point, courts are often an end point of analysis, rather than the starting point, as is usually the case in political science. Socio-legal studies is also interested in courts for their symbolic functions, as keepers of tradition and ritual, as sites of conflict and change, and as a source of creative tension between lay and professional views of justice. In these frameworks, the judge is often only part of the process, rather than a central player. The most promising insights are thought to come from the lower end of the judicial hierarchy, including small claims, bankruptcy, and criminal case processing, a point of clear contrast with political science, where the interest in formal power tends to focus scholars at the top of the system.

What is surprising, given the strong links of courts and communities, is that Law & Society conferences, in my observation, no longer pay a lot of attention to courts as institutions. Although I have not studied the matter systematically, panels on jury research, on criminal trial courts, on civil justice, and on courts in non-western societies do not seem nearly as common as they used to be. Nor is the political significance of courts of particular interest to the Association – there are no longer panels of judges or many panels about the judiciary at the annual meetings. The *Law & Society Review* has been much more consistent, remaining receptive to courts research, particularly research that cuts broadly and critically into existing literatures. (Note that until this point, I have lumped *Review* and the annual meeting together, because that is how the field is known, but at points like this it is important to make clear that the two are not completely reflective of each other. Each has different purposes, personnel, and structural constraints.)

The slow drift away from courts in the annual Law & Society meetings reflects a more general loss of interest among many members of the Association in formal institutions of law and positivist social science. And a certain resistance has developed to focusing on the institutions of the powerful. Socio-legal studies has always cared more about underdogs than big dogs, so as American courts have abandoned underdogs, socio-legal studies has abandoned courts. These shifts reflect deeper currents of difference between the socio-legal studies and political science.

Disciplining Investigation

Is this simply a case of organizational drift? That may be part of the answer, but a more interesting framing would note that political science is a long-established discipline, while socio-legal studies is a young, interdisciplinary field. This structural difference has important implications, not just in understanding the questions Mitch has posed for us, but for thinking more generally about how interdisciplinary fields grow.

Political science has several stability-inducing characteristics, including its age and established presence in universities and the public imagination, its size and market share in academia, and its relatively well-defined mission of empirical inquiry into the well-springs of governance and state power. Many political scientists majored in the discipline as undergraduates, and all are trained and professionally certified for this work. There is a long-standing consensus in the field about the training appropriate for political scientists, about sub-disciplinary specialties, and about many of the essential texts. The discipline remains committed to normal science and aspires, through its own boundary-maintaining efforts, to gain the respect accorded scientific investigators.

The interdisciplinary field of socio-legal studies looks very different. It lacks the inertial forces of well-developed programs with a clear place in the liberal arts establishment, although PhD programs in law and society are nudging things in this direction (e.g. ASU, NYU, UCB, UCI). Still, the field remains strongly shaped by professional legal educators who mostly teach people with no aspirations to be socio-legal scholars. Without the disciplining force of training future scholars and preparing them for positions in the field, the Law and Society Association is prone to intellectual fads and trendy approaches.

It struggles with managing its politics at an organizational level. How embedded should the Association be in contemporary political debates, for example? How should scholarship that challenges the normative commitments of the Association be handled? What is the role of apolitical, allegedly value-free, empirical investigation in this field?

The presence of multiple disciplines also has organizational implications. There is a constant struggle over paradigms of inquiry. In the process, some disciplines are no longer much in evidence in some settings. Economists, never in large supply, are virtually absent at annual Law and Society meetings and psychologists are less represented than they used to be, though both fields remain firmly part of the field in terms of NSF funding through the Law and Social Sciences Program. There has also been a largely un-mourned movement away from quantitative approaches to socio-legal problems, at least at the Annual meetings. Audiences seem much more drawn to narrative accounts, ethnographic research, and cultural critique.

Separate Fields, Separate Challenges

Should we be dismayed by the separation of socio-legal scholarship from mainstream political science work on courts? To a significant extent, separation is the wages of growth – the law and society field has grown too big to worry about drawing scholars toward the organization, and so has its premier journal. Nor should anyone be surprised that a young interdisciplinary organization with a strong interest in the role of law in maintaining inequality would approach research differently from a senior discipline in the social sciences committed, above all, to scientifically defensible truth-seeking. The National Science Foundation quite rightly nourishes both approaches simultaneously and separately.

The goal, however, should not simply be peaceful co-existence of two separate research communities, but reciprocal infusion of good ideas. Political scientists need to avoid complacency about their methodological sophistication and lack of entanglement with the day-to-day politics of rich and poor. The emphasis on appellate courts in our subfield, and particularly on how the US Supreme Court decides cases, tends to focus the field too inwardly for a fast-changing world in which global forces are playing an ever-increasing role and the dangers to freedom are growing. The subfield could broaden its base to more enthusiastically embrace courts at all levels in all locales as it develops theories that situate the judicial branch as part of the governing state. The courts subfield should also take more account of other dispute-resolvers, including corporations, universities, and labor unions, in order to see more clearly the limits of judge-made law in legal ordering. The move toward historical institutionalism and American political development, and away from psychological theories of power offers inviting ways out of some of these dilemmas.

Law and society scholars have the advantage of flexibility and breadth. Socio-legal studies ranges easily across power relations at every level, reaching many social milieu virtually ignored by political science. And the field is reflective about its own place in contemporary political life, which is appropriate. The risk in socio-legal studies is methodological individualism and dilettantism, which may be typical in interdisciplinary endeavors. There are also risks in downplaying research on powerful legal institutions like courts. Disciplinary specialties suggest that there are advantages to keeping one's professional eyes trained on certain key institutions and in thinking through what it takes to prepare the next generation of scholars to carry the torch for normatively informed, interdisciplinary conversations. The concern of political science with institutions of governance and with strategies that legitimate and perpetuate power should be important in socio-legal studies. And law and society scholars have a lot to contribute to this conversation in emphasizing the legitimating power of law in the lives of ordinary citizens, in demonstrating the long shadows legal institutions cast, and in envisioning conflict-resolution broadly enough to de-center courts and illuminate the law-making role of other institutions. Both fields should be centrally concerned with how formal and informal power shape social life.

From the Middle Out Rather than Top Down or Bottom Up:

Looking Beyond Judicial Behavior in Appellate Courts and Public Opinion about the Courts

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Political scientists in the Law and Courts Section bring a wide range of specific interests to their research and teaching. Yet if one looks at the major political science journals one finds that most of the articles that would fall within the law and courts category deal with two relatively narrow topics: judicial behavior of appellate judges and public opinion in connection with the higher courts. Of course, one can point to an occasional article that deals with different topics—trial courts, judicial selection, interest groups in the courts—but even these articles often tie back to the two primary foci (trial court response to appellate court decisions, selection of justices of the U.S. and state supreme courts, interest groups as amicus in appellate cases).

One way to characterize the dominant focus of law and courts scholarship in the major political science journals is that it takes either a top down (actions and impacts of appellate courts) or a bottom up (response and influence of the citizenry) approach to the study of judicial institutions and other legal phenomena. However, there is a huge middle ground that is hard to find in the major political science journals but which forms the core of journals such as *Law & Society Review*, *Law & Social Inquiry*, *Law & Policy*, *Judicature*, *Justice System Journal*, *Journal of Law and Society*, to say nothing of the more empirically-minded law and economics journals and journals such as the *Journal of Empirical Legal Studies*. Who uses the courts and why? How do we understand the work and impact of that primary intermediary in the legal system, the lawyer? How is law mobilized by social movements? In what ways does law influence how people think about political life and their day-to-day interactions with political and nonpolitical institutions? The core literatures on these questions will be found not in the journals that political scientists think of as political science journals, but in interdisciplinary journals such as those named above.

To some degree the distinction between the top-down/bottom-up perspectives versus what I would call the middle-out perspective relates to audience. As editor of *Law & Society Review*, I have received a sizeable number of articles on the behavior of appellate judges. Given that *LSR* is explicitly an interdisciplinary journal, a surprising proportion of those articles start with a phrase such as, “According to the political science literature...,” or “As political scientists have shown...” While a significant proportion of the readers of *Law & Society Review* are political scientists, an interdisciplinary journal looks for articles that speak to an interdisciplinary audience, not just to the members of the author’s discipline.¹ Certainly these authors believe that their work should be of interest beyond the political science community, but they often write as if only that community really mattered. Ironically, political scientists who study judicial behavior often lament that legal academics pay them and their empirical research little heed. Interdisciplinary journals are a good way to capture the attention of scholars with related interests in other disciplines, but one must write articles for such journals with those scholars clearly in mind.

My own research falls largely in the middle-out category. This started with my dissertation. I did not set out to become a scholar with a specifically law and society focus. I was brought to the world of law and society by my colleagues at the University of Wisconsin. While my doctoral dissertation was a study of sentencing of draft resisters during the Vietnam War, I saw this early research not in law and society terms, or even really in law and court terms, but as a study of the behavior of political elites which was my core interest during graduate studies. In the early 1970s, neither law and politics nor law and society were particular strengths of the graduate department at the University of North Carolina at Chapel Hill,² although Don Songer is another North Carolina PhD of that era.³ In fact, I have distinct memories of rather negative things being said about the young law and society movement, and its journal which I now happen to edit. During my first few post-Ph.D. years, I published a variety of articles dealing with political elites outside legal settings and devoted substantial time and energy to building a data set to study congressional ambition, work from which nothing was ever published. My move to law and society work is a clear result of my environment. In 1977, I came to Wisconsin as a one-year visitor, a position that became tenure track the following year. Soon thereafter I was invited by my senior colleague Joel Grossman to join a team competing for a contract to study civil litigation in the United States. That project, which came to be known as the Civil

Litigation Research Project (CLRP), is what moved my focus clearly into law and society, and it was during the time that I was working on CLRP that I began attending the annual meetings of the Law and Society Association. There is a strong historical link between the law and society movement and the University of Wisconsin; the first president of the Law and Society Association was Harry Ball at a time when he was at the University of Wisconsin. That linkage continues today: it still seems that I have UW colleagues whom I only see at the annual Law and Society Association meeting. Also during my early years at Wisconsin, *Law & Society Review* was edited by Joel Grossman (and Joel's production editor happened to be my wife Amy). Much of my research over the last 25 years has roots in issues and questions that arose from CLRP, and all of my substantive writing during that time has had a law or legal institution focus.

What does this mini-biography suggest? Quite simply, scholarly paths reflect a combination of interests, environments, and opportunities. Would my research have moved in a law and society direction if my first position at Indiana University had become a tenure track position rather ending after one year, or if I had not been invited to visit at Wisconsin and had made my career at Rice University where I taught 1975-77? Most likely, my research would have followed a much more traditional political science path. I would most likely have pursued that congressional ambition study that got buried by the demands of the Civil Litigation Research Project. A research path along these alternative lines would have been in keeping with the departmental expectations at Indiana or Rice. At Wisconsin, which has a long tradition of interdisciplinary work in a variety of areas, publication in major interdisciplinary journals such as *Law & Society Review* was (and is) seen as a legitimate path to promotion and tenure. Historically, there has been significant contact between the Law School at Wisconsin and disciplines such as political science, sociology, and history. I can look out my office window, and see the Law School, a mere 150 feet away; in two minutes I can get from my office to the law library. At most institutions that have law schools, one will find the law school on the fringe of the campus (if not, as in the case of Northwestern) some miles away from the main campus. At Wisconsin the Law School is in the center of the campus, not just physically, but institutionally as well.

But it is not just the institutional climate that makes a difference. It is also opportunity. The chance to work on the Civil Litigation Research Project was one of three opportunities and experiences that have shaped me as a scholar.⁴ The American civil justice system is often a topic of political debate and policy controversy. It is also by far the largest aspect of our justice system. The number of civil cases far eclipses the number of criminal cases, and counting the civil cases grossly underestimates the significance of the system because of the vast number of cases that never make it into the court system because of the anticipation of how the court system would respond. CLRP at best scratched the surface of the important questions about how the civil justice system operates. Without CLRP, my vita would look radically different, even if I had pursued research related to the law and courts.⁵

Law and society provides an outlet for political scientists interested in how law operates throughout the political system, not just at the level of appellate courts or at the level of citizens view of (or influence by) the appellate courts. Thirty-five years ago political scientists such as Herbert Jacob, Kenneth Dolbeare, Kenneth Vines, and Richard Richardson were urging political scientists to move away the view that only the highest courts were of sufficient political significance to merit our attention. However, the "upper court myth" persists, and when the major research departments of the discipline look to hire someone who has a law and courts focus, there is a strong bias toward scholars who write on appellate courts. While increasingly departments are hiring scholars whose work looks at courts outside the United States, those scholars also tend to focus on appellate, usually constitutional, courts. This bias toward top-level institutions is by no means unique to the law and courts area. Compare the number of articles in the top journals that focus on Congress (or other national legislatures) to the number of articles on subnational legislative bodies; or, the number of articles on national executives versus subnational executives. The patterns will mirror that for law and courts.

Law and courts scholars are fortunate to have vibrant interdisciplinary journals as outlets for the important work that tends to be shunned by the dominant disciplinary outlets. These journals provide an outlet for the "middle-out" type of work, and allow political scientists to reach the broad audience for whom their work is relevant. Regrettably, the downside of such journals is that they are not particularly visible to political scientists whose work does not deal with law and courts. Then again, I doubt that large numbers of empirically-oriented political scientists read *Political Theory* or that large numbers of political scientists who do not work in the area of international relations regularly read *International Organizations* or *International Interactions*. Do these specialized disciplinary journals "count more" in the eyes of political scientists than do top interdisciplinary journals? I hope not, but I am not sure what the answer is to this question.

Notes

¹ There is an important distinction to be drawn between an interdisciplinary journal and a multidisciplinary journal. The law and social science journals are interdisciplinary; a journal such as *Social Science Quarterly* is multidisciplinary.

² The situation today at North Carolina is very different today with the presence of Kevin McGuire, Isaac Unah, and Georg Vanberg.

³ Both Don and I were students of Richard (Dick) Richardson. He advised several other PhD's, including one (Thomas Uhlman) whose dissertation won the Corwin Award, but none of his other students have made careers as political scientists. (One, Mae Kuykendall, has remained in academia, but went on to obtain a law degree from Harvard and teaches at Michigan State University College of Law.)

⁴ The other two experiences of similar significance would be my undergraduate education at Haverford College, and my graduate training at the University of North Carolina, the former for its general impact on my intellectual development and the latter for the environment of intellectual eclecticism that existed in Chapel Hill in the early 1970s.

⁵ In fact, at the time CLRP started, I was beginning to build a data set of political and social indicators of the federal judicial districts. I saw this data set as the basis of a third major project after the congressional ambition project. Other than a few statistics describing the federal judicial districts that served as the sites for data collection by the litigation project, this project, like the ambition study, was abandoned.

Intellectual Crosscurrents

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What are some of the intellectual crosscurrents between political science and Law & Society? Specifically, what do political scientists bring to Law & Society and in turn take back to political science? Law & Society scholarship by political scientists has produced and advanced several bodies of research that have had a significant effect on how the discipline of political science understands and studies law and legal institutions. In my comment on the “Roundtable, Evaluating the Connections between Political Science and Law & Society” at the Western Political Science Association meetings (March 16, 2006), I discussed four areas of research: 1) dispute processing practices and institutions; 2) juridical consciousness and legal ideology; 3) political economy of law and legal institutions; and 4) cultural politics of rights. The multidisciplinary insights of Law & Society, as well as political scientists’ particular contributions to it, have produced exciting debates about relational dynamics in the institutional and everyday life of law. In this essay I will focus on dispute processing practices and institutions for a couple of reasons. First, this work grew out of the judicial process tradition in political science; a tradition that emerged at the same time Law & Society scholars were studying “law and social change”. The people in political science who developed the study of judicial processes were significant figures in the creation of the Law & Society Association. They built an interdisciplinary research agenda, designed new methods and carried out empirical research on the impact and compliance with legal decisions, procedures and norms.¹ In addition, I think the work on disputing and dispute processes brought a set of new theoretical questions to the table, some of which had been articulated in other disciplines, such as anthropology, sociology and history. These questions reoriented political science research on law and legal institutions away from the judicial decision-making paradigm and launched a whole different understanding of what constitutes “the law” and how it operates. What are these questions and how have they re-oriented political science’s approach to law?

In the early 1980s, Lynn Mather and Barbara Yngvesson (1980/81) provided theoretical insight and empirical evidence about how institutional actors (lawyers, court officials) frame problems and shape conflicts that come to courts.² Building on judicial process research, their work shifted attention to the importance of studying how the meaning of law gets produced in encounters between legal actors and disputing parties. This study (and those that followed on dispute processing practices), helped reorient the field away from judicial decision-making studies to research on the politics of framing disputes. From a post-structuralist perspective, framing is a form of power and can be treated as an *effect* of law and legal institutions. Similarly when the Civil Litigation Research Project (CLRP) at the University of Wisconsin-Madison emphasized the importance of treating “dispute” as the unit of analysis, it laid the ground work for an alternative to the judicial decision-making paradigm. Among other things, CLRP found that whether a grievance becomes a claim depends on the type of dispute (e.g., tort, post-divorce, discrimination) and type of access claimants have to various dispute processing

channels (e.g., administrative remedies, private insurance bureaus, courts) (Miller and Sarat 1981; Grossman, Kritzer, Bumiller, Sarat and McDougal 1982; Bumiller 1988).

Dispute processing studies also underscore the theoretical limits of the so-called “upper court myth” that was articulated earlier in Law & Society circles and demonstrated most formidability by work, such as Malcolm Feeley’s *The Process is the Punishment* (1979). If legal realists and judicial process scholars had earlier called for a move away from focusing on US Supreme Court decision-making, then political scientists doing dispute processing research called for a move beyond behavioralist assumptions motivating those studies (Harrington 1984). Put simply, how we understand the place of law and courts *in society* informs our thinking about what constitutes “law” and affects our research agendas (Shapiro and Stone Sweet 2004: Chapter 1). Not all dispute processing studies, however, consciously embrace this epistemological shift. Yet many political scientists passing through the revolving doors of the American Political Science Association and the Law & Society Association worlds incorporated aspects of Law & Society’s lively theoretical discussions about critical epistemologies in law (Brigham and Harrington 1989; Harrington and Yngvesson 1990; Whittington 2000; Cotterrell 2001).

The sociolegal turn to studies of lower criminal courts in particular raised questions about conventional boundaries and distinctions inscribed in lawyers’ law, while also opening windows into some aspects of everyday law. Distinctions, such as criminal and civil, official and non-official legal norms, and formal and informal dispute processes, to name a few, are taken for granted by many disciplines. For example, the dominant U.S. legal reform movements of the late-twentieth century creating “informal” mediation tribunals appended to courts were found to not replace existing “formal” legal mechanisms for dispute processing (adjudication, plea bargaining or settlement) as the reformers’ term “delegalization” suggested. Instead, this legal reform movement, also known as the “alternative dispute resolution movement,” set up new dispute institutions that served to rationalize pre-existing judicial negotiation routines. Sociolegal scholars theorized the relationship between informal and formal dispute processes and empirically established dispute processing as an interdependent sociolegal phenomenon (e.g., McEwen and Maiman 1984; Harrington 1985; Hofrichter 1987; Pavlich 1996, Hartley 2002; Kagan, Krygier and Winston eds. 2002; Olson and Dzur 2004).

At the same time, the problem of law’s relationship to political development— that very large question about the rule of law and modernity— drew the attention of political scientists in Law & Society who were studying one form of dispute processing— litigation. The operative explanation for the use of third-party dispute processes (i.e., litigation) had been grounded in Weberian economic and political development theory until Law & Society research produced contradictory historical and empirical evidence (Grossman and Sarat 1975). While there is some evidence from local trial court studies to support this environmental theory, it is not robust (McIntosh 1983; Stookey 1992). In addition, as political science joined with sociology in building the scholarly study of “neo-institutionalism”³ (Orren 1991; Gillman 1993; Graber 1993; Brandwein 1999; Clayton and Gillman eds. 1999; Novkov 2001; Frymer 2003; Jensen 2003; Sterett 2003; Keck 2004; Pickerill 2004; Morag-Levine 2005; Kahn and Kersch eds. 2006) some work on civil litigation turned to formulating an institutional explanation for litigation trends. This work turns the question around to looking at the supply-side (courts) rather than only the demand-side (cases filed) indicators that shape patterns of litigation over time. What characteristics of courts, or what might be called “institutional properties,” are themselves agents operating within particular political, economic and institutional contexts, and with the capacity to signal lawyers and litigants thus shaping the process of encouraging and discouraging civil litigation (Heydebrand 1990; Harrington and Ward 1995).⁴

Over three decades and between the first edition (1974) and the second edition (2004) of Stuart Scheingold’s influential book, *The Politics of Rights*, both law & society scholars and political scientists have come to acknowledge law as a political resource, mobilized in symbolic and instrumental ways, by grassroots social movements as well as political elites. Sociolegal theory continually reminds us that the mobilization of law— or what is taken to be “law” (i.e., as expressed through rights movements, labor strikes, media coverage of tort reform, tribal acknowledgment, university administrations, economic libertarians, for example)— is a social phenomena (Brigham 1996; Brisbin 2002; Halton and McCann 2004; Cramer 2005; Gould 2005; Hatcher 2005). This should caution scholars against substituting academic assumptions that there is a determinate legal logic for an explanation (or expectation) of social change. Additionally, through the study of disputing, dispute processes and institutions, we have found reason to believe that law is constituted by interdependent legal forms, which are social forces too. This work not only expands our understandings about what constitutes “law,” but it also makes more transparent the struggles to determine what is law. How power and politics operate as law is what political scientists bring to Law & Society; in turn we take back to political science cultural, psychological, social, economic and historical understandings and interpretations of the “force of law” (Bourdieu 1987).

Notes

¹ For a discussion of one political science department's role, see Grossman 2006.

² This collaboration is one example of interdisciplinary (political scientists and anthropologist) work in the area of disputing and dispute processes. Sociologists, legal academics and historians also are among those who do interdisciplinary research with political scientists in this area.

³ In general see *Clio*, Newsletter of Politics & History, an organized section of the American Political Science Association.

⁴ Also see Howard's (1981) book on the U.S. Courts of Appeals which brings the best of the behaviorist tradition together while also exploring institutional properties of federal appeals courts.

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The LSA Legacy: Adding a Dose of Madness to our Methods

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Generally Speaking....

My prepared talks at regional political science meetings for the most part echoed the findings and positions of the report by the “Exploratory Committee on Relations with the Law and Society Association,”¹ on which I served some years ago. My general theme was that the close relationship between Law & Courts (L&C) and Law & Society Association (L&S or LSA) has served both organizations very well.

On the one hand, LSA scholarship has provided an interdisciplinary complement and catalyst to studies of public law and courts by political scientists. The former has expanded the range of:

1) **Legal Phenomena Considered for Study** beyond constitutions and high courts, including civil disputing, lower courts, the legal profession, legal mobilization, legal consciousness, the politics of punitive penalty, policing and social control, new forms of governance and governmentality, and law in popular culture, among others;

2) **Theoretical Frameworks for Studying Law**, including theories of disputing processes, legal mobilization theory, constructivist and interpretive theory, post-structural theory, Foucaultian theory, and theories of institutional “endogeneity;”

3) **Attention to Comparative Cross-National, Transnational, and Global Legal Processes**, on which law & society scholars have largely led the way and tended to bring great strengths in regional and area specific knowledge as well as general theory; and

4) **Valuable Professional Resources**, including open conferences, journal outlets, faculty collaborators and mentors, and grant opportunities, all of which matter especially for our graduate students and junior faculty.

On the other hand, political scientists in L&C have provided outstanding professional leadership and scholarly excellence to LSA. The 2001 report outlined the huge impact of political scientists as scholars, organizers, and officers in LSA. It is difficult to imagine that LSA would be as vital as it has been if political science had not been one of the leading disciplinary foundations in the complex mix.

Another Theme: Methodology

Some of the particulars listed above may be subjects of debate, but I have heard a great deal of consensus on the larger points from colleagues in L&C. All this is gratifying to me. However, this seeming consensus also provoked me to try to add something different to the discussion. The remainder of my remarks will thus take up an additional point, one that has received relatively little attention and no doubt will prove to be more controversial. The subject is *methodology*, and my remarks follow a recent, quite long essay that I wrote on the topic for a collection on the state of L&S scholarship today, in which L&C is barely mentioned.

I have long reflected on the ways in which methodology is generally viewed rather differently in LSA and in L&C. Political Science, like most disciplines, accords a good deal of respect for varying methodologies – by which I mean both techniques of data generation/gathering and foundational epistemological premises - but also enforces a fair amount of hierarchical orthodoxy. From my viewpoint, positivism is more or less the ruling epistemology, although both quantitative and qualitative techniques of data production as well as modest versions of microeconomic modeling are considered generally, if not equally, acceptable. Most scholarly debate addresses techniques of data gathering, analytical frameworks, or specific interpretations of data, but epistemological premises – especially regarding the goal of determining causal mechanisms – are rarely debated, at least explicitly and publicly, including by scholars inclined toward qualitative and even interpretive study.² Moreover, most scholarship is conceived and identified primarily within a singular mode or track from among these

options. Judicial attitudinalists, positive theorists of strategic interaction, and historical institutionalists dominate the debates and attention. Nearly all such studies follow one or the other of these tracks, often announcing their loyalty and boldly defending their respective legacies, not unlike proud, even brash members of sports teams. And lots of important, influential scholarship has been produced on these separate, mostly one-dimensional brands of studies that define the L&C mainstream. There is, of course, much else going on off of these prominent tracks. Those who travel other paths often are respected, but they must overcome higher hurdles of unorthodoxy to be recognized and respected. Yet there is one other very different methodological mode that is accorded a generally presumptive legitimacy, or at least respect, by L&C scholars: that strange and highly varied breed of research identified with the law and society tradition.³

Law and society scholarship tends to be very different in character from the single-track, one dimensional methodological approach that is identified with L&C disciplinary scholarship. This uniqueness is the source of its important contribution to L&C scholarship. First, L&S is a *multi-disciplinary* tradition, which is to say that scholars from lots of home disciplines have been welcomed into the intellectual tent.⁴ One finds a wide array of epistemologies (positivism, process-based post-positive constructivism and interpretivism, semiotics, hermeneutics, etc.) and an enormous range of techniques for identifying and generating data (including ethnography, biography, infinite varieties of interview techniques and models, etc.) presented in research at LSA conferences and in L&S journals. The variation in types of scholarly enterprises is extraordinary relative to L&C, as one would expect. It thus is not surprising that regular exposure to such an array of approaches has greatly enhanced our appreciation for both different data production techniques and for different ways of knowing, for both the insights and blind spots that each epistemological standpoint offers. For example, L&C scholars in my generation would not have known much about critical legal studies, critical race studies, critical feminist theory, or Foucaultian theory had it not been for connection to L&S studies. Each of these approaches are problematic, but I learned a great deal and my scholarship benefited much from thinking through how they unsettle the epistemological and methodological terrains that we inhabit.

One of the virtues of this exposure, as David Engel (1999) has argued, is a humble recognition about the ways in which our various one-dimensional approaches can be complementary and interdependent sources of understanding rather than rivals battling to demonstrate superiority. To put it another way, contact with law and society scholarship arguably can discourage methodological insularity, complacency, or even arrogance that often develops within separate disciplinary contexts. This in turn helps to explain why direct discussion of epistemology generally has been more routine, rigorous, and relaxed in LSA. Moreover, LSA has provided the opportunity and support for many political scientists to experiment with and even “convert” to methodological frameworks that are marginal in political science but commonplace in other social science or humanities disciplines. It is easy to identify prominent L&C scholars – I think immediately of John Brigham, Susan Burgess, Keith Bybee, and of course Austin Sarat, among others – who fit this latter mold.

Second, the L&S legacy also displays a great deal of *interdisciplinary* scholarship that actually engages, borrows from, and integrates multiple methodological ideas and techniques from different disciplinary traditions into research projects. This enables and perhaps even inspires L&C scholars, like those from other disciplines, to draw on more methodological resources and to follow the lead of more templates; there is a larger methodological bag from which to beg, borrow, and steal in crafting one’s projects, and great respect tends to be accorded to scholars who mix and match well from among various traditions. Consider, for example, the contributions of political scientists to the legacy of everyday disputing, which began with a classic quantitative behavioral study by the Civil Litigation Research Project (Miller and Sarat 1980-81) and in turn generated studies developing constructivist agenda-setting angles (Mather and Yngvesson 1980-81), psychological perspectives (Bumiller 1988; Barclay 1999), ethnographic or at least interview-intensive studies of everyday practices, resistances, and consciousness (see Marshall 2002), and sociological study of group legal mobilization (Milner 1986; McCann 1994; Silverstein 1996) – all this engaging, even collaborating with, scholars and approaches beyond political science. Perhaps the most prominent recent single study exemplifying this interdisciplinary embrace is Robert Kagan’s ambitious, almost encyclopedic book, *Adversarial Legalism* (2002). But many other examples could be cited.

An even more ambitious interdisciplinary enterprise in the L&S tradition has tended to encourage experimentation in integrating, juxtaposing, and shifting not just among methodological techniques, but also among epistemological standpoints – an often complex and sometimes jarring approach quite different from “one-dimensional” studies that dominate the mainstream of disciplinary traditions like L&C. Political scientists affiliated with LSA have been among the most important contributors to such interdisciplinary “standpoint-shifting” among epistemologies. For example, I have often argued that one of the primary reasons for the enduring appeal of Stuart Scheingold’s classic *The Politics of Rights* (1974) is his

unsettling integration of three quite different epistemologies to make sense of the “myth of rights” – a “realist’s” positivistic accounting about the gap between prevailing values and our actual social “reality”; a structuralist’s account about how those values work to mask and sustain an unequal social order; and a constructivist’s post-positive recognition that values and language are indeterminate, contingent, and potentially available for reconstruction in empowering ways by subaltern groups. The brilliance of the analysis inheres in the negotiations among three equally insightful (and equally limiting) ways of understanding rights practices in our political tradition, producing a complex synthetic perspective that unsettles faith in analysis anchored in any singular position alone.

One can see elements of such multi-epistemological experimentation in many other fine books by political scientists in recent years, including: Richard Brisbin’s *A Strike Like No Other Strike*; Malcolm Feeley and Edward L. Rubin’s *Judicial Policy Making and the Modern State*; Austin Sarat’s *When the State Kills*; Jon Goldberg-Hiller’s *The Limits to Union*; Lynn Mather, Craig McEwen, and Richard Maiman’s *Divorce Lawyers at Work*; Gad Barzilai’s *Law and Community*; Jon Gould’s *Speak No Evil*; to name just a few. Much of this scholarship dances among different epistemological positions in varied ways and degrees of explicit acknowledgement, but the results are generally exciting in each case.⁵

I do not have the space here to make a full case for the virtues of this type of multi-epistemological research. But I offer a few points developed at greater length elsewhere. For one thing, multi-methodological studies not only underline further the inherent limitations of every one-dimensional approach, but the former seek to check and balance those limitations by adopting different angles of vision. This multi-positionality is often identified with methodological “triangulation,” although I have come to be dissatisfied with this image. The reason is that such checks and balances never cancel out all distortions; we can never see social reality as it is, in all its complexity and richness. Nonetheless, multi-epistemological viewings arguably provide a fuller, more nuanced glimpse of that complexity, often reveling in rather than trying to resolve the paradoxes and contradictions in our understandings of collective life. These virtues seem especially important for comparative cross-national and transnational study aiming to avoid simplistic projections of U.S.-based models of law and courts on the rest of the world.

Moreover, the effort both to acknowledge and to mitigate the limitations of one-dimensional approaches through various shifts among epistemological gears can also help to inspire greater trust from readers, which arguably is a primary goal of taking methodology seriously. When we take methodology seriously, after all, we work hard to be credible, to show that we reflected very deeply about our core questions and research designs, that we thought through alternative arguments, questions, and forms of evidence, that we anticipated objections and did the best we could to address them. In this sense, methodology represents a noble aspiration that can never be fully achieved. And as I see it, a scholar’s willingness to look at research topics through multiple lenses, to build analysis from different epistemological standpoints, in many ways is the most bold, difficult, and risky expression of this aspiration. The fact that many scholarly works in this tradition have been accorded great respect, including professional awards, offers some evidence for this claim.⁶

Yet another virtue of multi-methodological approaches is that they can balance the goals of scholarly distance from and engagement with the subjects of research. Each norm alone yields virtues and vices, but shifting standpoints can offer the benefits while minimizing or offsetting the costs. This is especially true for the many scholars who are unabashed about the normative goals or implications of their research. Again, when multiple standpoints and types of data support a line of analysis, there is more reason for trust that the interpretive argument is not simply driven (or over-driven) just by political values or identifications and thus merits substantial respect even by those who do not share the commitments of the author. Indeed, multi-epistemological analyses are more likely to resist the often implicit, unacknowledged theoretical and political biases that attend each particular methodology alone.

My point is not that all L&C scholars should aspire to undertake multi-methodological research of the types that are common in the L&S tradition. After all, this type of research fits books (and long ones at that) better than journal articles, can be extremely labor-intensive, and hardly suits all intellectual styles or tastes. It generally is *not* advisable for graduate student dissertations, although many fine examples contradict this generalization. That said, multi-dimensional studies offer a valuable complement to the more one-dimensional approaches that dominate L&C as well as other disciplines beyond political science, arguably producing a more pluralistic, dynamic, rich overall intellectual agenda for studying law in our organized section. The multi-disciplinary and interdisciplinary influence of L&S arguably at once challenges the folly of methodological narrowness and encourages a dose of inspired excitement and innovation to our methodological

quests. Multi-dimensional standpoint-shifting studies offset one type of madness with another, which many scholars find quite refreshing.

Then and Now

Perhaps to the surprise of many readers, I conclude by expressing a bit of apprehension about current trends in LSA, which in some ways parallel the disciplines and undermine the distinctive contributions of the interdisciplinary association to L&C. In short, the recent development of separate associations of socio-legal scholars within LSA organized largely around different methodologies (both core epistemological premises and data production techniques)⁷ raises the specter of increased insularity, specialization, and routinized one-dimensional track-following. I fail to see the intellectual attraction of such efforts that seem to equate purity with rigor or integrity, or perhaps simply express needs for intellectual tribalism. Indeed, they threaten to hasten a trend away from a truly interdisciplinary and potentially trans-disciplinary tradition of research and back toward one that is only multi-disciplinary, wherein many separate traditions simply co-exist in limited contact under one professional tent. If there is any merit to my argument in this short essay, such trends could reduce significantly the salutary catalytic and complementary contributions of the L&S tradition to a more open, diverse, dynamic L&C section. It indeed would be dispiriting to find that LSA is no longer still a source of inspired, unsettling methodological craziness after all these years.

Notes

*Thanks to William Haltom, George Lovell, Gadi Barzilai, and Jon Goldberg-Hiller for comments on this essay.

¹ The report, released in 2001, was the product of a committee organized by L&C Section Chair Sheldon Goldman and chaired by Malcolm Feeley. The latter's charge was to study the relations between L&C and LSA, paying particular attention to perceptions of a divide among political scientists over LSA affiliations and related matters.

² My claim here is admittedly simplistic and overstated. There are deep differences among these three approaches, including on issues of epistemology and especially causality. However, the stated terms of this debate are often vague and inconsistent. In particular, historical institutionalists clearly embrace historically oriented, process-based, qualitative modes of data gathering and interpretation, but their epistemological standpoint oscillates between a vague frontal assault on positivism and trying to best positivist rivals at their own explanatory game. One need only look to the seminal, brilliant essays of Rogers Smith (1988) to identify this core ambivalence, although some of his reworkings of ideas (1992) refine positions a bit. Later important interventions by others (e.g., Clayton and Gillman 1999) make important contributions, but I remain uncertain about their epistemological commitments. As I see it, this is not surprising, for the commitment by scholars to largely insular, one-track methodological approaches discourages direct, open, clear discussion of epistemology.

³ I am tempted to introduce comparative cross-national, transnational, and global study as a separate dimension of study. In some ways this makes great sense. But, as I see it, such study among L&C scholars has for the most part mirrored the dominant methodological (including epistemological) tracks.

⁴ The claim that prevailing L&C approaches are disciplinary in origin or character is problematic, in that each owes to other disciplines beyond political science; attitudinal studies draw on psychometrics, game theory on microeconomics and math, historical institutionalism on history, etc. That said, all approaches are derivative to some extent, and genealogy is not the point of this essay.

⁵ I leave it to others to judge the quality of my products, but I envision much of my own research as aspiring to these same goals. *Rights at Work* (1994) implicitly aimed to integrate positivist *instrumental* dimensions of agonistic struggle, the constraints, opportunities, and incentives of *institutional* relations, and *ideological* dimensions of consciousness into a single book study. *Distorting the Law* (2004), co-authored with William Haltom, explicitly used the "3 I's" as a multi dimensional methodology for studying the development and implications of prevailing narratives about civil legal practice.

⁶ Of course, many such efforts fail to cohere or convince; this is the substantial risk. But I tend find such "less successful" studies nevertheless admirable, provocative, illuminating.

⁷ One is the Association for the Study of Law, Culture, and the Humanities, see [http://www.utexas.edu/cola/conferences/lch/index.php?path\[0\]=main](http://www.utexas.edu/cola/conferences/lch/index.php?path[0]=main). The other is the Empirical Legal Studies group. <http://www.elsblog.org/>. Each has its own website, conferences, and journal. I understand that yet another group is forming around a third cluster of methodological commitment, which may parallel my own arguments here and elsewhere, but I have not been part of that enterprise.

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Interdisciplinary Wanderings

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The simplest way to think about the difference between law and courts scholarship in political science and law and society scholarship is by noting the difference between a disciplinary and an interdisciplinary activity. Much law and courts scholarship is appropriately disciplinary; it begins with the questions/issues/perspectives of political science and takes law and courts as its object of study.¹ Law and society scholarship does not privilege the perspective of any single discipline. Law and society scholars come from several social science disciplines as well as from law schools and occasionally from the humanities. As a result, the work that goes under the heading law and society tends to be theoretically and methodologically eclectic.²

Both disciplinary and interdisciplinary perspectives are necessary; there is no one right way to study law. However, while many scholars successfully participate both in the APSA Section on law and courts and in the Law and Society Association (LSA), these intellectual terrains may embody different impulses or temperaments and be attractive to different kinds of scholars. The participation of some political scientists in LSA may result from a kind of scholarly wanderlust; they may be impatient with disciplinary constraints, curious, restless. They may think that there is too much courts and not enough law in the way political scientists approach their subject. Law and courts scholars, on the other hand, may find the perspectives of political science appropriate to the questions they seek to answer; they may think that knowledge cumulates in a more rigorous and productive way when there are more commonly shared questions, methods, theories. They may think that law and society is too messy, too mushy, too political.

Over the years my own inclinations have been very much in the law and society direction. I have been drawn to it, in part, because as a scholarly community it has seemed to me to be more in touch with the struggles of disadvantaged people than other kinds of legal scholarship. I agree with Richard Abel's claim that one of the central questions for sociolegal studies is "justice" which he argued is "correctly identified with equality."³ I have been drawn to it, in part, because my research interests have required kinds of interdisciplinary connection that LSA offers in abundance. Perhaps the best way for me to explain these inclinations and perhaps to illuminate a difference between law and society and law and courts is to briefly describe a few of my own interdisciplinary wanderings, a few of my own research interests, interests which have seemed to me better nurtured by LSA than they would have been within the confines of political science.

"For me the law is all over. I am caught, you know; there is always some rule that I'm supposed to follow, some rule I don't even know about that they say. It's just different and you can't really understand."⁴ These words were spoken by Spencer, a thirty-five-year-old man on public assistance, whom I first encountered in the waiting room of a legal services office in the late 1980s. I introduced myself and told him that I was interested in talking to him about law and finding out why he was using legal services; I asked if he would be willing to talk with me and allow me to be present when he met with his lawyer. He seemed both puzzled and amused that I had, as he put it, "nothing more important to do," but he agreed to both of my requests.

Efforts to observe law in a variety of settings—in welfare offices, police stations, regulatory agencies, lawyers' offices and the places where lawyers practice, criminal courts, and prisons,—and to find out how participants in those settings experience law and make it meaningful in their lives, is typical of the law and society approach to legal scholarship. Contemporary heir to the legal realist tradition of studying law in action, law and society scholarship is as diverse in its subjects as are the actions of law. Law and society scholars are as likely to choose a research subject because of an interest in a specific legal issue, e.g. racial discrimination in sentencing or the costs of civil litigation, as they are to be motivated by a commitment to a theoretical position about the nature of law. As a result, law and society research is not organized around a single central insight or an agreed upon paradigm.

When Spencer said that "the law is all over" he described an experience of law seen from the perspective of a regulated population, a population whose lives are enmeshed in a network of legally prescribed rules and procedures. But he also

called attention to a particular way of thinking about law. In this perspective law plays a large role in constituting the domain of the social, in giving it meaning, and in reproducing social relations. This perspective, which I would call “constitutive,” contends that social life is run-through with law, so much so that the relevant category for the scholar is not the external one of causality but the internal one of meaning. In bold outline, the constitutive view suggests that law shapes society from the inside out, by providing the principal categories in terms of which life there is made to seem largely natural, normal, cohesive and coherent. Perhaps the most stunning example of law’s constitutive powers is the willingness of persons to conceive of themselves as legal subjects, as being the kind of being that the law implies they are — and needs them to be. The scholar who adopts the constitutive perspective tends to see the links between law and society at the level of networks of legal practices, on the one hand, and clusters of beliefs, on the other. In my work on the legal consciousness of the welfare poor I adopted a constitutive perspective, focused on law as a matter of ideology, and tried to map the various domains in the lives of people on welfare where law acts.

At 8:30 a.m. on July 15, 1977, William Brooks accosted Janine Galloway at gunpoint and forced her to drive to a wooded area behind a neighborhood school. There Brooks raped her and shot her to death. Eventually Brooks was arrested, tried and convicted of kidnapping, robbery, rape and murder; he received two life terms in prison plus twenty years, and a death sentence. On appeal the murder conviction and death sentence were overturned though his other convictions were unaffected.

In the early 1990s I traveled to Madison, Georgia, a small town approximately sixty miles northeast of Atlanta, to attend the retrial of William Brooks.⁵ The sole object of this retrial was to reinstate both his murder conviction and death sentence. This trial provided for me one vehicle through which to consider the complex relationship of law and violence and one opportunity to observe what Robert Cover called the “field of pain and death” on which law acts.⁶ Mine was, of course, not the first law and society study of the materialization of law, the application of force to bodies, or the symbolic representation of that process. Indeed what drew me to Madison, Georgia was a problem of narrative, a problem in the nature of law’s relationship to language, and in the way law generates meanings. I went eager to explore the problematic relationship of violence, on the one hand, and language, interpretation, and narrative, on the other.

Law and legal institutions provide one of those places and one of those professions where language, interpretation, and narrative finds a home. Law and society scholars have turned to the analysis of language use and narrative because law demands that we tell our story, whether it is in a casual encounter with a policeman who wants to know “What is going on here?” or in the more formalized procedures of courts. They have turned to language and narrative as one way of understanding what goes on in lawyers’ offices and in plea bargaining as well as in courts. Law and society studies have also shown that narrative forms exclude particular stories while privileging others. Injustice may be done simply in the way we construct the procedures through which language is used and narratives constructed. Those procedures are never neutral. Some things can be said; others are unsayable. Those who work on narrative insist that “who says what” is independently significant and that studying the way language is used and narratives are constructed in law and legal institutions is one powerful way of producing knowledge about how law acts.

Among my recent interests is what I would call the cultural lives of law and in particular a stark social fact about law in the early twenty-first century, namely the proliferation of law in the image.⁷ The mediated image is, I believe, as powerful, pervasive, and important as the other end-of-the-century social forces— for example, globalization or neo-colonialism— which have had such an important impact on law. This social fact has, of course, drawn the attention of others, including, of course, Stewart Macaulay, who long ago, urged scholars to study “images of law in everyday life” and become “participant observers of...mass culture.”⁸ Recognizing the centrality of popular culture in contemporary society, Macaulay argued that legal scholars should pay particular attention to the constitution of law in the often neglected ether of our daily lives. More recently, Alison Young has shown how feminism, psychoanalysis, critical criminology, and film theory can be used to explore law as it “appears and reappears in the cinematic text.” In this groundbreaking effort she asks us to consider not just the representation of law in film, but “how cinema is jurisprudence,” how law exists both in, as well as outside of, the image.⁹

Law exists in a world of images whose power is not located primarily in their representation of something exterior to themselves, but instead is found in the image itself. The proliferation of law in film, on television, and in mass market publications has altered/expanded the sphere of legal life itself. “Where else,” Richard Sherwin asks, “can one go but the screen? It is where people look these days for reality. Turning our attention to the recurring images and scenarios that

millions of people see daily projected on TV and silver screens across the nation...is no idle diversion.”¹⁰ Today some might say we have law on the books, law in action, now perhaps, law in the image.

Constitutive theory and ideology, narrative and language, law in the image....these ideas have drawn me on my interdisciplinary wanderings. They seem to me not to be the stuff of most law and courts scholarship.¹¹ While their place in law and society is not uncontroversial, there is greater space for their exploration in that community. In my view, so long as the boundaries between law and courts and LSA are open, legal scholarship is well served if different scholarly impulses can find places to be nurtured even if some of those places are fully contained within a discipline and others require crossing disciplinary boundaries.

Notes

¹Some political scientists have complained that law and courts scholarship is not sufficiently attentive to disciplinary questions nor sufficiently in tune with the discipline’s leading questions.

²Law and society has its own identity crisis with scholars preferring a more scientific and others a more political identity for the field.

³See Abel, Richard. 1980. “Redirecting Social Studies of Law.” *Law & Society Review* 14: 828.

⁴See Sarat, Austin. 1990. “‘The Law Is All Over...’: Power, Resistance, and the Legal Consciousness of the Welfare Poor.” *Yale Journal of Law & the Humanities* 2: 343.

⁵For a more complete description of this research see Sarat, Austin. 1993. “Speaking of Death: Narratives of Violence in Capital Trials.” *Law and Society Review* 27: 19.

⁶See Cover, Robert. 1986. “Violence and the Word.” *Yale Law Journal* 95: 1601.

⁷See Sarat, Austin. 2000. “Imaging the Law of the Father: Loss, Dread, and Mourning in The Sweet Hereafter.” *Law & Society Review* 34: 3.

⁸Maccaulay, Stewart. 1987. “Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports.” *Law & Society Review* 21: 185.

⁹Young, Alison. 1997. “Murder in the Eyes of the Law.” *Studies in Law, Politics, and Society* 17: 31.

¹⁰Sherwin, Richard. 1996. “Picturing Justice: Images of Law & Lawyers in the Visual Media.” *University of San Francisco Law Review* 30: 894, 896.

¹¹There are, of course, notable exceptions. See, for example, Haltom, William, and Michael McCann. 2004. *Distorting the Law: Politics, Media, and the Litigation Crisis*. Chicago: University of Chicago Press.

Amalgamation! Law & Society and Political Science*

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I will always be grateful that my first professional conference experience was the 1993 Annual Meeting of the Law and Society Association. Having come to that most scientific of political science programs at the University of Michigan, I was uncertain about my place in the discipline as someone who arrived at graduate school straight from law school in order to bring a more coherent empirical sensibility to exploring the highly abstract and normative questions that concerned me. Having gotten more than I had bargained for, I and the other students in Michigan’s public law program were fortunate to be dragged to Law and Society by Kim Scheppele at a tender and formative stage of our intellectual development. Law and society scholarship, and law and society scholars, provided crucial approaches and insights for those of us who were seeking to find our way toward interdisciplinary, non-positivist questions and answers that would still resonate within our discipline. Upon spending ten years as a legal scholar in a political science department, however, I have come to appreciate the value of bringing law and society and political science together, as many significant questions and approaches to answering these questions meet at the intersection.

Law and society and political science meet on a complex and varied terrain. Political science, even among those who study law, is a relatively undisciplined and balkanized area of study. Law and society is probably one of the more “disciplined” and coherent interdisciplines (largely because of the Law and Society Association). In fact, I suspect that most scholars

with a foot in both areas would find it far less daunting to prepare a comprehensive course introducing law and society than one introducing political science. While I focus on the particular benefits to integrating non-positivist and historical studies of law, society, and culture in the United States, it's easy to make an analogous case for the potential in integrating the political science literature on judicial behavior with the law and society literature on the concrete operation of the adversarial system. Probably the most exciting area of emerging scholarship is comparative legal studies, drawing simultaneously from the rich tradition within law and society of the study of comparative legal institutions and the growing interest within political science in the comparative study of rights, rule of law, and constitutional development.

In studying law and legal institutions within the United States, law and society approaches provide at least four critical insights for non-positivist political scientists. First is a recognition of the embedding of power and violence in the law. Second is close attentiveness to the distinctive nature of legal institutions. Third is the concept of legal consciousness and the construction of legal thinking among the various actors who enter (and work in) the legal system. And fourth is more careful attention to the interface between law and culture.

By invoking Robert Cover's work on power and violence, I do not mean to suggest that these questions are absent in political science. Each is at the center of deep theoretical literatures within the discipline. But too often, these insights do not cross over directly to studies of law, which can benefit greatly through the long engagement by law and society. Questions of how legal actors exercise power and coerce compliance; questions of how the structure of the legal system disciplines both the participants and the discourse, are all central to politics. Law and society scholars' efforts to address these questions within the criminal justice system are obviously relevant here (see, e.g., Feeley 1979), but move beyond this context to explore, for instance, the dynamics of mass toxic tort litigation as a potential regulatory device, or the construction of new categories of legal regulation to supplant older systems in order to accommodate business developments (Morag Levine 2003).

The struggle of law and society to situate itself as a vibrant and necessary area for interdisciplinary research has prompted many scholars to think through the value to centering legal institutions in their research, regardless of their disciplinary commitments. Law and society scholars who have thought through the nature of legal institutions are particularly well suited to contribute to political science approaches that do not explicitly consider the significance of the adversarial system, the centrality of discourse and argumentation, and the closed nature of the legal credentialing system that leads to particularized forms of professional disciplining and community boundaries for legal debate. A corollary to this point is the breadth of the understanding of law among law and society scholars, moving beyond considerations of appellate court opinion writing but necessarily situating the practice of appellate court decision-making within the context of a distinctive institutional structure.

Legal consciousness is related to these points. Legal consciousness emerges through a dynamic process relating to the development of legal ideas and attitudes as they are mediated among the courts, attorneys and outside actors (Ewick and Silbey 1998). In analyzing the emergence of legal thinking as a reflexive process, law and society scholars question how particular struggles become legal in nature – how do aggrieved individuals frame their experiences within disciplined legal categories (Marshall and Barclay 2003)? How do these framings affect their decisions of how to use – or not use – the legal system (Bumiller 1988; Barclay 1999)? How do cause lawyers understand themselves as political and legal actors, and what kind of room for maneuver can they construct (Fleury-Steiner and Nielsen 2006)? Others have shown how legal stories are constructed and distorted by the media (Haltom and McCann 2004).

Finally, law and society has much to contribute to understanding the relationship between law and culture. Studies of the concrete relationship between politics and culture are in their infancy within political science, and the strong influence of cultural anthropology within law and society affords legal scholars with sophisticated tools to study and interpret this relationship. As but one example, Sally Merry's (2003) work on Hawai'i explains how legal institutions shape and prune culture as well as how cultural phenomena and embedded beliefs and practices influence the development of legal institutions, but the overall picture she paints has much to say about politics and constitutional and legal development around questions of citizenship.

At the same time, however, political science approaches can provide at least three critical interventions for law and society scholars. First is a deeper analysis of legal institutions as state institutions. Second is greater attention to the political effects of law, and the influence of politics upon the formulation and articulation of the law. Third is greater focus on how legal institutions relate to and conflict with other state institutions.

Legal institutions, of course, are state institutions, albeit distinctive ones. Political scientists are particularly attuned to the significance of legal institutions in the process of state development, as evidenced by many of the essays published in Kahn and Kersch's (2006) recent anthology on the US Supreme Court in American political development. In that book, scholars consider the relationship between the internal institutional dynamics of the Court and the external political issues and concerns with which the Court engages, producing rich analyses of critical moments in developmental history (see, e.g., Moore and Brandwein on Reconstruction, Kahn and Keck on the Rehnquist Court). These insights can productively inform law and society questions about power as well as about the production of legal discourse.

Likewise, political scientists frequently center the relationship between politics and law. Recently, political scientists have engaged deeply with questions of constitutional interpretation as political questions (Graber 2006; Whittington 1999), which can contribute to broad structural concerns about law as violence. Paul Frymer's (2005) work explores the nuanced ways in which legal mobilization can produce political impacts and the fundamentally political choices that legal actors must make around turning or not turning to litigation. The flowering of this literature in political science traces back in significant part to Rogers Smith's (1988) call for a deeper engagement with substantive political analysis by legal scholars, and it is ripe for exportation to law and society.

Finally, while law and society scholars do not as a rule reify the law, they often do not situate it within its broader governmental and institutional context. Courts are distinctive institutions, but they are always operating within a broader relationship with other state institutions that can exercise power in conjunction with or in opposition to them. Ruth O'Brien's (2001) work on the transformative vision behind the Americans With Disabilities Act and its radical restructuring through litigation provides a good example of the usefulness of broadening the institutional lens. Likewise studies of legislative deferrals to the courts (Lovell 2003) and the difficult relationship between the courts and the executive branch in times of crisis (Levinson 2006) are particularly trenchant not only as political, but also as law and society questions.

I've provided but a brief sketch of where these literatures intersect, and where they should intersect more. Questions about law can be framed through a multitude of disciplinary and interdisciplinary lenses, and turning the kaleidoscope of approaches can produce fresher and more sophisticated questions and answers. But in particular, political science can benefit from the rich tradition of critical and interdisciplinary research approaches coming from law and society, and law and society can benefit from developing a finer grained analysis of legal institutions within their broader state context. It is no accident that so many of the law and society scholars I have mentioned are cited frequently in political science work, and that so many of the political scientists I've mentioned are frequently seen at Law and Society's annual meeting complaining over cocktails about their disciplinary identity crises. A final benefit of a fuller integration is to political science more generally as it struggles with the generations-old problem of what to do with "the law." Hopefully the engagement between us will continue and develop across multiple layers of intersection in the decades to come.

Notes

*Many thanks to Scott Barclay for talking through these issues with me.

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Political Scientists and the Law & Society Tradition

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Last year Mitch Pickerill invited me to participate on a panel about political science and the Law & Society tradition at the annual meeting of the Western Political Science Association. I jumped at the opportunity. Below is a condensation of the points I made at that wonderful session. I invite you all to check out the various activities and opportunities that the Law & Society Association accords political scientists. Check out the LSA website: <http://www.lawandsociety.org>

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A Dozen Reasons why Law & Courts Section Members should be Interested in the Law & Society Association

- 1) One hundred percent of the members of the Law & Society Association are interested in law and courts. Although not all 100% focus on your particular interest, there is a good chance that some considerable portion of the membership does.
- 2) One hundred percent of the attendees at the annual meeting of the LSA are interested in law and courts. Again, not all 100% will present papers that focus on your particular interest, but there is a good chance that some considerable portion of the presentations will.
- 3) One hundred percent of the articles in the quarterly-published *Law & Society Review (LSR)* deal with matters related to law and courts. Not all of the articles will focus on your particular interest, but a good number of them will.
- 4) Political scientists are everywhere in the LSA. If you look through the LSA's membership directory, the list of officers and trustees, the list of *LSR*'s editorial advisory board, the list of authors published in the *Review*, and list

of presenters at the LSA's annual meeting, you will find a Who's Who? list of Section members. The LSA is widely regarded as a good place to be, and the *LSR* a good place to publish by distinguished members of our Section, and among members who's work varies from the study of judicial behavior to the new institutionalism to historical or comparative or philosophical analysis. I'm tempted to identify some of the distinguished political scientists active in the LSA and who have recently published in the *LSR*, but the list would be too long and I'd embarrass myself by neglecting to mention some. So, check this out yourself.

- 5) Section members find it convenient to get proposals for papers and panels accepted at the LSA's annual meeting—after all, the entire meeting is devoted to the subject of law and courts.
- 6) Section members find LSA meetings a good place to connect with empirically-oriented law professor colleagues. Law professors don't come to the APSA annual meetings in any large numbers, but they do come to LSA's annual meetings.
- 7) The world of scholarship is internationalizing and LSA is at the forefront of this. Over 25% of the membership is non-North American.
- 8) If you are interested in comparative judicial behavior or comparative judicial process, LSA is an ideal venue for making connections. Most non-American scholars who focus on law and politics or courts and politics are not political scientists. So, if you want to meet your counterparts from abroad, you are much more likely to meet them at an LSA meeting than at a meeting of the IPSA or APSA.
- 9) Apropos, of 5) and 6) above, every few years the LSA holds its meeting abroad. Its 2007 annual meeting is jointly organized with the Research Committee on the Sociology of Law, and co-sponsored with four other sociolegal organizations, from Japan, Great Britain, and Germany. The meeting is in Berlin, July 25-28. For more information contact the LSA website (lawandsociety.org). Proposals for papers and panels are now being accepted.
- 10) The 2008 meeting will be in Montreal in early June, co-sponsored by the Canadian Law & Society Association.

Article

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The annual meeting of the Law and Society Association promised to be the opportunity of a lifetime. Owing to other engagements, none of our permanent deans would be present at the reception the law school was holding on Friday night from 6:45-8:00, so I was to serve as Acting Dean. I intended my reign to be activist. With cooperation from law professors who spend more time reading blogs than writing, variously estimated as between the entire membership of the AALS and the entire membership minus a few people who teach trusts and estates, I was confident that I could completely makeover the law school in my 75 minutes of power.

My analysis of recent law school recruitment patterns demonstrated clearly that the central difference between national and local law schools is that national law schools are increasingly recruiting scholars who have no clue about the actual practice of law. One survey of the most elite law schools in the country found that more than 3/4s of recent hires could not give directions to any courthouse other than the Supreme Court of the United States, the European Court of Justice, and the house of the judge in Mali who fixes drunk driving tickets for tourists. Fortunately, the Law and Society meeting provided unparalleled opportunities to identify and recruit those legal thinkers most committed to avoiding anything of relevance to a law student committed to the actual practice of law. With a little advance preparation, an hour and 15 minutes is what was needed to acquire a faculty second to none in the hermeneutics of law, legal esoterics, and other arts of absolutely no use to any client, real or imagined.

I quickly assembled a search committee that would comb the law and society meeting for those scholars who best met the increasingly demanding criterion of practical irrelevance. While the competition would certainly be intense, the following criteria promised to yield a manageable short list.

1. The paper or presentation refers to “semiotics” at least three times.
2. The paper or presentation contains enough Greek letters that, when rearranged, can be used to spell out the first chapter of Plato’s republic.
3. The paper or presenter refers to the contributions students of the new historical institutionalism are making to the study of law (any reference to my work should suffice to identify a scholar with no understanding or interest in actual legal practice).
4. The paper or presenter, after pointing out that conservatives control the national legislature, executive and judiciary, seriously urges liberals to pass constitutional amendments as the best means for securing their constitutional vision.
5. The paper or presenter, after noting the new conservative majority on the Supreme Court, insists that scholars must now take history (as opposed to “originalism”) seriously.
6. The paper or presenter frequently refers to Proust, Nietzsche or any other German romantic of the nineteenth century.
7. The author admits that in order to purchase the best dish network subscription, numerous movie or concert tickets, or dinners at Tex-Mex restaurants (see Levinson and Balkin’s article in Penn about a decade ago) necessary to study pop culture or law in everyday life, they were forced to cancel their subscription to Westlaw or Lexis-Nexis.

8. The paper or presentation does not contain a single sentence that can be diagramed as noun-verb or noun-verb-noun, and is more likely to be cited by an AP English student looking to use fifteen multisyllabic words in a sentence than a lawyer preparing a legal brief (especially important for those teaching legal writing).

9. The paper or presenter demonstrates vast knowledge of the scholarship on empirical research design and no evidence of any actual empirical research.

10. Most important, the presenter holds the audience at rapt attention, even though it is clear that no one has the remotest idea of what is being said.

Committee members guaranteed a short list in place by the time my deanship began at 6:45 Friday night, more than enough time to wrap things up by 8:00. Everyone on the short list would be interviewed from 6:45 to 7:15 at our reception. During these interviews, the appointments committee would assess whether our candidates truly had no conception of legal practice or whether, as is probably the case with many younger scholars, the otherworldliness of their Law and Society paper and presentation reflected only their expectation that this was the sort of thing one did at Law and Society. Besides, a top school faculty should be incomprehensible across the board, and not merely in their scholarship. From 7:15 to 7:45, the faculty would vote on candidates. I did not expect any trouble. I had obtained an NEH grant that guaranteed the free flow of alcohol during the reception. While risks are involved in having a bar near law professors, the costs were estimated at no more than double the national debt. All offers would explode at 8:00 PM, when my deanship ended. Although 15 minutes may be a short time to make such an important decision, I had scientific proof that our approach was more humane than the “take your time” practiced by other institutions. A recent study done by law and economics faculty demonstrated that law professors making personal decisions consistently agonize for months and then make the wrong choice. While general agreement exists that nothing can be done about the propensity of law professors to screw up their lives, offers which explode in 15 minutes at least reduce decision costs.

By 8:01 we would have a law faculty in place whose commitment to legal education without law would vault us to the top of *U.S. World News and Report*. Some of our older faculty worried that no one would be left to supervise the clinicals, but I recognized that, given the direction of law school recruitment, clinicals are antiquated, likely to be replaced by mandatory courses in legal consciousness, run on the model of a Quaker meeting. Such courses would provide students with unique opportunities to contemplate the issues associated with thinking about thinking like a lawyer must be like. Graduates would not know how to write a complaint or contract, but they would feel more personally fulfilled, which is increasingly seen as the object of higher education. Universities, after all, are committed to exposing students to a variety of experiences inside and outside of the classroom. Most of our students will spend 20-40 years practicing law. Any commitment to diversity, I thought, entailed that they should do something else when in law school.

The proposed plan proved so wildly popular when announced on Balkinization that I was soon swamped with offers to serve as Acting Dean of 43 different law schools. One institution, eager to fill a course, “Estate Planning for Murderers: The Legacy of *Riggs v. Palmer*,” promised to reduce my course load to one a year, with a proviso to match the standard course reductions being offered at top five law schools. Another, committed to a Center for the Study of Post-Structural Echoes in Traffic Court Disputes, guaranteed their law review accepting my seminal essay on justly neglected nineteenth century opinions. After much thought, I chose to become acting dean of the law school that promised to index my salary to increases in the compensation paid to first year summer associates and my duties to decreases in the significance of their job responsibilities.

My deanship started precisely at 6:45. At that instant, my secretary handed me the official dean kit. This consisted of a cell phone with 193 calls on hold, a 400 page “Introduction to Fundraising for Deans,” an index card on “Personal Relationships for Deans,” and a year’s supply of aspirin, all of which she recommended I take immediately. I was ready. Within 75 minutes our institution would be remade in my image, erudite legal scholars who could not fix a parking ticket.

Alas, in addition to being temporary dean, I immediately discovered that I had also become a temporary member of 6 AALS committees, temporarily on the board of 36 civic groups and 14 bar associations, was the temporary honorary chair of five charitable fund drives, and had temporary invitations to four retreats, two award ceremonies, seven retirement parties, five weddings, three bat or bar mitzvahs, three art exhibits, and a dog show the regular dean had agreed to attend in order to secure funding for a clinic on animals and the law. Fortunately, only seven events were being held that evening and all were

at the same catering hall, five blocks from the law school. By 7:05, I had given a pep talk to the League of Red-Headed Tax Lawyers, drafted a memo on the significance of font size for citation rates, waxed eloquent on the virtue of three attorneys I had never met (pronouncing two of the three names properly), inspired \$5,000 of donations to the Committee to Reform the Latest Round of Legal Reforms, kissed one bride, danced two horas, digested enough pigs in a blanket to qualify for the National Hot Dog Eating Championships, and returned to the law school to resume my recruitment efforts.

I had barely shown my identification to the security guard, when I was interrupted by two of our most generous donors. They were aghast that the law school had not yet made a decision on whether to admit their grandchild. After ten minutes of haggling, we reached the following understanding: The admissions committee would not take the matter up until they had something more than a sonogram, but in return for a promise to endow several scholarships for students interested in Etruscan Legal Theory, we agreed to give special consideration for early toilet training.

I had barely settled that crisis when I received a phone call from the president of the university, demanding to see the law school's planned response to a possible terrorist attack. The economics department, he pointed out, had already filed a plan in which they assumed a larger counterattack force and the medical school had developed a system rendering impossible efforts to enter their hospital building without completing lengthy and incomprehensible insurance forms. After stalling for five minutes, I devised an ingenious strategy. With the help of a friend in the intelligence service, we would send Al Qaeda scholarly reprints detailing the influence lawyers were having on the American economy and political system. These documents would inspire Osama bin Laden to prohibit his minions from disrupting in any way the operations of any law school or law firm.

Before I could rejoin the Law and Society reception, I was accosted by several student leaders concerned with the law school's response to a possible terrorist attack on a torts class. Our conservative activists were demanding that students be permitted to torture any captured terrorist. Our liberal activists were demanding that students be permitted to represent any captured terrorist. Our student bar association was demanding that any terrorist attack be clearly announced in the syllabus. I quickly called an impromptu meeting in my office where, by 7:30, I had mollified all constituencies. The conservative students were satisfied when I agreed to rescind the school ban on concealed weapons during an actual invasion, the liberal students were happy when I agreed that captured terrorists would not be asked about their sexual orientation, and the student bar association appreciated my promise to postpone exams for at least 48 hours during a terrorist attack.

No sooner had the students left, than an angry delegation of faculty entered the office. Apparently, the previous dean had not resolved the tense bathroom situation before putting me temporarily in charge. At our law school, the men's and ladies' rooms on each floor are located in the exact same place. Fixed bathrooms, I was solemnly told, implied fixed gender roles and an essentialism that the law school leadership should denounce in no uncertain terms. Following in the footsteps of the most distinguished deans, I immediately declared my intention to form a standing committee co-chaired by those who were complaining the loudest. By 7:45, that crisis was over.

Recruitment nevertheless had to wait as, the dean's secretary informed me, I had not yet met my hourly quota of fund raising. Ten phone calls yielded no cash. Two alums were upset that "Intergovernmental Immunities from 1911-1914" was still not a required course, two more were still angry about a B they had received in civil procedure twenty years ago, a prominent torts litigator complained that our contracts faculty were too conservative, a prominent tax lawyer complained that our criminal process faculty were too liberal, my three children refused to pledge their babysitting earnings for summer internships, and my mother hung up when I suggested that I could endow a scholarship if she would sell the house and move into a low scale retirement community. Desperate, I grabbed my old clarinet, went outside the local Salvation Army mission, and began playing Hungarian Dance #5. The good news was that within five minutes, I had received \$15.00 and two suits that students in our clinicals could wear to court as soon as polyester came back into fashion. The bad news is that it was now 8:00 and my temporary deanship was up without any change in the law school.

Although I had not changed the law school, my experience did have one professional benefit. I had served my time in administration. Every other member of the faculty, the regular dean and I agree, would have to serve a stint in office, before I would again be asked to assume administrative responsibilities.

-Mark A. Graber is a professor at the University of the Maryland School of Law and the University of Maryland College Park. Despite this traumatic experience, he is willing to serve as a law school dean as long as his expenses are paid, he gets a good meal, and the term lasts no more than 24 hours.

Research Spotlight

The Expanded Burger Court Database

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A major new version of the Burger Court database, which replaces the existing Burger Court database, is now freely available at the University of Kentucky website:

<http://www.as.uky.edu/polisci/ulmerproject/sctdata.htm>

This version contains a 3.64 percent random sample, stratified by term, of petitions (mostly cert) denied by the Supreme Court. The inclusion of these data will now make it possible for researchers to easily avoid selection on the dependent variable, the bane of most previous studies of the Court's agenda setting. This database, then, provides users for the first time with data necessary to investigate the Court's agenda setting behavior over a substantial number of sequential terms: here the entire Burger Court, 1969-1986.

The sample was drawn from all dockets that the Court refused to review, including deadlisted cases and those that the justices unanimously voted to deny. The universe of cases from which the sample was drawn includes those that the *U.S. Reports* specifies as certiorari denied, dismissed under a specific Court rule, vacated and remanded on appeal, or affirmed or dismissed on appeal. The sample excludes all granted cert petitions, appeals in which probable jurisdiction is noted or postponed, miscellaneous orders, and petitions for rehearing. Virtually all rehearings are denied, as are a substantial portion of the miscellaneous orders.

The foregoing decision rules produced a total of 60,461 denied Burger Court dockets, of which 2203 have been sampled and included in this database.

In addition to the votes of the justices in the sampled cases the database contains relevant variables drawn from the report of the lower court decision the Supreme Court was requested to review: the direction of the lower court's decision; whether it contains dissent; the presence of administrative action; the legal provision(s) considered by the lower court; the issue and value to which the lower court's decision pertains; the basis for its decision; whether amici filed a brief or otherwise participated in the lower court proceedings; whether the lower court declared legislative action unconstitutional; and whether a federal court of appeals decided the matter en banc.

Using these data researchers can learn, for example, that the Burger Court denied review to some 91 percent of conservatively decided search and seizure cases as compared with only 9 percent of liberally decided ones. But when the Court did accept a lower court search and seizure case approximately 70 percent were liberally decided by the lower court, of which almost 82 percent were reversed to produce a conservative outcome.

To ensure further comparison between accepted and denied cases I have added the foregoing variables to all of the cases in the existing Burger Court database. Thus, it will become possible to determine, for example, the proportion of petitioned lower court First Amendment or takings cases the Court accepted for review, and to compare – again for example – whether change occurred over time, direction of decision, the presence of lower court amici, or declarations of unconstitutionality.

Because the new version of the Burger Court database contains 347 variables, its use can easily produce incongruous results that may most commonly result from a bad choice in the selection of the unit of analysis and/or the type of decision the Supreme Court made. I have attempted to emphasize these and other dangers in the documentation, which is also freely

available from the University of Kentucky website. Users should especially heed the caveats and procedures found in the three-page introduction and in the 12-page section dealing with the sample of denied petitions.

Like my other Supreme Court judicial databases, the Law and Social Sciences Program of the National Science Foundation also supported this one. It took the form of a collaborative grant with the unbelievably productive Lee Epstein. Without her assistance and that of the NSF, this database would not exist. I profusely thank them. However, I alone bear responsibility for the content of the database and its documentation. Comments, criticism, and corrections are, as always, gratefully received. As with my other NSF-supported databases, this one is also meant for the benefit of the user community, not only for my own research.

BOOKS TO WATCH FOR

Keith J. Bybee

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Constitutionalism is steadily becoming the prevalent form of governance in Africa. But how does constitutionalism deal with the lingering effects of colonialism? And how does constitutional law deal with Islamic principles in the region? In **African Constitutionalism and the Role of Islam** (University of Pennsylvania Press), **Abdullahi Ahmed An-Na'im** (Emory University School of Law) addresses these questions by examining the incremental successes that some African nations have already achieved and the contingent role that Islam has to play in this process. The author argues that constitutional governance has not been, nor will be, easily achieved. But setbacks and difficulties are to be expected in the process of adapting and indigenizing of the essentially alien concept of the nation-state to the values and practices of African societies.

Is public accountability in modern-day governance being undermined by globalization and the increasing power of private economic interests? **Public Accountability: Designs, Dilemmas and Experiences** (Cambridge University Press), edited by **Michael W. Dowdle** (Chinese University of Hong Kong), responds to this question by providing a comprehensive survey of how different organizations hold persons acting in the public interest to account. The collected essays shows how key issues (such as public-mindedness, democracy, and responsibility) and structures (such as bureaucracy, markets, and transparency) adopt radically different and sometimes contradictory interpretations when viewed from different experiential perspectives. A number of scholars have contributed essays to the volume, including Christine B. Harrington, Ziya Umut Turem, Bronwen Morgan, Jerry Mashaw, Ed Rubin, John Braithwaite, and John Gardner.

In **Legal Borderlands: Law and the Construction of American Borders** (Johns Hopkins University Press), editors **Mary Dudziak** (University of Southern California Law School) and **Leti Volpp** (Boalt School of Law, University of California, Berkeley) collect a series of essays mapping the intersection of law and American studies. In particular, the authors in this volume examine the role of law in the construction of U.S. borders as they address an important question raised by the global turn in American studies scholarship: once territory becomes less critical to scholarship in the discipline, what constitutes the frame of American studies? For the authors, a "border" is not simply a territorial boundary. The essays consider how borders are created through formal legal controls on entry and exit, through the construction of rights of citizenship and noncitizenship, and through the regulation of American power in other parts of the world.

Interpreting the Founding: Guide to the Enduring Debates Over the Origins and Foundations of the American Republic (University Press of Kansas), by **Alan Gibson** (California State University–Chico), focuses on six approaches that have dominated the modern study of the Founding: Progressive, Lockean/liberal, Republican, Scottish Enlightenment, multicultural, and multiple traditions approaches. The author traces each approach to its fundamental assumptions, revealing deeper ideological and methodological differences between schools of thought that, on the surface, seem to differ only about the interpretation of historical facts. Rather than treating the study of the Founding as the sequential replacement of one paradigm by another, the author argues that all of these interpretations survive as alternative approaches, each of which has illuminated and masked core truths about the American Founding.

In his new book, **Deporting Our Souls: Values, Morality, and Immigration Policy** (Cambridge University Press), **Bill Ong Hing** (University of California, Davis) argues that images of undocumented immigrants pouring across the southern border have driven the immigration debate and policy. Moreover, the author argues that the Oklahoma City bombings and the tragic events of September 11, have both been bound up with immigration policymaking, and thus have provided further impetus to implement strategies that are anti-immigration in design and effect. This author discusses the major immigration policy areas — undocumented workers, the immigration selection system, deportation of aggravated felons, national security and immigration policy, and the integration of new Americans — and suggests proposals on how to address the policy challenges from a perspective that encourages us to consider the moral consequences of our decisions.

Did you know that almost 97% of all legal cases in the United States are filed in state court? **The Judicial Branch Of State Government: People, Process, And Politics** (ABC-CLIO Press), edited by **Sean O. Hogan** (RTI-International), focuses on judicial politics at the state level, covering all 50 states and demonstrating the profound influence state courts have on American life. Beginning with the origins of American law, this volume features contributions written by authorities in the field that examine legal decision-making processes, types of state court cases, court administration procedures and personnel, and political issues such as judicial selection and funding. A concluding section summarizes the structure and mechanisms of the court systems in each of the 50 states.

The Constitution is one of the most revered documents in American politics. Yet this is a document that regularly places in the White House candidates who did not in fact get a majority of the popular vote. It gives Wyoming the same number of votes as California, which has seventy times the population of the Cowboy State. And it offers the President the power to overrule both houses of Congress on legislation he disagrees with on political grounds. In **Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It)** (Oxford University Press), **Sanford Levinson** (University of Texas at Austin, School of Law) argues that too many of the Constitution's provisions promote either unjust or ineffective government. To make matters worse, the United States Constitution is the most difficult to amend or update of any constitution currently existing in the world today. The author challenges the American people to undertake a long overdue public discussion on how they might best reform the current Constitution and construct a governmental framework adequate to our democratic values.

What is constitutional democracy? How is it created and maintained? How can it be adapted to changing circumstances? **Walter F. Murphy** (Princeton University) takes up these questions in **Constitutional Democracy: Creating and Maintaining a Just Political Order** (Johns Hopkins University Press). The book begins with a definitional section on constitutions, constitutional texts, constitutionalism, and democracy. Next, the author tells the story of how a democracy is established within the context of a fictional constitutional convention for a fictional country. He follows delegates — many of whose arguments track those of real-life political, economic, and legal theorists — as they debate and draft the components of a constitution. The aim of the author's storytelling is to help readers understand and appreciate the components of a constitutional text and the contingency and potential of the constitution-making process. **Murphy** then offers an expository analysis of constitutional maintenance, adaptation, and change.

Why do some conflicts grab the headlines while others unfold with little attention? In **Branching Out, Digging In: Environmental Advocacy and Agenda Setting** (Georgetown University Press), **Sarah B. Pralle** (Syracuse University) analyzes how various actors involved with environmental conflicts — including local and national environmental organizations, local residents, timber companies, and different levels of government — defined issues in both words and images, created and reconfigured alliances, and drew in different governmental institutions to attempt to achieve their goals. She develops a dynamic new model of conflict management by advocacy groups that puts a premium on nimble timing, flexibility, targeting, and tactics to gain the advantage and shows that how political actors go about exploiting these opportunities and overcoming constraints is a critical part of the policy process.

In **Law as Culture: An Invitation** (Princeton University Press), **Lawrence Rosen** (Princeton University) argues that even though law is often considered a distinctive domain with strange rules and stranger language, law is actually part of a culture's way of expressing its sense of the order of things. The author invites readers to consider how the facts that are adduced in a legal forum connect to the ways in which facts are constructed in other areas of everyday life, how the processes of legal decision-making partake of the logic by which the culture as a whole is put together, and how courts, mediators, or social pressures fashion a sense of the world as consistent with common sense and social identity. The author explores issues comparatively and also connects his argument to contemporary Western experience. The development of the jury and Continental legal proceedings thus becomes a story of the development of Western ideas of the person and time; African mediation techniques become tests for the style and success of similar efforts in America and Europe; and the assertion that one's culture should be considered as an excuse for a crime becomes a challenge to the relation of cultural norms and cultural diversity.

In view of a commitment to democratic self-rule and widespread disagreement on questions of value, how is the creation of a legitimate constitutional regime possible? And what must be true about a constitution if the regime that it supports is to retain its claim to legitimacy? In **The Language of Liberal Constitutionalism** (Cambridge University Press), **Howard**

Schweber (University of Wisconsin-Madison) addresses these two basic questions in a theory of constitutional language that combines democratic theory with constitutional philosophy. Beginning with the observation that the creation of a legitimate constitutional regime depends on a shared commitment to a particular and specialized form of language, the authors develops arguments about the characteristics of constitutional language, the necessary differences between constitutional language and the language of ordinary law or morality, as well as the authority of officials such as judges to engage in constitutional review of laws.

The Yale Book of Quotations (Yale University Press) by **Fred R. Shapiro** (Yale Law School) has been published. “**YBQ**” is intended to supplant **Bartlett’s Familiar Quotations** and **The Oxford Dictionary of Quotations** as the most authoritative quotation dictionary. **YBQ** also functions as a kind of second edition of **The Oxford Dictionary of American Legal Quotations**, as **YBQ** includes extensive up-to-date coverage of legal quotations including British legal quotations. **YBQ** is the first major quotation book to emphasize modern and American sources, including popular culture, sports, computers and politics, and the first quotation book of any sort to use state-of-the-art computer-assisted research methods to comprehensively collect famous quotations and to trace quotations to their accurate origins.

The **Elgar Encyclopedia of Comparative Law** (Cheltenham, UK: Edward Elgar), edited by **Jan M. Smits** (Maastricht University, The Netherlands), takes stock of present-day comparative law scholarship. Written by authorities in their respective fields, the contributions cover and combine not only questions regarding the methodology of comparative law, but also specific areas of law (such as administrative law and criminal law) and specific topics (such as accident compensation and consideration). The volume also contains reports on a selected set of countries legal systems. Although the articles are generally oriented toward Europe and Russia, there are also articles on American law in the comparative law context.

Awards

Lifetime Achievement Award

The Lifetime Achievement Award honors a distinguished career of scholarly achievement and service to the Law and Courts field. Nominees must be political scientists who are at least 65 years of age or who have been active in the field for at least 25 years. Nominations from previous competitions will be carried forward to the current year's competition. The committee will retain nominations for three years, but one may re-nominate an individual and renew the materials in the file. Nominations may be made by any member of the Section and should consist of a statement outlining the contributions of the nominee and, if possible, the nominee's vitae. Nomination materials should be sent to the Chair of the Committee who will forward them to other members. Committee members may not make nominations for this award. Nominations should be received by January 1.

Melinda Gann Hall, Chair
hallme@msu.edu

Stefanie Lindquist, Member, stefanie.lindquist@vanderbilt.edu
Scott Barclay, Member, Barclay@uamail.albany.edu
Robert Howard, Member, polrhh@langate.gsu.edu
Wendy Martinek, Member, martinek@binghamton.edu

The CQ Press Award

The CQ Press Award is given annually for the best paper on law and courts written by a graduate student. To be eligible the nominated paper must have been written by a full-time graduate student. Single- and co-authored papers are eligible. In the case of co-authored papers, each author must have been a full-time graduate student at the time the paper was written. Papers may have been written for any purpose (e.g., seminars, scholarly meetings, potential publication in scholarly journals). This is not a thesis or dissertation competition. Papers may be nominated by faculty members or by the students themselves. The papers must have been written during the twelve months previous to the nomination deadline. The award carries a cash prize of \$200. A committee of three, appointed by the section chair, selects the winner. The deadline for nominations is June 1.

Jim Rogers, Chair
rogers@politics.tamu.edu

Brandon Bartels, Chair
bbartels@notes.cc.sunysb.edu

Laura Hatcher, Chair
hatcher@siu.edu

The American Judicature Society Award

The American Judicature Society Award is given annually for the best paper on law and courts presented at the previous year's annual meetings of the American, Midwest, Northeastern, Southern, Southwestern, or Western Political Science Associations. Single- and co-authored papers, written by political scientists, are eligible. Papers may be nominated by any member of the Section. The award carries a cash prize of \$100. A committee of three, appointed by the section chair, selects the winner. The deadline for nominations is February 1.

Isaac Unah, Chair
iunah@nsf.gov

Gretchen Ritter, Member
ritter@mail.utexas.edu

Helena Silverstein, Member
silversh@lafayette.edu

The Wadsworth Publishing Award

The Wadsworth Publishing Award is given annually for a book or journal article, 10 years or older, that has made a lasting impression on the field of law and courts. Only books and articles written by political scientists are eligible; single-authored works produced by winners of the Lifetime Achievement Award are not eligible. The award carries a cash prize of \$250. Any member of the Section may submit a nomination. The nomination should include a statement outlining the nature of the contribution of the nominated work. A committee of three, appointed by the Section chair, selects the winner. The deadline for nominations is February 1.

Paul Wahlbeck, Chair
wahlbeck@gwu.edu

Saul Brenner, Member
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Pamela Brandwein, Member
pbrand@utdallas.edu

The Teaching and Mentoring Award

The Committee selects the winner of the Teaching and Mentoring Award, which recognizes innovative teaching and instructional methods and materials in law and courts. The Teaching and Mentoring Award recognizes innovation in instruction in law and courts. Examples of innovations that might be recognized by this award include (but are not limited to) outstanding textbooks, web sites, classroom exercises, syllabi, or other devices designed to enhance the transmission of knowledge about law and courts to undergraduate or graduate students. The Teaching and Mentoring Award is supported by a contribution from the Division for Public Education of the American Bar Association. Any member of the section may make a nomination for the Teaching and Mentoring Award by submitting to each member of the award committee a statement identifying the nominee and outlining the nature of the nominee's innovation and the contribution it makes to achieving the purposes of the award. A committee of three, appointed by the section chair, selects the winner. The deadline for nominations is February 1.

Elliot Slotnick, Chair
slotnick.1@gradsch.ohio-state.edu

Ron Kahn, Member
Ronald.Kahn@oberlin.edu

Sue Davis, Member
suedavis@udel.edu

The C. Herman Pritchett Award

The C. Herman Pritchett award is given annually for the best book on law and courts written by a political scientist and published the previous year. Case books and edited books are not eligible. Books may be nominated by publishers or by members of the Section. The award carries a cash prize of \$250. A committee of three, appointed by the section chair, selects the winner. To be considered for this year's competition, a copy of the nominated book must be submitted to each member of the award committee by February 1.

Ken Kersch, Chair
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Department of Politics
Corwin 241
Princeton, NJ 08544
kkersch@princeton.edu

Mark Hurwitz, Member
Western Michigan University
Department of Political Science
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Donald Songer, Member
University of South Carolina
Department of Political Science
Columbia, SC 29208
dsonger@sc.edu

The Houghton Mifflin Award

The Houghton Mifflin Award, formerly known as the McGraw-Hill Award, recognizes the best journal article on law and courts written by a political scientist and published during the previous calendar year. Articles published in all refereed journals and in law reviews are eligible, but book reviews, review essays, and chapters published in edited volumes are not eligible. Journal editors and members of the section may nominate articles. A committee of three, appointed by the Section chair, selects the winner. The deadline for nominations is February 1.

Harold Spaeth, Chair
spaeth@msu.edu

Christine Harrington, Member
christine.harrington@nyu.edu

Chad Westerland, Member
cwesterl@email.arizona.edu

Section Chair and Executive Committee Nominations

Please send nominations for Section Chair and three Executive Committee members to the Chair of the Nominating Committee, who will forward them to committee members. The Nominating Committee's recommendations will be submitted for election at the next business meeting of the section at the APSA meeting. The deadline for submitting nominations is February 15th.

Lee Epstein, Chair
lee-epstein@northwestern.edu

Virginia Hettinger, Member, virginia.hettinger@uconn.edu

Malcolm Feeley, Member, mmf@law.berkeley.edu

Nancy Maveety, Member, nance@tulane.edu

Stacia Haynie, Member, pohayn@lsu.edu

Announcements

SEARCH FOR NEW LAW & COURTS EDITOR

The Law and Courts Section of the APSA is seeking a new editor for its newsletter *LAW & COURTS*. The newsletter is a vital source of information for Section members and publishes important exchanges and debates about developments in the law and courts field. It is published electronically three times a year (Winter, Spring and Summer). The editorship is an excellent opportunity for leadership and service to the discipline. It also offers a chance to meet a range of other law and courts scholars and helps shape discourse in the field. The new editor will be responsible for the Winter 2008 issue. The position is appointed for a three-year term and requires a modest time commitment (3-4 hours per month). Familiarity or previous experience with maintaining electronic mailing lists and Adobe Pagemaker software would be helpful but is not necessary.

Nominations and self-nominations should include a short letter outlining interest in the position and ideas for the newsletter, and a current vitae. They should be sent to Mitch Pickerill, Chair of the Search Committee, at mitchp@wsu.edu, by March 1, 2007. You may also contact the other members of the Search Committee, Sara Benesh at sbenesh@uwm.edu or Kathleen Sullivan at sullivak@ohio.edu.

Conferences & Events

WESTERN POLITICAL SCIENCE ASSOCIATION

<http://www.csus.edu/ORG/WPSA/mtgs.stm>

MARCH 8-10, 2007

LAS VEGAS, NV

JUDICIAL POLITICS AND PUBLIC LAW: DON CROWLEY, *UNIVERSITY OF IDAHO*

crowley@uidaho.edu

SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION

<http://www.swpsa.org>

MARCH 14-17, 2007

ALBUQUERQUE, NM

MIDWEST POLITICAL SCIENCE ASSOCIATION

<http://www.indiana.edu/~mpsa/index.html>

APRIL 20-23, 2007

CHICAGO, IL

JUDICIAL POLITICS: VALERIE HOEKSTRA, *ARIZONA STATE UNIVERSITY*

valerie.hoekstra@asu.edu

PUBLIC LAW: JULIE NOVKOV, *UNIVERSITY AT ALBANY, SUNY*

jnovkov@albany.edu

NEW ENGLAND POLITICAL SCIENCE ASSOCIATION

APRIL 28-29, 2007

BOSTON, MA

<http://www.nepsa.us/>

PUBLIC LAW SECTION CHAIR: FRED LEWIS, *UNIVERSITY OF MASSACHUSETTS - LOWELL*

Lewis@uml.edu