

University of Michigan Law School

## University of Michigan Law School Scholarship Repository

---

Articles

Faculty Scholarship

---

1984

### Law & Society: Its Research

Richard O. Lempert

*University of Michigan Law School, rlempert@umich.edu*

Available at: <https://repository.law.umich.edu/articles/2400>

Follow this and additional works at: <https://repository.law.umich.edu/articles>



Part of the [Law and Society Commons](#)

---

#### Recommended Citation

Lempert, Richard O. "Law & Society: Its Research." *SyllaBus. (American Bar Association Section of Legal Education and Admissions to the Bar)* 15, no. 4 (1984): 3, 4.

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

## Its Research



By Richard O. Lempert

Writing in 1968 on research in the then infant discipline of law and social science, Harry Kalven noted with some pride the growing body of book-length work in the area.<sup>1</sup> While the "relevant" bookshelf in Kalven's office was "still well under five feet," there had for Kalven "been nothing like [these books] previously, and their existence mark[ed] a major change in the relationship of law and science."<sup>2</sup> Today, when I look around my office, I see 11 relevant bookshelves, which is only a small fraction of what has been produced.

Sparked by private foundations like the Russell Sage Foundation and most notably by the Law and Social Science Program of the National Science Foundation, law and social science research has blossomed during the past 15 years. With it has come a marked increase in our knowledge of how legal systems do and have operated as well as a deepening appreciation of the many things we don't know but should find out. Studies like Macaulay's seminal work on non-contractual relations among businessmen<sup>3</sup> or Galanter's analysis of "Why the 'Haves' Come Out Ahead"<sup>4</sup> in litigation are regularly cited in "traditional" legal scholarship and have begun to enter law school casebooks.

From my perspective as editor of the *Law & Society Review*, there is every reason to think that the future of law and social science research will be like the recent past; only more so. More quality work will be published, and it is likely to have a greater impact.

Perhaps the most salient feature of the best work in law and social science which is typified by work that is submitted to the *Law & Society Review* is its variety. For example, among the articles in the most recent issue of the *Review* are a field study of how drug dealers respond to threatened sanctions, a game theory model of regulatory law enforcement, a simulation study of Dutch judges deciding simple civil cases, and theoretical discussions of the idea of legal evolution and the form of law in the modern state.<sup>5</sup>

Future issues will include an investigation into the declining incidence of debt cases in the courts, a study of legal relations in a changing rural community, a look at "commitment bargaining" in a state mental hospital, and an analysis of factors that influence the decision to call the police when there is ongoing spouse abuse.

Amid this diversity there are, of course, some topics that evoke particularly widespread attention. Deterrence and dispute settlement have been two such "hot" topics, and, if I may venture a prediction on

Continued on page 4

## THE LAW & SOCIETY MOVEMENT

### Its Research: Lempert

Continued from page 3

the basis of what I see, work on administrative regulation and the regulatory state is about to join them. This will be a welcome development, for research on regulation goes to the very core of the law and social science enterprise, which is to understand how law is shaped by, and in turn shapes, society.

It is also welcome because as more scholars bring to bear the multidisciplinary perspective and methodologies that characterize law and social science, we can expect not only a new and more sophisticated understanding of regulatory processes, but also important ramifications for the teaching and practice of the various forms of administrative law.

Obviously, research in law and social science has come a long way from Kalven's "well under five feet" bookshelf of just 16 years ago. It is no accident. Those agencies, foundations, and law schools that nurtured research in this area now see and enjoy real payoffs. So long as people are interested in understanding the place of law in society, research in law and social science should continue to flourish

Harry J. Kalven, Jr., "The Quest for the Middle Range: Empirical Inquiry and Legal Policy," in Geoffrey C. Hazard, Jr. (ed.), *Law in a Changing America* (Englewood Cliffs: Prentice-Hall, Inc., 1968).

<sup>1</sup>Id., at p. 57.

<sup>2</sup>Stewart Macaulay, "Non-Contractual Relations in Business: A Preliminary Study," 28 *American Sociological Review* 55 (1963).

<sup>3</sup>Marc Galanter, "Why the 'Haves' Come Out

*The Law & Society Review* is published by the Law and Society Association. The Association welcomes lawyers and law professors as members. For information on how to join the Association and receive the *Review*, write to Dr. Joyce Sterling, Executive Director, Law and Society Association, College of Law, University of Denver, 1900 Olive Street, Denver, Colorado 80220.

Richard O. Lempert is professor of law at University of Michigan Law School.

## THE LAW & SOCIETY MOVEMENT

### Its Research: Lempert

*Continued from page 3*

the basis of what I see, work on administrative regulation and the regulatory state is about to join them. This will be a welcome development, for research on regulation goes to the very core of the law and social science enterprise, which is to understand how law is shaped by, and in turn shapes, society.

It is also welcome because as more scholars bring to bear the multidisciplinary perspective and methodologies that characterize law and social science, we can expect not only a new and more sophisticated understanding of regulatory processes, but also important ramifications for the teaching and practice of the various forms of administrative law.

Obviously, research in law and social science has come a long way from Kalven's "well under five feet" bookshelf of just 16 years ago. It is no accident. Those agencies, foundations, and law schools that nurtured research in this area now see and enjoy real payoffs. So long as people are interested in understanding the place of law in society, research in law and social science should continue to flourish

<sup>1</sup>Harry J. Kalven, Jr., "The Quest for the Middle Range: Empirical Inquiry and Legal Policy," in Geoffrey C. Hazard, Jr. (ed.), *Law in a Changing America* (Englewood Cliffs: Prentice-Hall, Inc., 1968).

<sup>2</sup>*Id.*, at p. 57.

<sup>3</sup>Stewart Macaulay, "Non-Contractual Relations in Business: A Preliminary Study," 28 *American Sociological Review* 55 (1963).

<sup>4</sup>Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 *Law & Society Review* 95 (1974).

*The Law & Society Review* is published by the Law and Society Association. The Association welcomes lawyers and law professors as members. For information on how to join the Association and receive the *Review*, write to Dr. Joyce Sterling, Executive Director, Law and Society Association, College of Law, University of Denver, 1900 Olive Street, Denver, Colorado 80220.

*Richard O. Lempert is professor of law at University of Michigan Law School.*