

Encyclopedia of Law & Society: American and Global Perspectives

Law and Society Association, the

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Before the Second World War, there was only sporadic interest in the United States in sociolegal studies, that is, studies of law from the standpoint of one or more of the social sciences. In the 1920s and 1930s, a few legal scholars pioneered in empirical studies of the legal system. In the 1930s, too, the Johns Hopkins Institute of Law, in Baltimore, Maryland, was founded as a research institute whose mission was rigorous empirical study of the law in action. Several interesting studies came out of the institute, for example, a massive study of the divorce laws of Maryland. The Institute's life, however, was brief. It did not survive the depression. The legal realist movement in law schools paid lip service to empirical research on law but actually did very little of it.

The period just after the Second World War brought about significant change. It was a period of great optimism in the social sciences. Many scholars hoped that the social sciences would generate breakthroughs on human behavior as exciting as the breakthroughs in biology and physics. The study of sociology flourished, and so did its subfields, including the nascent field of sociology of law. The Ford Foundation funded sociolegal research at the University of Chicago Law School, in particular a major study of the jury system.

The dramatic decisions of the U.S. Supreme Court under Earl Warren (1891–1974) were another catalyst for sociolegal research. Sociologists had traditionally ignored or slighted legal phenomena. But the Warren court decisions, especially on school desegregation, convinced some social scientists that neglect of the subject had been a mistake; law was not an inert and marginal phenomenon but rather a vital force in society and an important agent of change. At any rate, law and the legal system needed and deserved careful attention and study by social scientists.

The Association and Its Review

A small group of young sociologists, at a breakfast meeting in Montreal during a convention of the American Sociological Association (1964), decided to form a Law and Society Association. Later, a few legal scholars joined in their activities. The Association was incorporated in Colorado, and the first president was Robert Yegge of the University of [p. 923 ↓] Denver College of Law. The association began to publish

a journal, the *Law and Society Review*, in 1966. A sociologist, Richard Schwartz, was the first general editor. Annual meetings were, at first, appendages to other professional meetings. Since 1975, however, the Association has run its own annual meetings, which now draw a substantial number of people. As of 2005, there were just over 1,500 members of the Association.

Members are drawn from a variety of disciplines—law, of course, but also sociology, political science, history, psychology, anthropology, and a scattering of other fields, including economics and philosophy. Most annual meetings are held in the United States, but there also have been meetings in Amsterdam, Glasgow, Budapest, and Vancouver. It is now more or less Association policy to hold occasional meetings outside the borders of the United States; the meeting in 2007 will take place in Berlin. The membership elects a president and a board of trustees; there is also a small staff that handles administrative affairs. Americans, to be sure, are the dominant influence on the Association; but non-Americans have served on the board, have helped planned meetings, and constitute about a quarter of the membership. A significant group within the Association is eager to expand international membership and international activities.

Notable Changes

The demographics of the Association reflect, quite naturally, the demographics of academia in general. The “founding fathers” were exclusively male. This more or less reflected the state of the social sciences (and law) in the 1960s. By the 1980s, women had become exceedingly active in the Association. By 1991, women had become a majority of the elected trustees. By 1990, too, half the graduate students attending workshops of the Law and Society Association were women; a woman (Felice Levine) had served as president, and women wrote 20 percent of the articles in the *Law and Society Review*. These trends have continued. Women were the authors of 37 percent of the articles published in the journal between 1995 and 2000. The involvement of racial minorities has been a slower and less dramatic process, but here, too, progress has been made.

The success of the Association—its continued growth and its vitality—is a tribute to the increasing interest in the social study of law. As the Association has grown, it has, in a

sense, become somewhat diluted. It benefits from, or falls victim to, a growing malaise in the legal academy—a sense that formal, traditional, doctrinal scholarship no longer dominates, and no longer is the exclusive or even the most favored path to prestige and position within the legal academic community. Also, law schools are more tightly controlled than before by their universities, which demand scholarly performance and judge that performance by general academic standards. This leads younger scholars to search for alternatives to casebooks and doctrinal articles. The social study of law is one alternative, though of course not the only one. The programs of recent meetings of the Association show this eclecticism—work that reflects feminism, critical legal studies, legal and social theory, and all other movements and trends within the law school world and, indeed, the scholarly world in general.

At the same time, the role and relative influence of orthodox social scientists within the Association has probably declined to a degree. At the 2002 annual meeting (in Vancouver), one could listen, for example, to a paper relating the theories of Jürgen Habermas to the “Normative Foundation of Law” and another on “Transgender Legal Identity.” There were papers and panels that reflected postmodern and social constructionist viewpoints. Fewer papers, at least proportionately, were outfitted with graphs, charts, and quantitative data. This may tell us more about the annual meetings, however, than about the Association in general—about its active core of devoted members or about the basic cadre of serious law and society scholars.

The *Law and Society Review*, for example, continues to be dominated by sociologists and political scientists. They made up 54 percent of the authors of articles in the *Review* between 1990 and 2000 (basically unchanged since the *Review* began publishing); lawyers were another 22 percent in the 1990s; and the rest were scattered among a number of fields—economists contributed just under 3 percent, psychologists [p. 924 ↓] something over 5 percent, and anthropologists about 4 percent. The winds of academic fashion howl and rage all about, but the basic endeavor begun at that breakfast meeting in Montreal remains alive and well, and even shows some signs of growth.

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See also

- [Gender](#)
- [Realism, American Legal](#)
- [Sociology of Law](#)
- [United States](#)

Further Readings

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