From the Editor

A Note about What We Publish and What We Do Not Publish

As we begin our thirtieth year, *Law & Society Review* continues its effort to publish the best scholarship in the interdisciplinary field of law and society. We invite and regularly receive contributions from the social science and humanistic disciplines that study the relation between law and its social context. As in recent issues, the articles here represent a broad range of scholarship and disciplinary bounds. And most important, they have been rigorously reviewed by a panel of other scholars who have determined that these articles contribute significantly to our field.

Before introducing the articles in this issue, I want to note the parallel and equally important contribution to law and society scholarship made by those who review manuscripts not accepted for publication. Their often lengthy, always thoughtful, and usually helpful feedback is sent to authors along with the letters in which I explain why we are unable to publish their manuscripts. In turn I frequently hear back from those authors through letters, telephone conversations, or other means. And what most have to say shares fundamental similarities. What I most often hear is a simultaneous expression of disappointment that their manuscripts were not accepted and an expression of thanks for the suggestions and guidance provided through the readers' reports. These suggestions, they say, have given ideas for improvement and development of their research and writing. And they note the obvious time and care most reviewers have put into their efforts. Although the anonymity of our review process precludes direct contact between authors and reviewers, I want to join the authors of those manuscripts in thanking reviewers for their assistance in shaping sociolegal scholarship in this way. Except for my office staff, no one sees the voluminous communication that passes anonymously through this channel. I believe that it is as important a contribution to the law and society endeavor as what we actually publish.

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Articles in This Issue

The five articles in this issues are representative of the broad range of interdisciplinary scholarship that constitutes our field. David Engel and Frank Munger's article explores legal consciousness from a distinctive angle—the life stories of two women who have struggled as handicapped Americans to live full lives. Their stories chronicle in an everyday context just what disability and the rights granted through law to disabled persons are all about. The autobiographical approach to the study of legal consciousness, Engel and Munger argue, helps illuminate the variety of ways in which rights can become active or remain inactive. This article is an initial report on a large-scale investigation of such issues, about which we can expect to hear more soon.

James Gibson and Gregory Caldeira's article is also an initial report on another complex and far-reaching study. Using survey methods, these researchers compare the legal cultures of modern European nations. They find major differences among Europeans regarding their beliefs about legal alienation, their valuation of liberty, and their support for the rule of law. These findings in turn lead the authors to consider how we can best conceptualize legal culture and explain the factors that give rise to the differences they have observed.

In their article, Jack Knight and Lee Epstein revisit an old issue with a new method. Their study focuses on a critical moment in American legal history, the defining sequence of events for American presidential-court relations that played out between President Thomas Jefferson and Chief Justice John Marshall in the early 1800s. A game-theoretic approach allows the authors to reassess the significance of factors fundamental to most explanations of the conflict—the political and institutional preferences of the actors and the larger political environment within which the conflict took place. Their article also provides important insights into how such methods may be used in the study of other institutional interactions.

Robert MacCoun's article examines the differential treatment of corporate defendants by jurors. MacCoun examines the evidence that juries do in fact treat corporate defendants less favorably than individual defendants. He finds that such evidence confounds defendant wealth and defendant identity. Juror simulation experiments reported in the article separate these factors and thereby provide a better understanding of when and why juries sometimes treat corporate defendants differently from individual defendants.

Despite their differences in methods and issues examined, these four articles share an empirical investigatory approach to the law-society relationship. In his article, Brian Tamanaha approaches law and society from a more philosophical perspective.

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He analyzes the internal/external distinction in legal and sociolegal scholarship in the context of the philosophy of the social sciences. This, in turn, allows him to consider a theory of practice sensitive to issues raised by the internal/external distinction.

—William M. O'Barr

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