From the Editor

Having just returned from the 1995 Meeting of the Law and Society Association, I am struck by a similar theme that runs through the articles here and the papers I heard in Toronto. There is a strong sense in both places that it's time to get on with the hard work of understanding the relation between law and society. We can conceive of overarching themes such as dilemmas of rights within cultures or look reflexively at past accomplishments or the biases that our biographies and standpoints interject, but the real fact of the matter is that the most profound understandings come through the incremental development of the field through careful empirical research and thoughtful theorizing. That was true in Toronto as members of the Association explored further the familiar themes of regulation, dispute resolution, feminism and law, sociology of the legal profession, and the like. And it is true here in a set of articles that examines themes of hegemonic and subversive narrativity, explores the role of law in the self-identity of British Virgin Islanders, considers the place of customary law in the politics of rights among indigenous peoples in Mexico, tries to understand more fully differences between mediation and adjudication, and reports laboratory studies that show the complexity of how police make decisions about arrest in cases involving domestic violence. This is the stuff out of which our field has developed, and it continues to be our mainstay.

Patricia Ewick and Susan Silbey's article explores the nature of narratives in sociolegal contexts. Their focus on narrative is by no means novel. Indeed, the last several years have found quite a few law and society scholars interested in narratology and its significance in social life. What is new here is an effort to systematize what we know about the nature of narratives and how they can be used politically and legally. Ewick and Silbey show how the political effects of narrative depend on the contexts of production and interpretation. They contrast hegemonic tales that support extant power structures with subversive stories that challenge and threaten establishment values. By sorting through the social contexts in which narratives are produced and utilized, we can begin to move toward a better and more comprehensive theory of the role of narrative in sociolegal contexts—toward, as they say, a sociology of narrative.

Teresa Sierra's article on Indian rights and customary law in Mexico adds a new dimension to our understanding of the rela-

Law & Society Review, Volume 29, Number 2 (1995)

tionship between the two. Although researchers are agreed nowadays that "customary law" must be comprehended as a product of a complex interaction between indigenous culture and imposed state legal systems, Sierra argues that current political movements in Mexico (and other Latin American countries) do not share that perspective. The concept of customary law commonly invoked by many Indian organizations within Mexico claims an autonomous indigenous legal system based in customary law and does not recognize the intertwined relationship between state law and the legal practice of daily life in Indian communities. Sierra's article explores the paradox that emerges from this political rhetoric and urges researchers to modify their understandings of "customary law" to take such realities into account.

Bill Maurer's article examines the role of law in the self-identity of British Virgin Islanders. "BVIslanders" describe themselves as a law-and-order people in contrast with other Caribbean nations. But what is interesting about this particular sense of self is that it emerges not from a context of self-determination but from a colonial base. The laws that give rise to the strong BVI sense of a distinctive identity based in law also control and constrict independence and progress toward self-determination. This somewhat unusual narrative about identity provides an immediate context to begin examining the distinction between hegemonic tales and subversive stories as proposed by Ewick and Silbey. Perhaps most important of all, it raises the question of when and how law or law-abiding enters a people's construct of their identity and, conversely, when it does not.

Loretta Stalans and Mary Finn's article addresses the complex and difficult area of domestic violence by focusing on how police respond to the behavior of abusive husbands and battered wives. Their research shows that police responses are more complex than previously reported and that novice and experienced officers tend to respond differently. Their research highlights the pitfalls of arrest policies that mandate response but fail to take into account how arrest decisions are made. The authors argue that telling officers what to do without understanding how they do their job opens the door to resentment and to decisions that provide unequal protection. Although this study deepens understandings of police responses to the behavior of abusers and battered women, what it also shows is how little we know about the factors that give rise to current practices and thereby what we need to know to initiate adequate reforms of them.

Roselle Wissler's article on mediation and adjudication differences revisits a familiar problem in law and society literature. How much of the differences between the two are due to the inherent nature of the procedures themselves or to the characteristics of disputes and parties? After showing that previous research has produced conflicting answers to this question, Wissler

examines new data that strongly support the significance of procedural differences over case characteristics. This article will be of particular interest to those who have followed research efforts to understand differences between adjudication and mediation not just in theory but in practice.

—William M. O'Barr

https://doi.org/10.1017/S0023921600030073 Published online by Cambridge University Press