

# Introduction: Legal and Social Change

Gene splicing, presidential tweets, superstorms, and kids with three parents. What do these all have in common? They are all new, and they all combine the powerful changing forces of law and society. Some might have sounded like fiction a generation ago, but today they are almost commonplace. These advances in technology, new norms about freedom of speech, accumulated effects of air and water pollution, and redefinitions of the family all sit at the boundary between what is legally and socially permissible.

The field of law and society, or sociolegal studies, has always been about this interplay of legal and social change. Experts in the field long studied cases where reasonable people were trying to make sense of innovations in law by living them in the real world, or innovations in culture by interpreting them for the law. But over the years, the core books about law and society became relatively fixed even as law and social change seemed to have accelerated. Some emphasized the theories that had been developed without checking these against real-world examples, while others proceeded topically through institutions almost like science books, walking the reader through the various “systems” of law and society as though these could be understood like systems of the body or the physical world. The truth is that legal and social practices are complex because

people are complex. And law and society change because people are constantly changing.

*Law and Society Today* takes change seriously by offering a new approach to this fascinating field. It adopts an *integrated* approach to theory and evidence, and it incorporates the latest thinking about how communities determine right and wrong by prioritizing legal and social norms. By integrating theory and evidence, the book chooses not to present these in wholly separate sections of text. Rather, it maintains attention to both simultaneously, making abstract concepts and ideas more readily memorable to the reader and taking seriously the “grounded theory” approach of some social science fields. To put it more simply, theory and evidence “flow” together more smoothly in ways not present in other existing treatments. Isn’t that closer to how the real world operates?

Additionally, this book adopts a *constructivist* approach to the topic that many will find novel. The idea is not to suggest that there is no “real” world but rather to posit that our understandings of it come to us from working with the building blocks of knowledge—things like language, symbols, practices, and beliefs. Experts in fields like anthropology, sociology, literature, and cultural studies have been looking at things this way for a while, so it was time to incorporate their advancements into discussions about law and society. This doesn’t mean we must take for granted that law is socially constructed, or society legally constructed, but it does suggest that we consider those claims as we evaluate the phenomena captured in the chapters below.

Finally, *Law and Society Today* will strike readers as “new” for taking on the role of economic thought in Western life today. Most in the social sciences and humanities have been calling this prominent role “neoliberalism.” This technical-sounding word simply stands for “market fundamentalism”—the notion that many of our big social problems can be fixed by giving people more freedom, letting them compete to gain greater wealth, and then allowing them to spend that wealth as they see fit. Social security, Medicare, welfare, food stamps, public housing—all of these are considered counterproductive under neoliberalism because ultimate faith lies in the individual person or family to take care of itself. When this breaks down—as it sometimes does—nongovernmental actors are better at handling the solutions. Law and governments should stay clear, because they don’t operate efficiently and don’t encourage returning to individual autonomy. So the thinking goes.

The influence of this thought on law and society in real-world settings has been enormous. In the core study of law, a relatively recent school of thought called law and economics has made substantial inroads in legal education globally so that new lawyers cannot finish their training without exposure, if not conversion, to the supposed wisdom of markets. In social policy, the exact government programs listed above—ones relied upon by millions in the United States and abroad—have experienced deep cutbacks for lack of public support. What I mean is this: faith in markets as the solution to social problems may or

may not be well founded, but we should at least agree that it has become deeply influential. It is that deep influence that this new law and society book is able to capture.

Yet this book is not altogether new. Like its predecessors, it maintains an abiding interest in the social justice questions and concepts that have driven law and society conversations for so many years. How does the sovereign power of the state circulate so far out from state institutions? What does it mean that those we imprison for crime are so disproportionately racialized, gendered, and poor? How are categories like race, gender, and poverty themselves created through legal measures against crime? All of these questions run through much of this book; it is therefore faithful to the classic law and society subfields such as critical race theory, prison studies, law and poverty, and civil and human rights. Experienced readers will therefore recognize familiar topics like gender intersectionality woven into the existing chapter on identity, or criminology in the chapter comparing criminal and civil justice systems. The point was not to lose the baby with the bathwater, but to hold the baby in new and enriching ways perhaps more suited to the new future it faces.

When I came to teach law and society to a new crop of undergraduates several years ago, it was clear to me that a reboot for the subject was very much in order. A lot had changed since I was a student. Explaining why, this introductory chapter is divided into two remaining sections. In the first, it maps out in greater detail key sites for *sociolegal change*. There it describes changes to daily life that challenge existing social and legal norms. It then moves to discuss broader cultural change brought on by an increasingly “diverse” or *multicultural citizenry*. Next, it describes new developments in *technology* that push the boundaries of accepted behavior in both law and social life. Building on this, the section looks then at the phenomenon we now call *globalization* as a fourth major change agent placing stress on existing rules and processes. Finally, following from globalization is a new problem described below as *legal pluralism*—the idea that multiple legal systems might have to coexist under one single jurisdiction, government, or geographic area. Together, I hope it becomes clear, these changes offer important justification for the ongoing study of law and society, as well as for a revised approach that tries to view it today as a process of “mutual constitution.” As I will reiterate throughout, the book’s general claim is that the “social” role of law is being gradually but increasingly construed as *economic*—about the maximization of wealth more than the search for what is morally “right.”

As seen below, the many changes confronting us today—for instance, multiculturalism and globalization—have seemed to encourage this shift. The moral basis of law becomes harder to pursue or justify when there are numerous historical, religious, and cultural traditions to choose from. In a diverse society, in other words, *who* should get to decide right from wrong? The move to economic definitions of “right” appears to escape this problem. There seems to be no



**Figure 1.1** George Albert Harris, *Banking and Law*, mural on Coit Tower, San Francisco, CA, 1934.

“who” required when valuations of right and wrong come down to a basic, mathematical formula about money. Legal decisions favoring the greatest wealth-creating activity, or party, want to appeal to a supposedly universal, human drive toward greater prosperity, comfort, and security. And yet, the clear problem is how to assess prosperity, comfort, and security. For the financially literate today it might mean numbers on the page of a bank or investment account statement. For an older generation perhaps it meant cash money under a mattress. For today’s young people, the comfort brought by greater financial reward may pale in comparison to the discomfort brought by rampant inequality, or global environmental degradation. What benefit are new industrial jobs when the factories they support spew harmful emissions? What is an extra million dollars when the future of human habitation on earth is now in question?

These questions were already being posed by indigenous cultures in Asia, North America, Australia, and the South Pacific when they were first contacted by European settlers centuries ago. Yet economic determinism—the notion that the natural world exists for human wealth exploitation—spread through the ages of discovery, colonization, industrialization, and now globalization. Today, it may be the predominant lens through which Western law and policy makers view the world. *Law and Society Today* invites you to reflect upon this progression, its implications, and its alternatives.

## SOCIAL CHANGE

Books such as this often begin with an inventory of “social change.” They remind the reader that the world is constantly shifting and that law must continue to adapt. This adaptation impulse is meant to justify the investment of time and energy in courses on law and society. More often than not, authors of these books are social scientists, most commonly sociologists. For them, “social change” is very low-lying fruit: it is the very same phenomenon that justifies, perhaps more than any other field, sociology in the first place. For this reason, our first response may be to ask why this is uniquely important to law and society. The answer would almost certainly be that “social change” causes an ongoing *gap* between society and the law meant to govern it.<sup>1</sup>

*Law and Society Today* does not begrudge studies of this gap. But it hopes to add more nuances to its discussion. Any chasm between what law means to accomplish and its actual effect on social practices, relations, and structures—we must recognize—is a product of changes not just in society but also *in law itself*. If I were a sociologist I might find this statement vexing: Without legal training how would I know what law *is*, let alone what it *was*, so that I could observe changes? How could I get inside the minds of legislators, judges, and attorneys, the parties most responsible for bringing about change in the legal system? And why would sociologists give up the notion that society reigns supreme even over legal authority when doing so might mean surrendering the terrain on which sociological expertise is based?

This book’s approach, therefore, is not to discard sociological approaches but to temper those with veritable legal knowledge. Its author is a trained lawyer and social anthropologist offering the reader unique access to some of the fascinating, technical aspects of law that make it non-negotiable even in social spaces, as well as access to the “culture” of expertise itself that makes the tension between legal and social knowledge so fraught, and so interesting. The competition between the trained lawyer and the trained social scientist, I suggest, in other words, is itself a key dimension of law and society and forms an important part of any thorough survey of this exciting field.

There can be little doubt that social practice changes fast, and this is at least a part of why we study law and society. A list of such recent changes is easy to generate. Over the past thirty years, for example, we have witnessed a near revolution in the structure of family relations in the Western world. Fewer adult couples are getting married, most do so at a later age, and many who choose to marry wind up in divorce proceedings and settlements. As a result, single families are now spread across two or more households, and arrangements that once were determined privately (e.g., school tuition, parental time) are now determined by courts or dispute settlement officers.

At the same time, the processes by which we make families have expanded. Many traditional couples seek out clinical services for in vitro fertilization

(IVF), allowing two parents to have children despite signs of infertility, advanced age, or even in some cases the death of one of the genetic parents. The same technology now permits same-sex couples to bear a child and allows surrogate mothers to carry fertilized eggs to term in cases where the genetic mother is unable or unwilling to undergo the experience. IVF and surrogacy are both governed by private contracts between parents and service providers, and except in rare circumstances the courts are unlikely to intervene against validly formed agreements in these markets.

Another key area of changing social practice has been the public role of religion in the West. Whereas Catholicism and Protestantism were once the dominant faiths of people in England, France, and the United States, today they are but some among many belief systems and institutions espoused by communities in each of these metropolitan countries. **Public law** tends not to favor one religion over another, and indeed the doctrine of “separation between church and state” has been institutionalized in France and the United States with different nuances in each. But apart from this **separation doctrine**, social practice in these Western countries has increasingly deemphasized religion as a decisive form of belonging and community. The once-common practice of shuttering stores on Sunday has given way to remaining open seven days a week, ostensibly on the realization that opportunities for profit do not stop in the name of tradition. The once-popular phrase “Merry Christmas” has given way to “Happy Holidays,” acknowledging in part the decline of Christianity’s social dominance and the rise of greater diversity of belief and practice. Both of these examples, it should be observed, have been met with anxiety and frustration among groups who view them as indicators of spiritual abandonment or merely “political correctness.” In any event, the religious underpinning of civic rules about official holidays, commerce, and public observance appears to be on the wane.

Meanwhile, in criminal law, one of the most important new developments in the United States has been the complete or partial legalization of marijuana in many states. While marijuana remains a “Schedule I” controlled substance according to federal law, its usage for medicinal and recreational purposes has grown significantly among the “millennial” generation—those born just before and after the year 2000. States wanting to reduce their prison population or gain tax revenue from this growing economy have, incrementally over the past few decades, reduced law enforcement, moved to legalize prescribed medical use, and finally decriminalized entirely this widespread substance.

These are but a few examples where changing social practice has had immediate and overt implications for law and law enforcement in recent years. They remind us that legal norms are often an extension of social norms and that evolution in some of the basic ways we live our lives leads to adjustments in law and adjudication. But beyond everyday practice Western societies have changed in more profound, long-term ways that deserve emphasis.



## MULTICULTURALISM

The first of these is sociocultural diversity. *Diversity* refers here to the plenitude of difference in the human environment. We call this “sociocultural” because the differences we recognize are both social (dealing with the way people relate to one another) and cultural (dealing with the way people communicate with and interpret one another).

Take for example the midsized American city of Long Beach, California. If you lived in that city in 1970 and were “white,” that is to say of European or Caucasian descent, you would reside in an area where some 85 percent of your neighbors were also “white.”<sup>2</sup> Under those conditions, ability to read and understand English, interest in attending a Christian church, and enthusiasm to celebrate Christmas and Easter would have been so widespread as to be taken for granted. The municipal laws of Long Beach in those days may or may not have been effective in maintaining complete order (recall that 1970 came just after the urban unrest of the late 1960s), but they would at least be considered reflective of the values of most residents.

Fast-forward to the year 2010. In that year Long Beach was one of the most socioculturally diverse cities in all of the United States (see figure 1.2). Its white-only (i.e., non-mixed-race) population was 30 percent,<sup>3</sup> and much of the remaining 70 percent of the now larger population hailed from a vast array of countries that included Vietnam, Cambodia, the Philippines, India, China, Korea, Mexico, El Salvador, and Guatemala among many others. With them on arrival to the city came distinct social structures (e.g., family relations) as well as cultural practices (e.g., food preparation, worship, and community celebrations). Now one must ask whether everyone in the city can read English sufficiently to understand municipal laws and signage. If not, what languages should law appear in? How will courts operate when managing disputes among and between these groups? And how do they adjudicate cases in which state law conflicts with ethnic or community values?

Even more starkly, the law of immigration itself has shaped whether and how “new” arrivals have even come to settle in the West. In the case of legal immigration, the United States long observed “preferences” in national origin (i.e., “what country you come from”). This meant that those leaving from some countries were legally more welcomed to immigrate than those leaving others.<sup>4</sup>

Meanwhile, undocumented immigration remains a highly sensitive issue. Some have embraced the factually erroneous idea that clandestine immigration to the United States is largely responsible for extant criminality and for economic stagnation among select segments of the society. During the Obama administration, periodic waves of undocumented youth migration from Central America proved especially troublesome as leaders struggled to balance compassion and sanctuary with fiscal responsibility and public backlash. More recently, the Trump administration presided over the longest government shutdown in



**Figure 1.2** Cambodian traditional dancers performing *La légende de l'Apsara Méra*. Photo by Jean-Pierre Dalbera, 2010 (Creative Commons). The ethnic Cambodian population of Long Beach, California, is one of the largest outside of Southeast Asia.

United States history over financing for a border wall premised on unfounded beliefs about the threats posed by Central American migrants and asylum seekers. In reality, the undocumented immigration issue has been a recurring part of domestic US politics since at least the Second World War, and it often follows cycles of economic boom and bust in the American working class.

An important reason to reflect on this involves refugee and asylum policy. Traditionally, the United States and western Europe have acted as havens for the destitute and endangered populations of the Global South. Refugees and asylees have been welcomed and allowed to normalize their status in the new host country on the primary basis that, were they to return home (though “home” often no longer exists), they would face grave danger. Drawing on a **liberal tradition** that values compassion for humanity and deemphasizes ethnic divisions, Western nations have prided themselves on welcoming such people. In many cases, this pride is also mixed with a sense of duty: countries like the United States, England, and France have been complicit in destabilizing refugee-sending countries through postwar colonialism, military interventions, and forced economic reforms.<sup>5</sup> Unfortunately, these feelings of pride and duty are increasingly absent. The contemporary situation in Syria, with its concomitant exodus of refugees, is one such example. There, a dictatorial regime that presided over



the past several decades lost control of much of the country to Daesh (“Islamic State”), which gained momentum in the wake of the Iraq War and brutalized the civilian population struggling to escape. Willingness to accept these escapees, who are bystanders to a global conflict that has drawn in the United States and Russia, has been waning in both Europe and the United States, with many Americans voting in 2016 on the fear that “their” country was being overrun by people who claimed to be refugees but were actually terrorists readying to strike.

Multiculturalism, in short, brings challenges for domestic law, and therefore law and society studies. While on one hand legal institutions and rules must adapt to better handle new arrivals, their doing so poses some adjustments to the circumstances of host communities. At the same time, a sound reading of law and society in the chapters below teaches that law is *always* working to manage difference and belonging among communities. Under modern multiculturalism, the forms of difference may be new, but the struggles are not.

## TECHNOLOGY

A second key agent of change has been technology. This has brought revolutions in social interaction, which, in turn, pose challenges for legal rights, redress, and remedies.

One example comes from the sheer quantum leap in computer processing speed and data transmission. Whereas it was once cutting edge to operate entire government agencies on the power of wall-to-wall computer mainframes, today the power of those units has been condensed down into pocket watches, handheld devices, and even children’s toys. On the larger end of the spectrum, buildings full of computer servers (computers that store and transmit data rather than merely process for personal use) are able to channel, collect, and sort all of human knowledge in a matter of days or even hours. This has brought about the “**big data**” revolution where information collected from online activity, credit card transactions, vehicle registration, ATM withdrawals, and telephone conversations is collected on every participating member of society. Using the supercomputing strength mentioned above, companies and state agencies are able to compose a profile of behavior that can in turn be used for law enforcement, product marketing, and political analysis.

The success of “big data” has depended upon several other developments in technological hardware and software. Smartphones now connect roughly 70 percent of Americans to one another.<sup>6</sup> This increased connectivity seems to have resulted in greater detachment from real-world activity, causing more personal injuries from distraction in auto and pedestrian accidents, and in rare but notable cases death from “selfie” photographs in precarious positions (e.g., near cliffs). It has also boosted the proliferation of “fake news” and conspiracy theories through fast-spreading “memes” and unverified information sources.

Obsessions with handheld devices and smartphones, as well as with the “selfie,” are themselves outgrowths of new “social media.” Unlike traditional media, sometimes called the Fourth Estate as an additional check on government powers, **social media** comprises the general population communicating en masse in direct, distributed fashion. Facebook, Twitter, and Snapchat are only the latest commercial incarnations of a revolution that began years ago with platforms such as Six Degrees, Friendster, and MySpace. Common to all of these has been a capacity for individuals to create a “profile”—essentially an online home base or personal space to which can be appended biographical information, photographs, interests, and so forth. Also common have been easy, push-button interactions such as “poke” or “like” that in a single click tell friends (and “big data” collectors) one’s preferences, tastes, and whereabouts.

Social media have introduced a whole new host of challenges for law. If one of law’s real-world functions has been to exercise social control—to keep people behaving in useful ways—this function was initially absent in the early days of social media. Today, legislators and law enforcement, not to mention media platforms themselves, are coming to terms with how best to police virtual interaction to prevent injury and criminality. In the months before and after the 2016 election, for example, hate speech exploded on Facebook and Twitter in a manner that clearly expressed real social pathologies, but also in a manner that was often not actionable on the part of law enforcement, even if one particular agency held jurisdiction. Well before this, courts were already hard pressed to find liability in cases of online defamation—reputational harm caused by online speech—because the companies hosting such information, for example Facebook, Google, and Twitter, and Snapchat, had been granted immunity to prevent overcensorship in this developing medium.

## GLOBALIZATION

Increased connectivity through social media transcends erstwhile national borders and is therefore itself part of the larger evolution we call “**globalization**.” But globalization is more than just the advent of better connectivity. It is also the advent of a new global space in which previously separated groups and institutions act upon and against one another. More than ever, what globalization means is that policy action taken in one locale, say inside the US state of California, can have direct impact on experience and life chances in once remote places such as the rainforest of El Salvador. Internal approaches to food labeling in France, meanwhile, may immediately affect the livelihood of West African plantation workers. The connectivity relevant to understanding globalization is therefore not simply the social connectivity described above; it must also include connections through information, finance, migration, and trade.

Similarly and paradoxically, globalization has heightened transnational connections but diminished local connections for many. When labor migration brings foreign workers to small-town America, for example, locals have a harder time settling disputes among themselves and must instead submit in greater numbers to the sovereign power of the courthouse. In this way, many feel, “community” is lost to global linkages that favor high-level commercial gain while ignoring local culture, custom, and control. With this loss of community may also come a loss of common values. Long-standing ideas of “right” and “wrong”—even ones that differed in their local flavor from broader national ideas—may become challenged by the arrival of new residents bringing their own traditions, lifeways, and worldviews. Sometimes, as in the case where a local community *fears* outsiders as different or inferior, this can be a good challenge. Other times, such as where small towns have been able to settle conflicts peaceably among themselves, this challenge can be destructive and costly.

Scholars in the fields of international relations (IR) and cultural anthropology have long studied these developments. IR has evolved through several key phases, beginning initially with the tradition known as *liberalism*. There, humanity is understood as essentially good and productive, and international policies between nations are framed with this in mind. Countries should, accordingly, treat each other with respect and support to foster economic integration and growth, and the philosophical tenets of freedom, equality, and private property ownership should all be cultivated through international dealings. Against these assumptions, the tradition of *realism* emerged in the Cold War era to describe the new world order of international risk, threat, and deterrence. If liberal thinkers believed people and the countries they represented were inherently good, realists believed these actors were in fact, deep down, bent on conquest and expansion. The realist experts believed that the world was a dangerous place and that countries should be prepared at all times for national defense at almost any cost.

Toward the end of the twentieth century, Western nations became increasingly involved in **development** around the world. Countries that had been left impoverished after decolonization, and therefore susceptible to the realist expansionism described previously, could benefit from direct investment and nongovernmental (e.g., charities) support on the ground. Under this regime, international relations began to forge themselves not through state-level action but rather between and among members of international “civil society.” Describing this new order, *constructivism* entered as the third main school of international relations. IR constructivists borrowed heavily from the neighboring field of cultural anthropology, in which international fieldworkers spent great amounts of time in the developing world learning about lifeways, infrastructure, religion, and family ties—just some of the many “everyday” ways in which societies are built and maintained. By studying these aspects of social and economic life in their daily context, researchers gained a picture of how

people in faraway places constructed and viewed the world around them. Realizing that these same people, through the rise of international migration and trade, maintained connections with family and friends far across national borders, researchers came to view them as increasingly responsible for what has come to be called “globalization.” Much like the constructivists of IR, this book looks for the *human* building blocks of law and society.

## LEGAL PLURALISM

Finally, *pluralism* refers to the condition of having many objects or ideas under one heading. For example, America is religiously “pluralist” insofar as it contains at least six different major religions. Though one may be sociologically dominant, the presence of the others in strong numbers causes shifts to the overall culture such that “Merry Christmas” in companies’ commercial marketing has mutated to “Happy Holidays” with the aim of not excluding any one religious group from their market. **Legal pluralism**, then, must refer to the presence of multiple legal regimes under one geopolitical unit. A geopolitical unit might be a country, or it might be a continent. If it is legally pluralistic, it has two or more legal systems that apply to its people for different reasons. In some instances members of different religious communities may be best governed by the laws of their own religion, even though they reside in a place with other religions. Israel, a country with Christians, Jews, and Muslims in large numbers, is one such place. India, with Hindus and Muslims along with Buddhists, Sikhs, and Jains, is another.

It surprises many to learn that the United States observes similar legal pluralism on religious grounds. Here, state law governs matters of marriage and the family, but marriage contracts can specify arbitration in the case of conflicts before a religious cleric. Orthodox Jews are one community that avails itself of these services, in which rabbis can rightfully serve as adjudicators among American Jews. Use of the same practice by American Muslims has attracted considerable attention and fear in recent decades as lawmakers and activists have railed against an “invasion” of Islamic sharia law into the United States.<sup>7</sup> Beneath this alarmism, however, actual use of Islamic law by formal American legal institutions is nearly negligible, and reactions against it may serve more of a political function than anything else.

But the domestic reaction to sharia in the United States points to the very real development of diversity in culture and values within single American jurisdictions. Whereas a county or a state used to be characterized as having a singular “cultural background” from which laws could be derived—for instance German in Pennsylvania or Dutch in New York—today even small towns in the rural Midwest are home to a wider variety of people and their national origins. Court systems must be more willing to offer non-English translations and

interpreters, and attorneys must be better able to communicate with clients from backgrounds different from their own.

Beyond the presence of differing legal cultures under one legal “system,” we are also witnesses to the growth of multisystemic jurisdictions where single sovereign territories might be composed of multiple subsidiary legal systems. On the one hand this is not new; it has existed for centuries in the governing form known as federalism. **Federalism** describes the coexistence of two levels of sovereignty in a nation-state. The United States, from its foundation, has been a key exemplar of federalism. For most of its history, a large portion of legislation and policy—the portion that most directly affects people’s lives—is created and administered at the state level. California, Idaho, Georgia, and Massachusetts all, for example, administer their own webs of property, family, criminal, and accident law. On top of these webs is overlaid a second layer of “federal law” created by national legislation, federal court rulings, and administrative agencies like the Environmental Protection Agency or the Department of Education. This “dualist” system has existed from the days of US independence, but it has also evolved considerably over time, so that constitutional lawyers and historians today spend decades mastering the distinctions and interconnections of state and federal authority. Importantly, federalism is by no means unique to the United States and has thrived for nearly as long in places like Switzerland, Germany, Nigeria, and India—all of which have some form of national and local power sharing.

On the other hand, legal pluralism has grown in the last fifty or so years, with more complex, larger, and more technical forms. This trend is often described as **regional integration**, where *regional* refers to the larger continents to which countries belong—Finland in Europe, for example—and *integration* the development of stronger relationships between those. The European Union remains the prime example of regional integration today. During World War II, the nations of Europe joined by the United States engaged in a bloody, costly military battle with their neighbors. The “Axis Powers” (Germany, Italy, and Japan) were aiming to control most of Europe and Southeast Asia to subjugate many of its people, and the “Allied Powers” (United States, Russia, England, Free France), were seeking to restrain the Axis bloc and liberate themselves and their neighbors. The result was a six-year conflict that nearly destroyed, physically and emotionally, much of the European region, including several key cities.

In the wake of this destruction, European leaders were faced with the difficult task of not only healing the wounds of war among neighbors but also rebuilding their metaphorical neighborhood. In a concerted effort to accomplish both, statesmen from France and Germany initially formed an “economic community,” agreeing to import and export deals for the supply of coal and steel to help rebuild western European railways, bridges, roads, and buildings. Formalized in the Treaty of Paris of 1951, the European Coal and Steel



Community created the first modern international organization aimed at unifying former warring countries on the basis of a “common market” in raw materials. From there, upon realization that increased economic transactions required greater political unification, the economic community grew into a governing system with regional legislators (European Parliament), a supreme court (Court of Justice), and a president. With economic and political integration have indeed come greater peace and stability, as well as a stronger presence in global trade. However, today many have grown disillusioned with “Europeanization,” as they feel the promises of prosperity it meant to bring have been fulfilled only for the regional elite. The 2016 “Brexit” vote in England was the culmination of this disillusionment and raised, for the first time since its inception, the specter of European disintegration.

Meanwhile, other continents have tried to emulate the EU model, if only in simpler forms. The Southeast Asia region is home to Association of Southeast Asian Nations (ASEAN), South America is home to the Mercado Común del Sur (MERCOSUR), and West Africa is home to the Economic Community of West African States (ECOWAS). And of course, the United States has for twenty years been—with various successes and failures—a party to the North American Free Trade Agreement (NAFTA). The goal in each of these has been to integrate a region of nations for heightened trade, security, and global presence in the way Europe has been so successful since the 1950s.

Regional integration, along with federalism before it, is an example of how legal pluralism has become a fixture of our modern world. Legal pluralism, meanwhile, is but one reason, along with social change, globalization, technology, and multiculturalism, why a closer look at law and society is so critical today. Students and practitioners of business, finance, social sciences, humanities, and law will all engage with these concepts and problems in the real world. For that reason, this text is written for nonspecialists, and it invites readers of all backgrounds to join in its journey through the key issues in *Law and Society Today*.

## CHAPTER 1 REVIEW

### Key Terms

- Public law
- Separation doctrine
- Liberal tradition
- Big data
- Social media
- Globalization
- Development
- Legal pluralism

- Federalism
- Regional integration

### Further Discussion

1. Why is a new approach to the study of law and society warranted today?
2. Does law drive social change, or does legal change drive society?