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Note from the editor

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Note from the editor

Dear reader,

Ten years ago the first editor of this newsletter *Richard Swedberg* demanded for an economic sociology of law (Swedberg 2002 in *Economic Sociology* – Electronic European Newsletter 3(3), 47-52). It is evident that law is a fundamental institution for any economy. After classical sociology had included the analysis of law as a task for a general sociology, sociology of law and economic sociology separated. Afterwards, modern economic sociology almost completely neglected to include law in its studies of economies.

The current issue – *Conventions, Law and Economy* – is devoted to the analysis of the interrelation of law and economy (also economics). This is done from the perspective of the main strand of new French economic sociology: the so-called "économie des conventions" (economics of convention, in short EC). From its beginning in the 1980ies its research objects such as economic organizations and markets, labor relations (contracts, unemployment, qualification, salaries), quality conventions (logics of coordination and production), official statistics were also related to law as institution. EC nowadays integrates the analysis of economic situations as well as the analysis of political economy (on national and international level). It has developed in the Parisian region over almost three decades and one can speak of a second generation of this scientific movement. The claim is: EC has contributed to such an economic sociology of law as Swedberg demanded for – as the contributions in this issue will demonstrate. Thereby, EC included the analysis of law into its analysis of economic institutions. This was done on the ground of its pragmatic socio-economic theory of (economic) coordination between competent (economic) actors.

In the first contribution *Laurent Thévenot* sketches the ways EC approaches the analysis of law and he also presents more recent developments in the analysis of law. He works out the suitability of EC to analyze law, because EC focuses in general on how actors coordinate in a way they judge as proper and justifiable and on how actors "qualify" states, products, actions or persons. Law mediated coordination and the interpretation of juridical rules therefore are part of the research field of EC. But in contrast to positivistic and internal studies of laws, EC examines the

pragmatic reality of law in economic coordination and how competent actors evaluate and apply juridical rules. Thévenot relates the approach of the plurality of orders of justification to the regimes of engagement ("engagement in the familiar" and the "engagement in plan") to show how rules are pragmatically adapted by actors in different everyday situations. Nevertheless, Thévenot applies EC also to the macro level.

Claude Didry proposes to analyze the emergence of collective contracts ("conventions collectives") from the point of view of coordinating actors. He traces the development of the collective labor law in France from the 19th century on. He interprets the emergence of collective contracts in the Paris region in the 1930ies as an answer to organizational problems of coordination in the course of production. Didry argues that the labor convention approach changes the perspective on industrial labor organization by including the historical processes of the emergence of self-reflexive and self-questioning collectives. For Didry economic institutions – as labor law and collective contracts – are not pre-given external constraints to economic action but the result of historical processes wherein competent actors try to "make sense" of their economic coordination in a plurality of "worlds of production".

Christian Bessy applies the EC-approach in the analysis of the market for legal services. On the basis of qualitative interviews he identifies different combinations of lawyer-client relations, of quality conventions and organizational forms of the law firm. Bessy sketches also newer trends such as the upcoming of the big international law firms and of network cooperation in this market. He critically assesses new tendencies of legal services because they promote an individualistic notion of law and its privatization.

Emmanuel Charrier and *Jérôme Pélisse* study the role of economists as experts in law courts. Charrier and Pélisse conceive these experts as intermediaries of law. Using survey data and qualitative interviews they study the conventional basis of their practices as well as their participation in the elaboration and translation of conventions.

In the interview with *Olivier Favereau* one of the founders of EC and his work is presented. The current issue includes some reviews which complement the focus on EC. Two of

them are directly related to the analysis of law in economic fields. The third book reviewed is a fundamental contribution to the socio-economic theory of (economic) value.

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