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Introduction

Susan P. Sturm
Columbia Law School, ssurm@law.columbia.edu

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INTRODUCTION

The theme of the first Symposium issue, *Rethinking Law in the Twenty-First Century Workplace*, addresses a fundamental challenge facing the field of labor and employment law. Existing regulatory regimes in this area are ill-equipped to address the demands of the increasingly dynamic, unstable, and technologically-driven workplace. This Symposium brought together a diverse and creative group of scholars, public policy thinkers, and activists to discuss new frameworks for participation, inclusion, evaluation, and legal regulation in the workplace. These participants represented a variety of disciplines, including law, psychology, organizational theory, sociology, and public policy. Each of the participants brought to the table a critical perspective on the dominant frameworks for governing, regulating, and transforming the workplace.

The *Journal* developed a format that encouraged cross-disciplinary fertilization and brainstorming at the Symposium itself, which took place on January 30 and 31, 1998. This emphasis on cross-disciplinary collaboration reflects the view that effective development of new regulatory approaches will emerge at the intersection of different disciplines, and cannot develop out of legal analysis in a vacuum. By bringing together academics and practitioners to engage with each others' work, the Symposium created the opportunity for scholars to understand the implications of their work for practice, and for practitioners to participate in theory development. The ideas exchanged at the workshop formed the basis for the articles that appear in this issue.

An important step in the project of rethinking law in the twenty-first century workplace involves identifying and analyzing gaps in the current assumptions and approaches to workplace regulation. Several of the articles in this Symposium issue focus on ways in which the current legal regulatory regime fails to take account of emerging conditions, demographics, and organizational governance structures. It was also important to both the *Journal* and Symposium participants to move beyond critique. The shared substantive project of the Symposium was to identify experiments, initiatives, and theories of regulation that open possibilities for more dynamic and effective governance, regulation, and institutional transformation. Several of

the articles in this issue reflect these efforts to articulate new frameworks in both the labor and employment areas.

This Symposium issue maps out a broad range of issues and concerns that are linked by the general themes of the need to rethink approaches to workplace regulation. These themes provide a starting point for a longer term project for the *Journal* and for those concerned about issues of workplace justice, fairness, and productivity: how to construct twenty-first century regulatory regimes that accurately reflect emerging conditions and that can effectively influence these conditions to achieve the aspirations of twentieth century legal norms.

Susan Sturm
Professor of Law