From the Editor

Some readers may react to this issue as "empiricism run wild" since every piece presents the results of systematically executed research projects. Still I think less empirically inclined readers will find plenty of food for thought in these pages because each article makes interesting linkages with more general issues of law and society. Topics here include the legal profession, comparative legal cultures, legal impact, and the strategic uses of litigation.

The first two papers, dealing with the legal profession, make an interesting comparison just between themselves. But they also add new breadth to the revival of interest in the profession that was heralded by Heinz and Laumann's publication of *Chicago Lawyers* (1982).

Donald Landon's work on rural lawyers, for example, directly addresses the Heinz and Laumann thesis about the impact of client characteristics on patterns of law practice. Landon argues that his interviews with lawyers in rural communities and those in a mid-sized city show that community context, specifically the social and economic characteristics of rural communities, can have a more important effect than client characteristics under the conditions rural lawyers face. Rural lawyers choose the entrepreneurial, solo practitioner lifestyle so many of them lead. In doing so, they are insulated from the invidious distinctions of professional status which Heinz and Laumann found in Chicago.

This affirmative pursuit of solo practice in an entrepreneurial environment contrasts sharply with the law profession "proletariat" that Hagan, *et al.* (1988) found in Toronto's law firms. Rural law practice, because of its relationship to the characteristics of rural communities, appears to offer lawyers an alternative to both the denigrated status of the urban solo practitioner and the elevated but alienated life of the corporate law firm drone. Landon's evidence thus presents an additional element to the class analysis of the profession which Hagan has been developing. Moreover, the recent ethnographic evidence in studies of law in American "communities" (e.g., Engel, 1987; Greenhouse, 1986; Yngvesson, 1988) supports an argument that Landon's rural lawyers cannot be dismissed as some kind of anachronism, irrelevant to the broader trends of legal change. Whatever is meant by "rural" in contemporary sociological analysis, we have come to recognize that it is a significant element and/or reflection of social change.

That recognition is worth remembering as we shift from Missouri's fields and small towns to the "halls of power" in Washington, D.C. Robert L. Nelson and John P. Heinz, along with Edward

O. Laumann and Robert H. Salisbury present us with yet another set of pieces in the puzzle of law practice in North America. Their interviews with lawyers and lobbyists, and their data on patterns of influence in the making of policy produce a surprising result—lawyers are not very important, at least not as important as one would judge from conventional wisdom. The authors demolish the conventional picture of Washington as beseiged by hoards of lawyer/power brokers constantly pressing congresspersons and agency officials for favorable actions on behalf of clients.

What they find instead is a world of power brokering in which lawyers play only a marginal role. Because most large corporations and trade associations now employ government affairs officers full time in their own Washington offices, it is these employees who handle most of the planning and execution of influence strategies. Since the success of most brokering depends on questions of value priorities rather than the enforcement of rights, lawyers have no particular advantage over others whose expertise in the relevant field makes them good competitors for the influence-management job. What remains for the lawyers are the technical aspects, especially the handling of litigation and procedure. In this kind of environment, the authors argue, the intense competition pressures lawyers to respond mainly to their clients' bidding rather than pursuing lofty ideals of professional autonomy. This finding casts doubt on the thesis that lawyers serve a moderating role in reconciling the relationship between law and politics. Like the "legal proletariat" which Hagan, *et al.* described, these Washington lawyers appear to be technicians working under the direction of others and hardly capable of standing up to their patrons' partisan initiatives.

V. Lee Hamilton and Joseph Sanders provide a rare systematic comparison of the legal cultures of Japan and the United States. Using hypothetical vignettes, they have explored the dimensions of attitudes toward ways of responding to conflict and crime. Their results are as interesting for the similarities as well as differences they found. The differences were in the expected direction: Japanese respondents were more likely than Americans to recommend restitutive and reintegrative actions in response to criminal offenses; Americans were inclined to favor retribution and punishment. But when Hamilton and Sanders brought into their questions descriptions of the type of relationships involved among actors in the vignettes, both the Japanese and the Americans tended to respond in the same way: more retributive and punitive where the relationships were described as more remote; more restitutive and reintegrative when relationships were described as close. Their conclusions thus avoid either extreme of existing literature on the subject: they reject the view that all differences between the Japanese and Americans stem from differ-

ences in culture as well as the view that cultural differences are irrelevant as explanatory variables.

The next two papers raise questions about the ability of law to be effective in social reformation. This is, of course, not a new issue in itself. However, each paper presents a unique perspective which introduces valuable new ways of thinking about law reforms. One gives a more sophisticated way of assessing the content of the reforms themselves, while the other gives rich descriptions and analyses of ways in which reforms can be deflected by organized resistance.

Ronald J. Berger, Patricia Searles, and W. Lawrence Neuman explore the question: To what degree have rape laws in the various states been reformed to comport with the agenda of feminist reform initiatives? By developing a multi-dimensional coding system and factor analyzing the resulting data, they have moved beyond previous more global evaluations of rape reform legislation. In doing so they have found that existing legislation, even in the most "progressive" states, contains a mixture of provisions that range from traditional to reformist. Without even addressing the issue of implementation, they have thus provided a sobering perspective on one reform program by showing that even where reform efforts appear most successful, deeper analysis reveals significant compromises which are probably the result of less visible legislative maneuvering. These results reveal hazards not only in attributing "intent" to particular bodies of legislation, but also in trying to assign global labels to those bodies as either reformist or traditional.

From the legislative arena, we turn to the issue of compliance. Sheldon Ekland-Olson and Steve J. Martin frame their analysis of the Texas prison system's responses to reform in terms of organization theory. They show a pattern of organized resistance to reform that lasted over a period of about two decades. Their chronicle details the several characteristics of established bureaucratic organizations that enable them to systematically deflect efforts at court-ordered institutional reform. The pattern of noncompliance was never in doubt in their research. What they show is the extant motives and means by which noncompliance could be practiced for so long.

Finally, Penelope Canan and George W. Pring give us a preliminary look at their research on SLAPP's (lawsuits filed against parties for the purpose of punishing them for exercising their constitutionally guaranteed rights). From their original interest in the "chilling" effect of these suits on the free exercise of rights, the authors have moved to a more complex picture of SLAPPs. Their work has thus far produced evidence in the great variation of plaintiffs and defendants, legal bases, issues, levels of court, typical outcomes, and political slants involved in these kinds of suits. Despite these complications, their research continues to address

the basic question: What effects will such suits have on the willingness of citizens to participate in the kinds of public political debate which are usually deemed essential to the democratic process?

Robert L. Kidder
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