

# Law & Social Inquiry

Journal of the American Bar Foundation  
Volume 24, Number 4, Fall 1999

The University of Chicago Press

---

# Law & Social Inquiry

---

Journal of the American Bar Foundation  
*Dedicated to the study of Law,  
Legal Institutions, and Legal Processes*  
Published by The University of Chicago Press

---

<i>Editors</i>	<b>John Hagan</b> <b>Carol A. Heimer</b> <b>Victoria Saker Woeste</b>
<i>Symposium Editor</i>	<b>Elizabeth Mertz</b>
<i>Review Editor</i>	<b>Howard S. Erlanger</b>
<i>Associate Editors</i>	<b>John L. Comaroff</b> <b>Austan Goolsbee</b>
<i>Editorial Coordinator</i>	<b>Vikki Webster</b>
<i>Manuscript Editors</i>	<b>Susan F. Messer</b> <b>Sandy L. Pittman</b>

---

## **Editorial Board**

---

Richard L. Abel, Professor of Law, University of California, Los Angeles  
Ian Ayres, Professor of Law, Yale University  
Donald Black, Professor of Sociology, University of Virginia  
Erhard Blankenburg, Professor of Sociology of Law, Free University of Amsterdam  
John Braithwaite, Professor of Law and Sociology, The Australian National University  
Jane F. Collier, Professor of Anthropology, Stanford University  
Phoebe C. Ellsworth, Professor of Law and Psychology, University of Michigan  
Eliot L. Freidson, Professor of Sociology, New York University  
Lawrence M. Friedman, Professor of Law, Stanford University  
Hazel Genn, Professor of Law, Queen Mary and Westfield College, University of London  
Carol J. Greenhouse, Professor of Anthropology, Indiana University  
Valerie P. Hans, Professor of Criminal Justice, University of Delaware  
Earl Johnson, Jr., Associate Justice, California State Court of Appeal  
Doreen McBarnet, Senior Research Fellow, Centre for Socio-Legal Studies, Wolfson College, Oxford  
Carrie J. Menkel-Meadow, Professor of Law, University of California, Los Angeles  
Laura Nader, Professor of Anthropology, University of California-Berkeley  
Judith Resnik, Professor of Law, Yale University  
Daniel Rubinfeld, Professor of Economics, University of California-Berkeley  
Dietrich Rueschemeyer, Professor of Sociology, Brown University  
Martin M. Shapiro, Professor of Law, University of California-Berkeley  
Peter Siegelman, Ph.D., Economist  
Susan S. Silbey, Professor of Sociology, Wellesley College  
David Sugarman, School of Law, Lancaster University  
David M. Trubek, Professor of Law, University of Wisconsin  
Barbara Yngvesson, Professor of Anthropology, Hampshire College  
Michael Zander, Professor of Law, Department of Law, London School of Economics

---

---

# Law & Social Inquiry

---

Volume 24, Number 4, Fall 1999

---

## ARTICLES

---

- Law & Social Inquiry *Graduate Student Paper Competition Winning Essay*
- “Won’t You Please Help Me Get My Son Home”: Peonage, Patronage, and Protest in the World War II Urban South** 777  
Risa L. Goluboff
- Two Properties, One Land: Law and Space in Nineteenth-Century New Zealand** 807  
Stuart Banner
- Integrative Regulation: A Principle-Based Approach to Environmental Policy** 853  
Neil Gunningham and Darren Sinclair
- Policing Identities: Cop Decision Making and the Constitution of Citizens** 897  
Trish Oberweis and Michael Musheno

---

## “FROM THE TRENCHES AND TOWERS”

---

- Editors’ Introduction** 925  
Karyl Kinsey and Elizabeth Mertz
- From the Field to the Courthouse: Should Social Science Research Be Privileged?** 927  
Robert H. McLaughlin
- Commentary*
- Promoting a Scholar’s Privilege: Accelerating the Pace** 967  
Felice J. Levine and John M. Kennedy
- Good Faith, Bad Ethics: When Scholars Go the Distance and Scholarly Associations Do Not** 977  
Rik Scarce
- The Promise of Ethnographic Research: The Researcher’s Dilemma** 987  
Sudhir Venkatesh
- The Perils of Privilege** 993  
Kathleen M. Blee
- Rejoinder*
- Privilege and Practice in Social Science Research** 999  
Robert H. McLaughlin

---

**REVIEW SECTION SYMPOSIUM**

---

**Lawyers and Politics**

**The Politics of Lawyers: An Emerging Agenda** 1007  
Terence C. Halliday

**Politics and Civic Professionalism: Legal Elites and Cause Lawyers** 1013  
Terence C. Halliday

**Taking Weber Seriously: Lawyers, Politics, and the Liberal State** 1061  
Stuart A. Scheingold

**Escaping the Dead Hand of Rational Choice: Karpik's Historical Sociology of French Advocates** 1083  
Michael Burrage

---

**REVIEW ESSAY**

---

**Revolutionizing Rights: Epp's Comparative Perspective** 1125  
Doris Marie Provine

---

**BOOK NOTES** 1141

---

---

**INDEX TO VOLUME 24** 1151

---

## Publication Policy

The American Bar Foundation (ABF) is an independent research institute committed to sociolegal research. Consistent with its mandate to create and disseminate knowledge about law, the legal profession, and legal institutions, *Law and Social Inquiry: Journal of the American Bar Foundation* invites the submission of articles that make original contributions to understanding sociolegal processes. *Law and Social Inquiry* publishes both empirical and theoretical studies from a variety of disciplinary perspectives. The analyses, conclusions, and opinions are those of the authors alone.

**Manuscript Evaluation:** *Law and Social Inquiry* is a refereed journal. Manuscripts that the Editors deem appropriate for the journal are evaluated by two or more reviewers with expertise in the relevant subject matter and methodology. Manuscripts produced by ABF research fellows are evaluated by the same process as outside manuscripts and are not accorded priority in publication.

**Submission of Manuscripts:** *Law and Social Inquiry* uses the author/date citation system, as described in *The Chicago Manual of Style, 14th Edition*. You may obtain our style guidelines via surface mail by writing to us at: Editorial Coordinator, Law and Social Inquiry, American Bar Foundation, 750 N. Lake Shore Drive, Chicago, Illinois 60611; or from our Web site at: <http://www.journals.uchicago.edu/LSI/>. Manuscripts submitted to *Law and Social Inquiry* should be typed double-spaced and be accompanied by an abstract of not more than 150 words. The review process is anonymous; all identifying information should appear only on a separate cover sheet and not in the body of the manuscript.

*Law and Social Inquiry* does not accept multiply submitted articles. The Editors endeavor to make decisions promptly, usually about two months after submission.

**Editing of Manuscripts:** All manuscripts accepted for publication are edited for style by professional copy editors in consultation with the author. Copy editors do not check citations. Authors see edited manuscripts and/or proofs.

**Off-Prints to Authors:** Without charge, we provide authors with 25 off-prints of their articles, essays, or exchanges (but not symposia) that appear in *Law and Social Inquiry*. Additional off-prints may be ordered at the author's expense. Authors receive 1 copy of the issue in which their contributions appear.

**Republication Rights:** The Foundation normally permits authors to republish their manuscripts in books or use their manuscripts after publication, but *Law and Social Inquiry* has the right to first publication of edited manuscripts. The journal retains the right to republish manuscripts as reprints or as part of any reproduction of the issue or volume in which they appear, by any means, including without limit electronic means or microfilm.

**Copying Beyond Fair Use:** The code on the first page of a contribution in this journal indicates the copyright owner's consent that copies of the contribution may be made beyond those permitted by Sections 107 or 108 of the U.S. Copyright Law provided that copies are made only for personal or internal use, or for the personal or internal use of specific clients and provided that the copier pay the stated per-copy fee through the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923. To request permission for other kinds of copying, such as copying for classroom use without charge, copying for general distribution, for advertising or promotional purposes, for creating new collective works, or for resale, kindly write to the Permissions Department, University of Chicago Press, 5801 S. Ellis Avenue, Chicago, IL 60637.

**Comments and Responses:** Comments on or responses to articles or review essays in the form of brief, scholarly statements will be published at the discretion of the Editors or Review Section Editor.

---

Send article manuscripts to:

**The Editors**

*Law & Social Inquiry*  
American Bar Foundation  
750 N. Lake Shore Drive  
Chicago, IL 60611  
(312) 988-6500

Send inquiries regarding  
review essays to:

**Howard S. Erlanger**  
Review Editor  
*Law & Social Inquiry*  
Institute for Legal Studies  
Law School  
University of Wisconsin  
Madison, WI 53706  
(608) 263-7405

For further information via the Internet—

Web site: <http://www.journals.uchicago.edu/LSI/>

E-mail: [lsi-abf@abfn.org](mailto:lsi-abf@abfn.org)

*Law & Social Inquiry* is available for full-text search on the LEXIS™/  
NEXIS™ and WESTLAW™ on-line services.

---

**Annual U.S. subscription rates:**

	1 yr.	2 yr.	3 yr.
Individuals	\$36	\$66.25	\$91.80
Academic	\$29	\$53.35	\$73.95
Institutions	\$59	\$108.55	\$150.45

**Outside U.S. please add** a postage charge of \$6.00 per year to the U.S. rates. **Canadians please add** 7% GST tax to above rates as follows: One-year rates: Individuals \$2.52; Academic \$2.03; Institutions \$4.13. Two-year rates: Individuals \$4.64; Academic \$3.73; Institutions \$7.60. Three-year rates: Individuals \$6.43; Academic \$5.18; Institutions \$10.53.

**Single copies:** \$14.75 for institutions, \$9.00 for individuals. Checks should be made payable to *Law & Social Inquiry*, University of Chicago Press, Journals Division, P.O. Box 37005, Chicago, Illinois 60637. (Fax: 773-753-0811; E-mail: [subscriptions@journals.uchicago.edu](mailto:subscriptions@journals.uchicago.edu)) Volumes 1-12 available from Fred B. Rothman & Company, 10368 West Centennial Road, Littleton, Colorado 80127. (303) 979-5657

Volumes available in microfilm from University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

© 1999 American Bar Foundation. All rights reserved.

*Law & Social Inquiry: Journal of the American Bar Foundation* (ISSN: 0897-6546) is published quarterly—winter, spring, summer, and fall—by The University of Chicago Press, 5720 South Woodlawn Ave., Chicago, Illinois 60637. Subscription agent for Japan: Kinokuniya Company, Ltd. Periodicals postage paid at Chicago, Illinois and at additional mailing office.

**POSTMASTER:** Send address changes to: *Law & Social Inquiry*, P.O. Box 37005, Chicago, IL 60637.