

## The Journal of the Law and Society Association

## Legal Culture and Legal Discourse

Treating Law as Knowledge: Telling Colonial Officers What to Say to Africans about Running "Their Own" Native Courts - Sally Falk Moore

Professional Construction of Law: The Inflated Threat of Wrongful Discharge - Lauren B. Edelman, Steven E. Abraham, & Howard S. Erlanger

Jurors' Judgments of Business Liability in Tort Cases: Implications for the Litigation Explosion Debate -Valerie Hans & William S. Lofquist

Legal Cultures and Punishment Repertoires in Japan, Russia, and the United States - *Joseph Sanders & V. Lee Hamilton* 

## **Caseloads and Plea Bargaining**

Plea Bargaining Policy and State District Court Caseloads: An Interrupted Time Series Analysis -Malcolm D. Holmes, Howard C. Daudistel, & William A. Taggart

### **Review Essays**

An Elusive Profession? Lawyers in Society - Miek Berends

Prison Reform and Prison Life: Four Books on the Process of Court-ordered Change - Susan L. Rhodes

The Law and Drunk Driving - H. Laurence Ross



#### Policy

The Law & Society Review is a peer-reviewed publication for work bearing on the relationship between society and the legal process, including articles or notes of interest to the research community in general, new theoretical developments, results of empirical studies, and comments on the field or its methods of inquiry. The *Review* is broadly interdisciplinary and welcomes work from any tradition of scholarship concerned with the cultural, economic, political, psychological, or social aspects of law and legal systems.

#### **Manuscript Submission**

What to submit: Five copies of the manuscript and an abstract of about 100 words, together with a brief biographical description of the author(s). Manuscripts submitted to the *Review* must not be under consideration by another publication. Manuscripts cannot be returned to authors.

**Manuscript format:** Delete all identifying references from four of the five copies of your manuscript. Text, including footnotes and references, should be double spaced with 1-inch margins. Footnotes, references, tables, and figures should be placed at the end. An abridged style sheet is published from time to time in the *Review*; a full style sheet is available on request.

Send manuscripts to:

Frank Munger, General Editor, *Law & Society Review* Faculty of Law, State University of New York at Buffalo Buffalo, NY 14260

Direct inquiries about book reviews and review essays to:

Barbara Yngvesson School of Social Science, Hampshire College Amherst, MA 01002

#### **1992 Frequency and Subscriptions**

The Law & Society Review (ISSN 0023-9216) is published quarterly by the Law and Society Association, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003. Second class postage is paid at Amherst, MA, and additional mailing offices.

POSTMASTER: Send address change form 3579 to: Law & Society Review, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003.

Subscriptions are entered on a volume/calendar year basis. Each volume consists of about 1,000 pages (plus index). Nonmember and institutional rates for 1992 one-year subscriptions are \$91.00 (\$96.00 outside USA). For two- and three-year subscription rates or prices of *single copies* of the current and back issues, call or write the Executive Office.

#### 1992 Law and Society Association Membership

Membership in the Association is open to individuals and includes a subscription to the *Review*. Members have the right to reprint articles from the *Review* without charge for classroom use. Annual dues for 1992 (*Review* Volume 26) are:

Student (nonvoting)	\$20.00	Contributing	\$ 75.00
Regular	\$60.00	Sustaining	\$150.00

Contributions to the Law and Society Association are tax exempt.

Direct communications about membership, subscription, back issues, reprint permission, or advertising to: Executive Office, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003. Telephone (413) 545-4617; FAX (413) 545-1640.

The Law & Society Review gratefully acknowledges the generous assistance of the State University of New York at Buffalo for support of its editorial office.

The Law & Society Review, its editors, editorial board, and publisher, and the Law and Society Association disclaim responsibility and liability for any statements of fact or opinion made by contributors.

© The Law and Society Association, 1992 All Rights Reserved



	ıme 26 nber 1 2
About the Authors	1
From the Editor	5
Articles on Legal Culture and Legal Discourse	
Treating Law as Knowledge: Telling Colonial Officers What to Say to Africans about Running "Their Own" Native Courts Sally Falk Moore	11
Professional Construction of Law: The Inflated Threat of Wrongful Discharge Lauren B. Edelman, Steven E. Abraham, & Howard S. Erlanger	47
Jurors' Judgments of Business Liability in Tort Cases: Implications for the Litigation Explosion Debate Valerie P. Hans & William S. Lofquist	85
Legal Cultures and Punishment Repertoires in Japan, Russia, and the United States <i>Joseph Sanders</i> & V. Lee Hamilton	117
An Article on Caseloads and Plea Bargaining	
Plea Bargaining Policy and State District Court Caseloads: An Interrupted Time Series Analysis Malcolm D. Holmew, Howard C. Daudistel, & William A. Taggart	139
Review Essays	
An Elusive Profession? Lawyers in Society Miek Berends Reviewing Abel, The Legal Profession in England and Wales and Abel & Lewis, Lawyers in Society, Vols. 1–3	161



r	/olume 26 Number 1 .992
Review Essays	
Prison Reform and Prison Life: Four Books on	
the Process of Court-ordered Change Susan L.	
Rhodes	189
Reviewing Crouch & Marquart, An Appeal to Justice;	
Useem & Kimball, States of Siege; Wood, ed., Remedia	al
Law; Yackle, Reform and Regret	
The Law and Drunk Driving H. Laurence Ross	219
Reviewing Evans, Traffic Safety and the Driver; Jacobs	,
Drunk Driving; Legge, Traffic Safety Reform; Wilson &	:
Mann, eds., Drinking and Driving	

# LAW & SOCIETY Review

Editor:	Frank Munger
<b>Review Essays Editor:</b>	Joseph Sanders
Editorial Assistant:	Sara Faherty
<b>Production Editor:</b>	Bette H. Sikes

#### **Editorial Advisory Board**

Richard Berk, University of California, Los Angeles John Braithwaite, Australian National University Gregory Caldiera, Ohio State University John Comaroff, University of Chicago and American Bar Foundation Yves Dezalay, Paris, France Klaus Eder, European University Institute Theodore Eisenberg, Cornell Law School David Engel, State University of New York, Buffalo Vincenzo Ferrari, Universita degli Studi di Milano Marc Galanter, University of Wisconsin-Madison **James Gibson**, University of Houston Michael R. Gottfredson, University of Arizona Carol Greenhouse, Indiana University Michael Grossberg, American Bar Foundation John Hagan, University of Toronto Kermit Hall, University of Florida Keith Hawkins, Oxford Centre for Socio-Legal Studies Andre J. Hoekema, University of Amsterdam Heleen Ietswaart, Erasmus University Robert Kagan, University of California, Berkeley Steven Klepper, Carnegie Mellon University Lewis Kornhauser, New York University Colin Loftin, University of Maryland Elizabeth Loftus, University of Washington Lynn Mather, Dartmouth College Joan McCord, Temple University Craig McEwen, Ohio State University Carrie Menkel-Meadow, University of California, Los Angeles Brinkley Messick, University of Michigan Setsuo Miyazawa, Kobe University Erik Monkkonen, University of California, Los Angeles Martha Myers, University of Georgia Raymond Paternoster, University of Maryland Rogelio Perez-Perdomo, I.E.S.A., Caracas, Venezuela Daniel Rubinfeld, University of California, Berkeley Boaventura de Souza Santos, Universidade de Coímbra Carroll Seron, University of California, Los Angeles Susan Shapiro, American Bar Foundation Grazyna Skapska, Jagiellonian University Carol Smart, University of Leeds Cassia Spohn, University of Nebraska at Omaha Neelan Tiruchelvam, Law and Society Trusts, Colombo, Sri Lanka Neil Vidmar, Duke University Lucie White, University of California, Los Angeles Susan White, University of New Hampshire Patricia Williams, University of Wisconsin-Madison Franklin Zimring, University of California, Berkeley