# Law & Social Inquiry

Journal of the American Bar Foundation

Formerly the American Bar Foundation Research Journal Volume 13, Number 1, 1988

### Law & Social Inquiry

#### Journal of the American Bar Foundation

Editor Terence C. Halliday
Review Editor Howard S. Erlanger

Associate Editors John J. Donohue, Susan P. Shapiro

Journal Manager John Atkinson

#### **Editorial Board**

Richard L. Abel, Professor of Law, University of California, Los Angeles

Morris Arnold, U.S. District Judge for the Western District of Arkansas

Donald Black, Professor of Sociology, University of Virginia

Erhard Blankenburg, Professor of Sociology of Law, Free University of Amsterdam

Jane F. Collier, Professor of Anthropology, Stanford University

John L. Comaroff, Professor of Sociology and Anthropology, University of Chicago

Jacques Commaille, Directeur, Centre de Recherche Interdisciplinaire de Vaucresson

Phoebe C. Ellsworth, Professor of Psychology, University of Michigan

William M. Evan, Professor of Sociology, University of Pennsylvania

Eliot L. Freidson, Professor of Sociology, New York University

Lawrence M. Friedman, Professor of Law, Stanford University

Mary Ann Glendon, Professor of Law, Harvard University Earl Johnson, Jr., Associate Justice, California State Court of Appeal

Stanley N. Katz, President, American Council of Learned Societies

Felice J. Levine, Director, Law and Social Sciences Program, National Science

Foundation Robert I. Levy, Professor of Law, University of Minnesota

Richard S. Markovits, Professor of Law, University of Texas

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, University of Southern California

Carol M. Rose, Professor of Law, Northwestern University

Martin M. Shapiro, Professor of Law, University of California-Berkeley

David Sugarman, School of Law, Middlesex Polytechnic

David M. Trubek, Professor of Law, University of Wisconsin

Barbara Yngvesson, Professor of Anthropology, Hampshire College

Michael Zander, Dean, Department of Law, London School of Economics

## Law & Social Inquiry

#### Journal of the American Bar Foundation Volume 13, Number 1, 1988

ARTICLES	
Metaphor and Imagination in James Wilson's Theory of Federal Union	1
Stephen A. Conrad	
Changes in Lawyers' Earnings: The Impact of Differentiation and Growth in the Canadian Legal Profession David A. A. Stager and David K. Foot	71
Referral Practices Among Lawyers: A Theoretical and Empirical Analysis Stephen J. Spurr	87
SYMPOSIUM on Informal Dispute Resolution	
Disputing Alternatives: Settlement as Science and as Politics Barbara Yngvesson	113
The Transformation of Justice: Hofrichter's Neighborhood  Justice and Harrington's Shadow Justice  William T. Gallagher	133
ADR and the Dispossessed: Recent Books About the Deformalization Movement Richard Delgado	145
REVIEW ESSAYS	
Privatization and the New Formalism: Making the Courts Safe for Bureaucracy Bryant G. Garth	157
"In the Belly of the Beast": Rethinking Rights, Persons and Organizations Patricia Ewick	175
The Riddle of Frank Murphy's Personality and Jurisprudence David J. Danelski	189
BOOK REVIEW	
The Soviet Bar in Search of a New Role John Quigley	201
BOOK NOTES	211

#### **Publication Policy**

The American Bar Foundation is an independent research institute committed to socio-legal 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 of socio-legal 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:** 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 copyeditors in consultation with the author. Copyeditors do not check citations. Authors see both edited manuscript and proofs.

**Reprints to Authors:** Without charge, we provide authors with 25 reprints of their article or essay or of the Review Symposium in which the essay appears. Additional reprints may be ordered at author's expense. Article authors receive 3 copies of the issue in which their contribution appears; review essay and book review authors receive 1 copy.

**Republication Rights:** The Foundation normally permits authors to republish 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.

**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.

Terence C. Halliday
Editor
Law and 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 and Social Inquiry
University of Wisconsin Law School
Madison, WI 53706
(608) 262-2240

Law and Social Inquiry is published quarterly.

Subscription rates:	1 Year	2 Years	3 Years
Individual rate	\$30.00	\$54.00	\$76.00
Academic	\$25.00	\$47.00	\$64.00
Institutions (including libraries)	\$40.00	\$76.00	\$102.00

Overseas subscribers add \$6.00 for each year.

**Reprints:** \$3.50 each, subject to availability (quantity discounts applicable for orders of 10 or more).

Single copies: \$10.00; available from Fred B. Rothman & Company, 10368 West Centennial Road, Littleton, Colorado 80123. (303) 979-5657

Law and Social Inquiry (ISSN: 0897-6546) is published quarterly, for \$30.00 per year, by American Bar Foundation, 750 N. Lake Shore Drive, Chicago, IL 60611. Second-class postage paid at Chicago, IL. POSTMASTER: Send address changes to: Law and Social Inquiry, 750 N. Lake Shore Dr., Chicago, IL 60611.