From the Editor

Responses to the new look of the *Review*, though few in number, have been positive. I have been grateful for the comments of those who took time to call or drop a note and would welcome more comments about the *Review*.

An Invitation . . .

Underlying the new look is my purpose to find new ways of making the *Review* interesting and useful to its readers. Because the readership is comprised of, importantly, the active scholars in the law and society field, the *Review*'s usefulness depends on its contribution to research in progress and to perspectives and theories that are taking shape or evolving. As Editor, I have begun to solicit proposals for mini-symposia that will present developing fields of research and new theory together with commentary and critique (see "From the Editor," Volume 26, No. 1).

I invite readers to take part in thinking about the role of the *Review* and its mission in the law and society field. Comments can be sent in the form of a letter to the editor which may be published for discussion and response by other readers. You may address any aspect of the *Review*'s contents or editorial practices and policies, including manuscript review and selection or the variety of submissions or range of material that is typically published. With respect to the last, research articles and review essays are standard, but what about letters, debates, critical reflections on the field, summaries of research, or other material? You may wish to include criticism, proposals for change, or your thoughts about the mission of the *Review*. All will be welcome. Please indicate whether you would agree to have your letter published.

In This Issue . . .

The four articles in this issue were selected because they are outstanding, not for their thematic similarity. Yet, "Context and Process" captures an important aspect of all of them. Work in the field of law and society has become increasingly sensitive to the ways in which law and legal process depend on particular contexts. Context may mean particular preconditions, for example, the existence of a centralized political state, a precondition at issue in David Power's article on Islamic judicial review.

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More generally, context may refer to a particular culture, that is, a framework of thought and meaning that gives action its significance and that may vary in important respects within as well as between societies. The nature and effect of such a framework in rape deterrence is a central question in the research described by Ronet Bachman, Raymond Paternoster, and Sally Ward. In other work, context and process merge. Participants in a legal process or dispute resolution see themselves in terms of their experience in the process, and thus it is not the dispute alone that may be transformed but the participants themselves together with their understanding of their experience. In a study of class action litigation reported by Bryant Garth and in Janet Gilboy's account of her research on the work of immigration inspectors, symbolic acts by a court, the evolving relationships between attorneys and clients, and previous experiences of similar sequences of events interact with the perceptions and actions of participants creating new understandings of what the process and its outcome are about. The process itself becomes context for the development and transformation of disputes and cases.

Bryant Garth examines the process and outcome of federal class actions from the perspective of the class representative—the person appointed by the court in a class action to articulate the interests of the class of plaintiffs. While the political power promised by the class action litigation on behalf of a collective interest may often remain unrealized, the experience, and thus the outcome, of litigation for particular litigants such as the class representative goes beyond the judgment of the court. Far from a simple story of empowerment or of conflict transformation, Garth concludes, litigation must be represented by means of a "richer image," for example, a drama in which multiple understandings and more complex interactions are possible.

Janet Gilboy's article reports a further unfolding of her research on the work of immigration inspectors. In this article, she examines the effects of vulnerability to outside intervention in a class of frequently handled cases. Gilboy examines how inspectors' interpretations of and responses to such cases are influenced by mediating factors such as community support for policies, the relationship between front line and supervisory personnel, and the value assigned by inspectors to a particular class of potential violations. Anticipation of intervention shapes the routine process of inspection, whether or not intervention occurs. Describing the intersection of legal, organizational, and political systems, this research on the work of immigration inspectors suggests many avenues for further interdisciplinary work in the field of regulation.

The *Review* has too seldom been in a position to publish leading work on legal systems and cultures outside North

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America and Europe. David Power's article on appeals in Islamic law addresses a challenging hypotheses advanced by Martin Shapiro concerning the universality of the process of appeal. Islamic law appeared to constitute the single exception, and this anomaly was explained in terms of the lack of centralized political institutions in Islamic societies. Powers challenges Shapiro's conclusion about Islamic law as well as his characterization of Islamic political society. Power's lucid account of Islamic legal process is a valuable contribution for a general readership, but the broader thesis of his work about political organization offers insight that will be important not only for research on Islamic legal culture but also for research on the relationship between political organization and legal culture in other societies.

The fourth article in this issue, by Ronet Bachman, Raymond Paternoster, and Sally Ward on rape and deterrence, breaks new ground by examining an hypothesis that departs from much previous work on rape. Drawing on both feminist literature and rational choice theory, the authors argue that rape behavior is under the rational control of males and can be effectively deterred by raising "costs." Their argument is confirmed by the results reported. The research employs a novel method of measuring the deterrent effect of moral and other sanctions utilizing responses to hypothetical scenarios. The experimental subjects, undergraduate males, are more than a convenient sample, but rather are representative of one of the primary groups of perpetrators. Both the general theoretical paradigm of this article and the resulting understanding of rape deterrence among college males provide important points of departure for further work.

Frank Munger

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