From the Editor

You could say that change is the dominant theme in this issue. The first four papers make some contribution to our understanding of the relationship between law and social change, while the last paper offers words of caution to policy-makers about the complexity of issues they face in using law to achieve change. While the diversity among these projects reveals what a catchall the term *change* can be, their convergence in this issue may serve to stimulate new ways of thinking about change.

Two papers, for example, focus on changes that the authors link to developments of the welfare state and what Roberto Unger (1976) labeled corporatism. Joachim J. Savelsberg leads with a West German case study of legislative debate over proposed laws designed to attack new forms of economic crime. He uses this case to compare four different types of theory about what happens to criminal law as industrialized societies change into welfare states. His results tend to support both neo-Marxist and pluralist theories about such changes. The primary focus of this study is on the identities, ideological strategies, and effectiveness of those groups seeking to influence legal change.

Donald Black, on the other hand, focuses on changing structural characteristics as a means of explaining changes in the way compensation for injury gets treated. This paper is part of his project to develop a general theory of compensation. Black therefore begins with an analysis of anthropological literature as a way of establishing the basic determinants of compensatory practice. But his primary interest is in applying the theory to contemporary American tendencies to hold large organizations to a standard of strict liability. As he sees it, this most recent trend, with what he considers as unprecedented high levels of verdicts favoring victims against large organizations, is a form of devolution towards earlier compensatory forms. It is occurring now because emerging patterns of American organizational development have created similarities to much earlier patterns of relational distance, status differences, and the significance of the family within the overall social organization.

Howard S. Erlanger, Elizabeth Chambliss, and Marygold S. Melli attack yet another issue of change—the much-discussed

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campaign to delegalize the settlement of particular kinds of conflict by emphasizing informality, inexpensive justice, and flexibility. Their interviews with participants in negotiated divorce settlements document what they argue is an important difference between a negotiated settlement and an agreement. They find that negotiated settlements contain significant levels of coercion, the use of power, and unequal access to important negotiation resources. In a significant number of cases, far from feeling fairly treated by the process, at least one of the parties was likely to perceive their choices as unfairly limited either by the powerful position of their former spouse or by the pressures put on them by their attorneys. Erlanger, Chambliss, and Melli conclude that even "in the shadow of the law," negotiated settlements in divorce cases can jeopardize the rights of participants unless some way can be devised to compensate for imbalances in power, resources, and endurance between parties. Romantic views of negotiation as a guaranteed route to agreement and satisfaction must be replaced by a more realistic program designed to equalize the procedural resources available to both parties in such delegalized settings.

David M. Engel puts an entirely different twist on the change theme by showing that change itself is a state of mind. In a further extension of his research on Sander County, Illinois, he shows how a community can become deeply divided over its attitudes toward and uses of law because of its more fundamentally divided views on the meaning and value of time. The division ostensibly pits the natives of what was a rural community against the outsiders brought in to build and operate a large industrial plant. Yet, as Engel shows, the real split had earlier roots in the changes brought to farming by new technology. New equipment, by breaking up labor-intensive cooperative work routines, undermined the seasonally based social life which had created an *iterative* sense of time. The industrial complex, and the progress promised by it, simply compounded the sense of encroachment natives felt by advocates of *linear* time. Hence, natives valued the legal system as long as its actions supported iterative notions of time. But they resisted those uses of law which supported linear time. Such a finding is an important qualification on less subtle views of rural populations as having a generalized fear of, or hostility to, all legal institutions.

In a way, each of the previous four papers helps to support Kent W. Smith and Karyl A. Kinsey's argument that the study of taxpaying behavior needs a new analytic framework. Smith and Kinsey's work is a manifestation of increased concern

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about large levels of uncollected federal income taxes in the United States. But their social-psychological approach is unique because it calls for research extending well beyond previous discussions based on theories of deterrence. The authors here identify four clusters of factors which focus our attention on the need to explain both compliant and noncompliant behavior. Smith and Kinsey hold that in addition to material consequences, which clearly influenced Savelsburg's results, compliance and noncompliance may be affected by normative expectations (as Black proposes in his paper), sociolegal attitudes and beliefs such as those revealed in Engel's study, and expressive factors like those identified in the paper by Erlanger, Chambliss, and Melli.

From the tax collector's point of view, answers to some of these questions may provide little practical help in reducing the national deficit. However, looking back over the range of questions and insights developed in the other papers in this issue, I think we can agree with Smith and Kinsey that the study of tax compliance behavior is a field with great potential for contributing to our understanding of law-related behavior.

Robert Kidder
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