Editors' Introduction

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In this issue of *Law & Social Inquiry*, "From the Trenches and Towers" features an exchange centered on whether empirical fieldworkers should be permitted an evidentiary privilege. Anthropologist Robert H. McLaughlin begins the section with "From the Field to the Courthouse: Should Social Science Research Be Privileged?" He argues that "[s]cholarly research, especially that of the social sciences, participates in democratic government as a constant and important source of both information and knowledge (p.960)." McLaughlin advocates a qualified privilege and, after examining the relevant decisional law, concludes that "a combination of state and federal common law privileges is the most viable (p. 961)."

McLaughlin's article is followed by responses from three fieldworkers who have personally experienced the difficulties of working in situations where informants may be involved in criminal activities or subject to investigation by law enforcers. Rik Scarce served time in jail for refusing to reveal confidential information to a grand jury investigating a break-in to a university laboratory by animal rights activists. His first-person narrative takes us into the trenches, confronting the conflicting calls of his professional sense of ethics and the U.S. system of justice—along the way critiquing aspects of the formal codes of ethics promulgated by relevant social science professional associations.

Kathleen Blee and Sudhir Venkatesh write from the perspective of fieldworkers who have had to negotiate difficult field situations in the face of possible legal implications. Blee's work focuses on female and teenage activists in racist groups, many of whom don't *want* confidentiality, preferring publicity to anonymity despite the legal risks. Venkatesh discusses the continual need to keep street gang members apprised of the boundaries and limits of his guarantees of confidentiality. Finally, Felice Levine of the American Sociological Association and her co-author John M. Kennedy, both past members of the committee that developed the ASA's current

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code of ethics, respond to McLaughlin and Scarce. McLaughlin concludes the exchange with his reply to commentators.

In the previous two "Trenches and Towers" exchanges, we heard both a strong call for further empirical work on issues of legal ethics (vol 23. no. 2, "The Kay Scholer Affair") and some debate over what kinds of questions could be suitably addressed through empirical work (vol. 23 no. 3, "The Case for an In-Depth Study of the American Law Institute"). In a sense, this exchange takes those previous exchanges one step further, asking to what degree the legal system should protect the kind of empirical work called for in previous issues. This would seem to be particularly pertinent where the empirical work calls for investigation of possible ethical violations. If, as William Simon argues (vol. 23, no. 2, "The Kay Scholer Affair"), there might be some disadvantages to shielding attorneys who effectively aid their clients in lawbreaking, then should we protect fieldworkers who might learn of such violations of law in the course of providing data on legal ethics? Arguably, it would be difficult to obtain an accurate picture of lawyers' actual practices concerning legal ethics (especially in gray areas) without providing such protection. On the other hand, a difficult issue of where to strike the balance will certainly hover over any attempts to extend a privilege to fieldworkers, as evidenced by the disagreements among our commentators. Once again, *LSI* is pleased to bring into focus issues of ethics, law, and empirical research "from the trenches and towers."