Law & Social Inquiry

Journal of the American Bar Foundation Volume 29, Number 2, Spring 2004

The University of Chicago Press

Law & Social Inquiry

Journal of the American Bar Foundation
Dedicated to the Study of Law,
Legal Institutions, and Legal Processes
Published by The University of Chicago Press

Editors John P. Heinz

Laura Beth Nielsen William J. Novak

Review Editor Howard S. Erlanger

Associate Editors Joanne Martin

Janice Nadler

Manuscript Editors Susan F. Messer

Sandy L. Pittman

Editorial Coordinator Lucinda Underwood

Editorial Board

Tom Burke, Political Science, Wellesley College

Susan Coutin, Criminology, Law and Society, University of California, Irvine

Lee Epstein, Political Science and Law, Washington University

David Garland, Sociology, New York University

Robert W. Gordon, History, Yale Law School, Yale University

Christine Harrington, Political Science, New York University School of Law

Milton Heumann, Sociology, Political Science

Wolf Heydebrand, Sociology, New York University

John Kelly, Anthropology, University of Chicago

Heinz Klug, Law, University of Wisconsin, Madison

Lewis A. Kornhauser, Economics, New York University School of Law

Mona Lynch, Administration of Justice, San Jose State University

Jennifer Mnookin, Law, University of Virginia Law School

Frank Munger, Law, SUNY Buffalo Law School

Anne M. Piehl, Economics, Harvard University

Robert Post, Law, Yale Law School, Yale University

Annelise Riles, International Law, Cornell University

Mary Rose, Psychology, University of Texas at Austin

Daniel Rubinfeld, Economics, University of California at Berkeley School of Law

Michael Saks, Law, Arizona State University

Rebecca L Sandefur, Sociology, Stanford University

Ann Southworth, Law, Case Western Reserve University

Joyce Sterling, Law, University of Denver College of Law

David Tanenhaus, History, University of Nevada, Las Vegas

Mariana Valverde, Criminology, University of Toronto

Barbara Yngvesson, Anthropology, Hampshire College

Albert H. Yoon, Law, Northwestern University

Law & Social Inquiry

Volume 29, Number 2, Spring 2004

ARTICLES	
Social License and Environmental Protection: Why Businesses Go Beyond Compliance Neil Gunningham, Robert A. Kagan, and Dorothy Thornton	307
"Not the Normal Mode of Maintenance": Bureaucratic Resistance to the Claims of Lone Women in the Postwar British Welfare State Virginia A. Noble	343
Religion, Historical Contingencies, and Institutional Conditions of Criminal Punishment: The German Case and Beyond Joachim J. Savelsberg	373
Race, Reform, and Desegregation in Mississippi Higher Education: Historically Black Institutions after United States v. Fordice Paul E. Sum, Steven Andrew Light, and Ronald F. King	403
REVIEW ESSAYS	437
Hidden in Plain View: Murray Edelman in the Law and Society Tradition Patricia Ewick and Austin Sarat	439
Legal Reform in China: Institutions, Culture, and Selective Adaptation Pitman B. Potter	465
BOOK NOTES	497

Publication Policy

The American Bar Foundation (ABF) is an independent research institute committed to sociolegal research. Consistent with its mandate to create and disseminate knowledge about law, the legal profession, and legal institutions, and individuals' interactions with legal systems, Law & Social Inquiry: Journal of the American Bar Foundation invites the submission of manuscripts that make original contributions to the understanding of sociolegal processes. Law & Social Inquiry publishes both empirical analyses and theoretical studies from a variety of disciplinary perspectives. The analyses, conclusions, and opinions presented in Law & Social Inquiry are those of the authors alone.

Manuscript Evaluation: Law & 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: Law & Social Inquiry uses the author/date citation system, as described in The Chicago Manual of Style, 14th Edition. You may obtain our style guidelines via surface mail by writing to us at: Editorial Coordinator, Law & Social Inquiry, American Bar Foundation, 750 N. Lake Shore Drive, Chicago, Illinois 60611; or from our Web site at: http://www.journals.uchicago.edu/LSI/. Manuscripts submitted to Law & 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 & Social Inquiry does not accept multiply submitted articles. The Editors endeavor to make decisions promptly, usually about three months after submission.

Editing of Manuscripts: All manuscripts accepted for publication are edited for style by professional copy editors in consultation with the author. Copy editors do not check citations. Authors see edited manuscripts and/or proofs.

Off-Prints to Authors: Without charge, we provide authors with 25 off-prints of their articles, essays, or exchanges (but not symposia) that appear in Law & Social Inquiry. Additional off-prints may be ordered at the author's expense. Authors receive 1 copy of the issue in which their contributions appear.

Republication Rights: The Foundation normally permits authors to republish their manucripts in books or use their manuscripts after publication, but *Law & 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.

Copying Beyond Fair Use: The code on the first page of a contribution in this journal indicates the copyright owner's consent that copies of the contribution may be made beyond those permitted by Sections 107 or 108 of the U.S. Copyright Law provided that copies are made only for personal or internal use, or for the personal or internal use of specific clients and provided that the copier pay the stated per-copy fee through the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923. To request permission for other kinds of copying, such as copying for classroom use without charge, copying for general distribution, for advertising or promotional purposes, for creating new collective works, or for resale, kindly write to the Permissions Department, University of Chicago Press, 1427 S. 60th Street, Chicago, IL 60637-2954.

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.

Send article manuscripts to:
The Editors
Law & Social Inquiry

American Bar Foundation 750 N. Lake Shore Drive Chicago, IL 60611 (312) 988-6517 Send inquiries regarding review essays to:

Howard S. Erlanger

Review Editor

Law & Social Inquiry

Institute for Legal Studies
Law School

University of Wisconsin Madison, WI 53706 (608) 253-7405

For further information via the Internet—

Web site: http://www.journals.uchicago.edu/LSI/

E-mail: lsi-abf@abfn.org

Law & Social Inquiry is available for full-text search on the LEXIS™/

NEXIS™ and WÊSTLAW™ on-line services.

Annual U.S. subscription rates:

	1 yr.	2 yr.	3 yr.
Individual	\$ 39	\$71.75	\$99.45
Academic	\$ 36	\$66.25	\$91.80
Institution	\$118	\$217.10	\$300.90
Student	\$ 29	\$53.35	\$73.95

Outside U.S. please add a postage charge of \$6.00 per year to the U.S. rates. Canadians please add 7% GST tax to above rates as follows: One-year rates: Individuals \$2.73; Academic \$2.52; Institutions \$8.26. Two-year rates: Individuals \$5.03; Academic \$4.64; Institutions \$15.20. Three-year rates: Individuals \$6.97; Academic \$6.43; Institutions \$21.07.

Single copies: \$34.50 for institutions, \$14.75 for individuals. Checks should be made payable to *Law & Social Inquiry*, University of Chicago Press, Journals Division, P.O. Box 37005, Chicago, Illinois 60637. (Fax: 733-753-0811; E-mail: subscriptions@press.uchicago.edu) Volumes 1–12 available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209. (800) 828-7571.

Volumes available in microfilm from University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

© 2004 American Bar Foundation. All rights reserved.

Law & Social Inquiry: Journal of the American Bar Foundation (ISSN: 0897-6546) is published quarterly—winter, spring, summer, and fall—by The University of Chicago Press, 1427 S. 60th Street, Chicago, Illinois 60637-2954. Subscription agent for Japan: Kinokuniya Company, Ltd. Periodicals postage paid at Chicago, Illinois, and at additional mailing office. **POSTMASTER:** Send address changes to: Law & Social Inquiry, P.O. Box

https://doi.org/10.1017/S0897654600016476 Published online by Cambridge University Press

37005, Chicago, IL 60637.