

Mirror for Lawyers

Chicago Lawyers. The Social Structure of the Bar. JOHN P. HEINZ and EDWARD O. LAUMANN. American Bar Foundation, Chicago, and Russell Sage Foundation, New York, 1983 (distributor, Basic Books, New York). xxvi, 470 pp., illus. \$32.50.

In More's *Utopia*, there were no lawyers, because they were considered "a sort of people whose profession it is to disguise matters." In America, the lawyers who support the American Bar Foundation and those who run the Chicago Bar Association have chosen not to disguise their profession. On the contrary, they have spent a fair amount of money and time to commission and support the elaborate self-portrait found in this volume. What emerges is well worth reporting. In Chicago, at least, the profession appears divided into two types of lawyers with very little in common. They seem unable to unite even as a profession, much less as a force for social change.

The authors of this study have combined legal knowledge and social science technique to obtain and analyze their results. Heinz and Laumann, respectively a lawyer and a sociologist (both with excellent credentials), carefully planned the study. Their research uses the best currently available techniques of sampling, interviewing, and statistical analysis. The results are presented simply and also elaborately, with no discontinuities between.

What they report will surprise laypeople more than lawyers. Lawyers may disguise matters to others, but within the family they are nothing if not realistic. These results accord with what sophisticated lawyers already know. Discussing a projected research project, a Washington lawyer recently said, "Your results will be either intuitive or counterintuitive. If they're intuitive, I'll say 'Why did you need the research?' If they're counterintuitive, I won't believe them." The results of this study fit largely into the intuitive category, but they raise some unexpected questions.

The study staff interviewed a carefully selected random sample of Chicago's 14,000 lawyers. The 777 lawyers who furnished the data constitute 82.1 per-

cent of all those initially selected and in active practice, a remarkably good response rate. Their answers covered background, nature of practice, associations, and political attitudes. The findings that emerge from these diverse inquiries make up a coherent, credible picture.

Chicago lawyers, as portrayed in this study, work for the most part in one of two hemispheres: they serve corporations (for example, in connection with securities, antitrust, tax, and patent law) or they deal with individual clients (for example, on divorce, personal injury, crime, and landlord-tenant matters). Though there is some overlap, the authors are impressed by the separateness of the hemispheres. Only about one in seven of the respondents reports that the two types of work each account for as much as 25 percent of his or her practice.

The divergence starts early and persists. Good predictions of type of practice can be made from ethnic background and law school. Catholics or Jews who went to garden-variety schools need not have applied to the large firms that handle corporate matters. Those positions were reserved almost entirely for lawyers who attended the elite law schools and, except in rare cases, came from middle-class, white Anglo-Saxon Protestant families.

Once set in a particular type of practice, attorneys fall into stable patterns of professional conduct, associations, and attitudes. Corporate lawyers acquire technical expertise in particular areas of law that require specialized knowledge. They practice more in the office than in court—preventing litigation whenever possible and turning it over to specialists when it can't be avoided. Corporate lawyers relate more to federal than to state or municipal courts and agencies. Theirs is a dignified, privileged, conservative practice in which legal ethics—as enunciated by people like themselves—are rigorously observed.

Lawyers who work for individual clients live in a different world. They handle a wider variety of matters, are familiar with the local courts, clerks, and police. They are not close to many, if any, of the leaders of the bar, but they

know the particular segment of the city from which their practice is drawn. The service they provide is less uniform and less expert, but no less absorbing of time and effort.

What are the implications of these differences? Heinz and Laumann suggest that these two segments of the profession are so separate that they cannot effectively "integrate" as a united profession. In evaluating the effectiveness of the Chicago Bar Association, for example, the respondents found it ineffective in taking stands on controversial issues, improving the lot of the disadvantaged, or raising the quality of the judiciary. Their highest effectiveness rating was for the CBA's efforts to provide adequate library and dining facilities.

A divided society will tend to divide the professionals who serve it. That is what these findings report. Perhaps the results are more pronounced in Chicago, the city that has long been known for its juxtaposition of Gold Coast and Slum, the title of an early sociological description of Chicago. In smaller cities, corporate and personal lawyers may be less separate and unequal. Even so, the question arises whether and how the legal profession integrates or divides itself and the society. Perhaps it does both, since, as Tocqueville pointed out, lawyers must represent their separate constituencies in mediating their various claims.

If the division of the profession reflects a divided society, its continued identification as a single profession may be important in preventing an even greater division. Fifteen years ago, the President's Commission on Violence warned of two separate societies, powerful and powerless. The legal profession represents, with different lawyers, these two segments. Can their divergent interests be reconciled?

The task lies beyond the control of any single profession. Yet the ideas of equal protection and due process, important to all segments of the legal profession, sometimes generate a common stance. On legal aid for indigent clients, for instance, the organized bar differs on questions of organization and funding—but unites in favor of continued support. In providing the poor with legal services, the bar does more than serve its own interest. It reflects, in addition, a plausible conviction that legal services are needed if the legal process is to equalize rather than serve always to make the "haves" come out ahead. As legal services programs for the indigent develop, they recruit lawyers from all ethnic and academic backgrounds, as well as from both genders. The Legal Services Corpo-

ration has been able to draw its attorneys from elite as well as local law schools, from upper- and middle- as well as working-class families. In meeting a commonly perceived need, divergent predispositions may be overcome.

Can the legal profession contribute in other ways to its own unity and to the integration of the society? In Chicago, blacks have been underrepresented as lawyers in a ratio of about 1 to 10. But the first black mayor in Chicago, as in many other cities, is a lawyer. If the profession provides an avenue to political power, it may help to control divisive tendencies within the society. How newfound black political power might affect the legal profession itself—as well as the distribution of economic power, prestige, and knowledge—remains to be seen. The result is not intuitively obvious.

In a divided society, a correspondingly divided legal profession—fully informed of its own divisions—might yet create significant paths toward social integration. That it is divided to begin with may even prove a necessary, though not sufficient, condition for optimizing the interests of those it represents. To integrate, something more is needed. Taken seriously, self-study of the kind provided in this monograph can shatter smugness and raise the consciousness of the conscientious.

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A Career in Genetics

A Feeling for the Organism. The Life and Work of Barbara McClintock. EVELYN FOX KELLER. Freeman, San Francisco, 1983. xx, 236 pp., illus. \$17.95.

This biography is about one scientist's always lonely but highly productive love affair with the corn plant. By the time of its publication, Barbara McClintock, whose career has been singularly devoted to genetic studies of maize, had received no fewer than ten prestigious awards and citations, most within the past several years, for her outstanding contributions to science. Among these are the MacArthur Laureate Award, the Lasker Award, Israel's Wolf Foundation Award, and Columbia University's Horwitz prize. Before that, in 1978, she was the recipient of Brandeis University's Rosenstiel Award. In 1967 she received the Kimber Award from the National Academy of Sciences, and in this flurry

of more recent recognition it has almost been lost sight of that the first major recognition of her outstanding contributions to biological science came almost 40 years ago with her election to the National Academy of Sciences; she was just 42 at the time. By the time of this writing, McClintock has received the most prestigious of all awards in science, the Nobel Prize (see *Science* 222, 402–405 [28 Oct. 1983]). Even the novice science reporter would conclude there has to be a story here.

The story is told by Evelyn Fox Keller, a professor of mathematics and humanities whose work has been in mathematical biology and in the history, philosophy, and psychology of science. She has also published articles on women in science. The biography is based on a succession of interviews with McClintock and on interviews with more than a dozen fellow scientists, most notable among whom are Marcus Rhoades and George Beadle, who were scientific contemporaries of McClintock's from the start of their careers. More personal accounts and information, along with photographs, were afforded by McClintock's sister and niece.

Five of the chapters in this book are principally biographical. One of these, "The capacity to be alone," takes its title from a quotation from McClintock about her youth; it is an account of her early years, from cradle to Cornell, so to speak. The author stresses the trait of contentment with solitude, and in a later chapter draws on the arguments of psychoanalyst Phyllis Greenacre to support the notion that such a substitution for a "more conventional child's personal relationships" may be the necessary condition "for the flowering of great talent or genius." Another of the biographical chapters, "Becoming a scientist," describes the beginning of the lifelong romance McClintock has had with her science. The others trace her early disappointing years in search of a position that fit her determination to make a career of research, her years of "interlude" at the University of Missouri, and the first years at Cold Spring Harbor after Demerec had secured a permanent appointment for her at that laboratory.

There are several chapters that deal mainly with the science of genetics and with its implications for developmental and evolutionary processes. These provide an understanding of the state of the science during the period when McClintock was working and reporting on controlling elements and transposition for the first time. The chapter "Molecular biology" gives an excellent account of

the revolution in biology that commenced in the early 1950's and provides a backdrop for the author's analysis of McClintock's later work.

The author's descriptions of McClintock's contributions in the field of cytogenetics of maize prior to 1950 are spotty and certainly inadequate to inform the general reader of the real beauty and significance of these earlier experiments. As Marcus Rhoades notes (quoted in *Science*, 28 October 1983, p. 403), these were "the golden days of cytogenetics," and most geneticists would agree that McClintock's contributions in cytogenetics during this period were, on their own, worthy of Nobel Prize recognition.

The central theme of the biographer, and one referred to in almost every chapter, is that McClintock's work on the *Ds-Ac* controlling elements and on the associated phenomenon of transposition (mobile genetic elements), commenced in 1944 and first formally published in 1950 and 1951, was not accepted by the community of her fellow scientists. In this interpretation the author is not alone; it is evident from statements made by McClintock in the interview sessions that she felt at the time that she was rebuffed and that her work in this area was not understood and not appreciated. As the author puts it, the initial response of the scientific community was that she was "incomprehensible," "mystical," even "mad." In an interview reported in *Time* (24 Oct. 1983, p. 54) under the subheading "Geneticist Barb McClintock, ignored for years, wins a Nobel," McClintock herself is quoted as saying: "They thought I was crazy, absolutely mad."

Accepting the premise that McClintock's work was rejected by her colleagues in genetics, the author offers two explanations: that the idea that genetic elements could move about in what was regarded as a spatially fixed genome was too revolutionary at the time, and that McClintock's presentations were made in a language so special to maize, and to McClintock herself, that fellow geneticists could not understand the significance of her discovery; an entire chapter, "A different language," is devoted to this argument.

Many readers of this book who are geneticists, especially those who have worked in maize genetics since the early 1950's, will want to challenge the basic assumption that McClintock's work was rejected. Her papers published in 1950 and 1951 on the *Ds-Ac* controlling elements and on associated transposition, and others published later on the same