LAW AND COURTS

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In this Issue

FROM THE SECTION CHAIR

Joel Grossman
Johns Hopkins University

In the Winter Newsletter I identified the members and described the tasks of the Law & Courts section committees for 1997-98. The reports of their efforts, including the announcement and presentation of section awards, will be made at the 1998 Section Business meeting in Boston. I am hopeful that the APSA will assign us our "usual" time slots for the Business meeting and Reception (Friday @ 5:30PM and 6:30PM) and that you will be able to attend both of those events. There are a number of important issues to be considered, and your thoughts and advice on these matters will be very helpful to the Executive Committee when it meets the following day. If you have any advance thoughts on the substantive issues under discussion, don't hesitate to send them to the respective committee chairs by fax or email (see page 15).

Looking ahead to 1999: Lettie McSpadden of Northern Illinois University has agreed to serve as program chair for the 1999 Law & Courts panels. In the past, the APSA has selected the program chair for the constitutional law and jurisprudence panels after consultation with the Law & Courts Section Chair, and thus I do not know yet who will be named to that position. However, I have communicated to the APSA leadership, and to the 1999 program chairs, our dissatisfaction with this bifurcated arrangement. In my judgment, and that of my predecessors as section chair, the Law & Courts Section chair should make both appointments since both sets of panels fall within the scope of our section's interests and responsibilities. I will let you know, as soon as possible, how this issue is resolved and who has been appointed as program chair for the constitutional law and jurisprudence panels.

I look forward to seeing you at the APSA meeting in Boston. If you have not already done so, please renew your section membership when you pay your APSA dues. And if you have colleagues in the field who are not dues paying members of our section, please ask them to consider becoming members. We need their voice and support, and most importantly, we need their financial sustenance. There will be a committee report in Boston on how to deal, more generally, with our "free rider" problem.

Having just recently moved below the Mason-Dixon line, I attended my first Southern Political Science Association meeting in November. I am pleased to report that two of our most distinguished colleagues, Henry Abraham and J. Woodford Howard, Jr., were honored by their students in panel presentations. My congratulations to both Henry and Woody for their accomplishments and contributions to our collective enterprise! They have set standards of professional excellence and colleagueship to which we can all aspire.

Instructions to Contributors

General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. **Law and Courts** is published three times a year in Winter, Spring, and Summer issues. Deadlines for submission of materials are: November 1 (Winter), March 1 (Spring), and July 1 (Summer). Contributions to **Law and Courts** should be sent to:

Cornell W. Clayton, Editor
Law and Courts
Department of Political Science
PO Box 644880
Pullman, WA 99164-4880
509-335-2544
FAX 509-335-7990
e-mail: cornell@mail.wsu.edu

Articles, Notes, and Commentary

We will be glad to consider brief articles and notes concerning matters of interest to readers of **Law and Courts**. Research findings, teaching innovations, or commentary on developments in the field are encouraged.

Footnote and reference style should follow that of the *American Political Science Review.* Please submit two copies of the manuscript; enclose a diskette containing the contents of the submission; provide a description of the disk's format (for example, DOS, MAC) and of the word processing package used (for example, WORD, Wordperfect). For manuscripts submitted via electronic mail, please use ASCII or Rich Text Format (RTF).

Symposia

Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

Announcements

Announcements and section news will be included in **Law and Courts**, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when posible. Finally, authors should notify **Law and Courts** of publication of manuscripts.

What We Don't Know About Judicial Behavior, and Other Musings

Lawrence Baum, *Ohio State University*

For those of us with an interest in judicial behavior, this is an extraordinarily interesting time. A wave of new research is providing us with an array of important findings about patterns of judicial behavior, and proponents of differing theoretical and methodological approaches are engaged in direct debates over the merits of the various approaches.

As a student of judicial behavior, I am grateful for both the research and the debates, which together have given us a far better understanding of issues in the field than we had a decade ago. Yet I would like to offer two related cautions. First, I think it highly unlikely that major issues in the explanation of judicial behavior will come anywhere close to resolution in the foreseeable future. Second, while the debates over theoretical and methodological approaches are quite useful, it would be most unfortunate if either debate had a winner.

EXPLAINING JUDICIAL BEHAVIOR

Anyone who teaches or writes about judicial decision making is well aware of the substantial limits to what we know about judges' behavior. More than in most other fields, we tend to ascribe those limits to deficiencies in our collective work. Yet scholars in other fields have not done markedly better than students of judicial behavior in resolving major issues. There is no sign, for instance, that scholars are achieving consensus about the determinants of mass voting behavior (Niemi and Weisberg 1993, ix, 10).

I believe that the primary reason for this shared gap between aspirations and achievements is simply the difficulty of explaining human behavior. The choices of voters, judges, or any other group result from decision processes that typically are complex and that often vary considerably among people and among situations. Another barrier to definitive explanations is the theoretical ambiguity of behavior: a pattern of behavior that is consistent with one explanatory account is usually consistent with alternative accounts as well. In light of those realities, the scholar who seeks to explain behavior faces a daunting task.

In the study of judicial behavior, this difficulty is illustrated by the model of strategic, policy-oriented judges that is identified most closely with rational choice analysis. I think that the refinement of this model in recent years, and its growing use to guide research have brought enormous benefits to the field. As yet, however, we have only a fragmentary understanding of how accurately this model actually depicts the bases for judges' behavior.

At the Supreme Court level, where our understanding of judicial behavior has always been most extensive, it is clear that an interest in good public policy is a very important part of the justices' motivations. It is also clear that justices act strategically to a considerable degree, in that they regularly take into account the likely reactions of colleagues and sometimes take into account other policy makers when deciding what to do. But we are not yet in a position to specify the role of policy goals or that of strategy in more precise terms. With a continuation of the impressive research of recent years, what we know about those two issues surely will grow. Yet, because of the complexities and ambiguities that bedevil any effort to explain behavior, scholars can be expected to enjoy only partial success in reducing uncertainties about these issues.

One important complexity is that motives are likely to be intertwined. If it is true that judges are interested in achieving both good law and good policy, for instance, it is quite doubtful that these two interests operate as separate influences on decisions. Rather, almost surely they are linked components in a complex cognitive process (see Rowland and Carp 1996, ch. 7). For that reason, separating out the impact of each motivation on decisions is quite difficult.

Further, while students of most courts often assume consistency in the determinants of judicial behavior across individuals and situations, it seems unlikely that such consistency actually exists. We are appropriately skeptical when a Supreme Court opinion proclaims that its author, unlike colleagues with less noble motives, is elevating the law over an interest in good policy. Still, it is quite reasonable to posit that judges differ in the relative importance of legal and policy considerations to them. Similarly, the various judges who sit on a particular court do not necessarily act strategically to the same degree and in the same ways.

For that matter, any particular judge may address different cases in different ways. Can we assume that Justice Stevens would bring the same calculus to a right-to-die case that he did to a case in which the issue was "whether Federal Rule 4, which authorizes an extendable 120-day period for service of process, supersedes the Suits in Admiralty Act provision that service on the United States be made 'forthwith'" (Henderson v. United States 1996, 888)?

In assessing the model of strategic policy-oriented judges, the theoretical ambiguity of behavior is perhaps even more of a stumbling block. If fully strategic Supreme Court justices would not establish voting records that differed sharply from their true preferences, as they probably would not, then it is difficult to distinguish sincere from strategic behavior in the patterns of votes that actually occur. The bargaining and compromise that characterize the decision process in the Court might result entirely from strategic action on behalf of policy goals, but they are also consistent with strategy utilized on behalf of an inter-

est in accurate legal interpretation. The justices might take public opinion into account because public support strengthens the Court's ability to get its policies implemented, but they might instead care about public approval because they value popularity for its own sake.

Similar complexities and ambiguities apply to any broad question in the explanation of judicial behavior. Some scholars in the field would argue that such complexities and ambiguities are of limited relevance, since their criterion for good explanation is predictive success. From this vantage point, so long as an explanatory scheme does well in predicting general patterns of behavior, its inability to provide a full account of behavior and the existence of alternative explanations that fit the same patterns of behavior are both irrelevant. This is a common and highly legitimate position, one that has long been espoused explicitly by some students of judicial behavior and that is integral to the rational choice perspective.

But this position is not entirely satisfying. Even those scholars who espouse prediction as their criterion for explanations also want to depict reality accurately, and their writings reflect that interest. Quite reasonably, the current debates between competing explanations of judicial behavior are mostly about why judges do what they do rather than about how to predict what they do. Thus, there is no escaping the difficulties that bedevil efforts to explain judges' choices fully.

STUDYING JUDICIAL BEHAVIOR

There is considerable room to reach differing judgments about the current state of knowledge on judicial behavior, particularly on some relatively specific issues. Whatever our judgments may be, however, everyone agrees that we need to learn more. How should we go about that task? There have always been fundamental differences of opinion about alternative theoretical and methodological approaches to the study of judges' choices. Fortunately, there is considerable tolerance among those on different sides of theoretical and methodological divides. But the divides have been fairly sharp, and many scholars in the field feel strongly that some approaches are inherently superior to others.

I have my own views about the relative merits of different approaches to the study of judicial behavior. But I would not celebrate if, by some very unlikely series of events, everyone else adopted and acted on those views. The difficulty of overcoming the barriers to understanding of judicial behavior argues not for universal adoption of the "best" approach—whatever that might be—but rather for use of a variety of approaches that differ in their strengths and limitations.

On the methodological side, the long-standing division between quantitative and qualitative approaches continues. The tide of disciplinary history has favored quantitative analysis, to the extent that some students of judicial behavior doubt the value of qualitative analysis. Yet that value is demonstrated again and again by the insights on judicial behavior that qualitative studies produce. And quantitative analysis cannot escape the need for subjective interpretation that is sometimes seen as a weakness of qualitative approaches.

On the theoretical side, scholars in all camps can agree that progress will come more quickly if our research is theoretically grounded. Perhaps the best of all the good things about judicial behavior research in the 1990s is the growth in explicit concern with theory. One important source of this development is the increasing prominence of rational choice analysis with its clear theoretical premises. Scholars who do not fully share those premises have reacted by clarifying their own theoretical positions. Another favorable development is the explicit use of historical institutionalism, whose value is established by the grounding it gives to analysis of doctrinal developments within a broader context.

Beyond the value of increased concern with theory, the existence of multiple theoretical approaches brings important advantages. No single theoretical conception can fully capture the various aspects of behavior, and the development of alternative approaches often reflects a perceived need to overcome the limitations of existing approaches. I believe that we would benefit from even greater theoretical diversity in the field; in particular, I think that students of judicial behavior can make much greater use of the large and diverse body of theory developed by psychologists.

Whatever the course of developments in the future, our history as a field offers assurance that we will continue to study judicial behavior in a variety of ways and from a variety of perspectives. As it has in the past, this diversity will benefit us in future efforts to expand our knowledge.

As I have argued, I think that this expansion has substantial limits. We cannot expect that we will soon have satisfying answers to our most difficult questions. But that should be no cause for despair. Judged by realistic criteria, what we have learned in recent years has been impressive, and there are no indications that the growth in knowledge is slowing. That is a clear sign that the study of judicial behavior is in fundamentally good health.

References

Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior.* Ann Arbor: University of Michigan Press.

Henderson v. United States. 1996. 134 L. Ed. 2d 880.

Kritzer, Herbert M. 1996. "The Data Puzzle: The Nature of Interpretation in Quantitative Research." *American Journal of Political Science* 40:1-32.

Niemi, Richard G., and Herbert F. Weisberg, eds. 1993. *Controversies in Voting Behavior, 3rd ed.* Washington, C.: CQ Press.

Rowland, C. K., and Robert A. Carp. 1996. *Politics and Judgment in Federal District Courts.* Lawrence: University Press of Kansas.

The Nature of Network News Reporting on the Supreme Court

Jennifer A. Segal, *University of Kentucky*

On the morning of November 5, 1997, I walked into my Civil Liberties and Judicial Process courses to be met with questions from many of my students about the Supreme Court's ruling on affirmative action in California, which had been handed down a couple of days earlier. Some were indignant about the Court's support of Proposition 209, which called for an end to affirmative action in California; others were supportive of the Court's action. Some wondered how this ruling fit into the pattern of Court decision making in the area of affirmative action; others were curious about the affect that this ruling would have on other states and their efforts to end affirmative action programs. Still others were interested in what Californians, and Americans more generally, thought about the Court's decision. I was thrilled that they were paying attention to the Court's activities, and even happier that they had given some thought to the issues involved — and I was disappointed that I had to dampen their enthusiasm by explaining that the Court had not made a ruling on the constitutionality of Proposition 209, per se. Rather, the Court had denied certiorari and, as a result, had let the lower court's ruling stand — and the justices, according to their standard operating procedure, had done so without comment.

Many of us, as Court watchers and students of the judiciary, knew this because we have sources of information about the Court that are independent of the mass media. But my students, and most Americans, relied on newspapers and television news programs for this information about the Court's most recent "ruling", and these sources tended to report this decision to deny certiorari as a decision on the merits. Even the most highly regarded print media, such as the *Washington Post* and the *New York Times*, provided reports that were unclear, at best. The *Post*'s headline on the Internet read, "Justices Uphold California's Ban on Preferences: The Supreme Court Decided California's Ban on Affirmative Action is Legal." The *Times*'s headline, "Court Rejects Challenge to Prop 209," was no better. While both articles ultimately identified the Court's action as a denial of cert, these headlines and much of the text suggested otherwise.

Over the years, my colleague Elliot Slotnick and I have been intrigued by other news reports like these and have had numerous discussions like the one I had with my students in November. From these experiences came the impetus to closely examine what we believe to be a significant dilemma in American politics. The Court is a powerful policymaking institution, one that is checked, not by the traditional democratic method of popular elections, but rather by the support for and compliance with it and its policies by the citizenry. Yet, the citizenry is, on a relatively few good days, MISinformed, and on every other day, NOT informed at all about the activities of this very important third branch of our national government. Our analysis (Slotnick and Segal, forthcoming), has focused on various aspects of the relationship between the Court and television's network newscasts, the primary source of political information for most Americans, in our effort to understand the basis and nature of the confusion our students and others have about the Court, and why the confusion persists. We found that coverage of the Court is infrequent, brief, and in many instances simply wrong and, that both the Court and the media are responsible for this state of affairs. This has potentially important consequences for what Americans know and think about the Court, and ultimately how able they are to hold the Court responsible and accountable for its actions.

This dilemma between the Court and the American public derives largely from the tenuous relationship between the Court and the mass media, and particularly television. The Court, for its part, is largely invisible from not only the public but also from the media. The justices do most of their work behind closed doors, and have prohibited reporters from using cameras, and even recorders, in the Courtroom when oral arguments are made and decisions are announced. This is particularly significant for television reporters, as Fred Graham, former Court correspondent for CBS News, indicates

> If they would permit cameras in courts, there would be much more coverage. The networks will not put, almost literally will not put, sketches on the air ... [P]eople are so accustomed to television showing reality, at least real pictures, that it is psychologically jarring to people to suddenly see these crude drawings. So what happens is that this perverts the way a story is covered ... they don't cover as many stories. (*All unattributed quotes are derived from personal interviews.*)

Additionally, the schedule that justices keep, largely in terms of when they hand down their rulings, have a profound effect on the ability of television reporters to cover the most important decisions of each term; multiple rulings in the final days of each term make the likelihood of network coverage for most of them quite small. Also, justices do not offer interviews and, more importantly, do not explain their rulings to reporters, who are left to their own interpretations and understandings, which are based sometimes on little legal expertise or experience. Relatedly, the length and complexity of many of the Court's rulings do not lend themselves to the quick summaries and sound bites that have become part and parcel of contemporary media reporting, particularly television reporting. Finally, the Court's ever-shrinking docket has, perhaps ironically, made the Court less attractive as a source of important news. As Pete Williams, Supreme Court correspondent for NBC News, told us

> Unlike anybody else in town, Supreme Court jus-

> tices don't covet the press. They don't flaunt themselves ... The less attention you pay to them personally, probably the better ... The Court doesn't leak, the Court doesn't spin. The Court is there, and you make of it what you do, and it's all in public documents ... No reporter that I know has an edge because they have some "in" with one of the justices. That's not the way reporting the Court works... It's almost like it's another time, it's another era.

The media, for their part, are businesses that have the primary goal of making profits and must operate under commercial constraints. This means that producers and many reporters are interested in stories that they consider newsworthy — those that will attract viewers and subscribers. An emphasis on "infotainment" contributes to a focus, particularly for television, on the most current, daily events, especially those that are dramatic and visual in nature, that can be whittled down quickly to a few words and pictures that represent the essence of the event, and that can be presented in a very short report. Thus, an institution that hands down many of its decisions on the same day, whose work product is often very lengthy and complicated, and that prohibits cameras in its work space, is one that is necessarily less appealing as a source of news and is one that more and more frequently gets short shrift from television news reporters. As Graham explained about the executives at CBS during his tenure there,

> They decided that their definition of what they wanted and what was news changed. And they decided that what people wanted to see was very visual, and courts, the Supreme Court, you couldn't show, and so it makes it almost by definition ... not newsworthy. The Supreme Court was not newsworthy ...

Additionally, there is a perception among some of these reporters that the justices are ruling on fewer and fewer important and broad-sweeping issues. Given the very tough competition for air time on evening news programs, this perception often leads reporters elsewhere for more newsworthy stories. Finally, the Court is an extremely difficult beat for reporters and, as a consequence, producers and reporters invest less time and fewer resources in getting Court news than they do other news. Again, as Williams explained to us,

> Wouldn't it be nice if television said to itself, "Gee, you know, people only get their news from television, and so we'd better cover the Supreme Court more." It isn't going to happen... Naturally, as Supreme Court reporters we make that argument ... But I don't think it is anything our managers in New York get up thinking about ... And it's too bad, probably, but that's the way it is.

Clearly, then, there are many barriers to the transmission of Court-related information to the American public. And while responsibility for this situation can be placed at the doors of both institutions, the primary effect of these barriers: coverage of the Court by the television network news broadcasts is sparse, at best, and wrong, at worst. Analysis of the three networks' (ABC, NBC, and CBS) coverage of the 1989 and 1994 Court terms revealed that during each term, a relatively small number of Court-related stories were reported (245 in 1989, 111 in 1994) and they focused on a very small proportion of the total number of cases decided by the Court each term (32 of 139 in 1989, 15 of 86 in 1994). Of those cases that were covered, the stories were overwhelmingly short (most no more than 30 seconds long) and reported by the anchor only, rather than by the legal correspondent or another "field" reporter also. Additionally, cases were not typically reported over the course of their journey through the Court's processes; rather than covering the various stages of the Court's decision making process, the networks tended to focus on the merits stage of the process, when the Court made its final ruling in the cases. This is not surprising, given the outcome-oriented nature of television news. More surprising, though, is that the coverage of case decisions was likely to be without very much detail — some of which is easily attainable — in terms of case facts and history, the case vote, and the names of justices, litigants, and other interested parties.

Perhaps the most interesting, but troubling, finding from the comparison between these two Court terms is the very obvious decline in the attention paid by all three networks to the Court over time. As I have already described, fewer than half as many Court-related stories reported in 1989 (245) were reported in 1994 (111). Additionally, a smaller proportion of the total cases heard by the Court were reported in 1994 (17%) than were reported in 1989 (23%). As the reporters have suggested, this may be due in part to the Court's shrinking docket, which included 139 cases in 1989 but only 86 in 1994. Also, some have argued that the Court's docket includes fewer of the "big" cases that are more likely to grab the attention of viewers, and therefore the networks. "There is no such thing any more ... as a landmark precedent-setting decision like *Brown* or ... *Roe v. Wade*," explained Lyle Denniston of the *Baltimore Sun*; instead, the Court has tended to focus on narrow questions of law and "In trying to cover a First Amendment case now you almost have to be a Talmudic scholar to slice the differences between the dogmatic principles the Court is going to follow." Williams agreed.

> We are not going through any great upheaval ... that we are looking to the Court to settle ... for us... [T]his is a fine-tuning Court. They don't even follow the traditional role of trying to settle all the intercircuit questions ... So there's no real focus to the Court right now. They don't seem to be very active [in] reaching out for cases to say, "Oh, that's an interesting one, let's settle that ..." This Court doesn't seem to be reaching out just for the fun of it to kind of duke it out.

Despite these and other explanations for the decline in coverage, it is rather disconcerting that viewers of network

news, for whom it is typical to hear less about the Court than the other federal institutions, have heard *even less* about the Court over time.

Finally, a close analysis of the 1989 term revealed that, in addition to these inadequacies in the coverage of the Court mentioned above, the networks often *mis*reported what they did cover. Similar to the misreporting of the Court's decision in the dispute over Proposition 209, the networks frequently reported denials of certiorari as decisions on the merits. The motivation for our analysis of this phenomenon stemmed from our own mistakes as we coded the Court's activities from the news stories. In several instances, we discovered that the story that we had coded as a report on the decision on the merits was in fact something else. After extensive investigation, including a call or two to Toni House, the Court's Public Information Officer, for "insider" information, we discovered that most of our miscoded merits decisions were in fact denials of certiorari. There were 29 stories broadcast during the 1989 term on 18 different cases that were denied certiorari. Of those stories, less than a quarter were reported accurately as certiorari denials (7, 24.1%). In contrast, eight (27.6%) were reported ambiguously, with the anchors using phrases like the following as descriptions of the Court's action: "refused to overturn," "turned down," and "rejected a challenge." More striking was that in nearly half of the stories reported on denials of certiorari (14, 48.3%), the Court's action was clearly described as a decision on the merits. The anchors used language such as "upheld," "ruled," "defeated," "approved," and "left in place a law" to characterize the Court's decisions. Mistakes such as these are very perplexing given the networks' obvious ability to report certiorari denials correctly. Nevertheless, and as House has noted, "The major problem [for] the journalist covering the Court is for him to get it right."

Perhaps most striking, is that the more general inattention to the Court's activities that we have identified is not a predetermined condition of the networks' relationship to the Court. In fact, we found that when the Court is involved in something that the networks feel *is* particularly newsworthy, they can and do devote numerous resources to reporting the events, and they can do it relatively accurately and thoroughly. This part of our analysis focused on the coverage of two significant Court cases, *Regents of the University of California v. Bakke* (1978) and *Webster v. Reproductive Health Services* (1989). The data suggest that viewers of network news programs were more likely to learn something about these two cases than they were about any single case decided during the 1989 or 1994 terms. Both *Bakke* and *Webster* received relatively extensive network news coverage, each being the object of sixty stories. Additionally, these stories focused on the various stages of the decision making process (in fact, more than a third of the stories were broadcast prior to oral arguments in the cases), they tended to be long by television standards (over one and a half minutes), although *Bakke* fared somewhat better in this regard, they were reported most often by both the anchor *and* a news correspondent, and they were almost always aired near the beginning of the broadcast.

There was also a considerable amount of substance in the stories about these two cases, including attention to parties to the case, interest groups, political officials, all of whom contributed their analysis of the issues and offered their predictions about the Court's ruling. Attention was also given to the justices and their opinions in the cases, particularly in *Bakke*, with an emphasis on the winners and losers,and reasonably accurate representations of their views.

This is not to say that the coverage of either *Bakke* or *Webster* was ideal. Indeed, many of the stories reported were short and not particularly sophisticated or deep. Moreover, some had the potential of promoting misperceptions about the significance and consequences of the cases and decisions. But despite these potential problems in reporting *Bakke* and *Webster*, their attention to these cases also represents the "best" that the network news has to offer in the way of Court coverage. Importantly, this coverage demonstrates that the networks are certainly willing and able to report on the Court in a way that is not apparent from our overall analysis of the 1989 and 1994 terms.

When I told my students that the Court had, in fact, not made a decision in the case involving Proposition 209, they were confused. Can't the news get it right? Well, yes it can. Not only can the networks report accurately the Court's decisions, but they can report more often, in greater detail, and on a greater number of cases and other Court-related activities. But the responsibility for achieving "better" news coverage, and therefore "better" information about the Court, is not likely to come from the networks alone, given their commercial imperatives. Rather, the necessary changes may first have to come from the Court in the form of some adaptations of traditional processes and rules that have the effect of keeping the media at arms length and most Americans in the dark about what goes on in the "marble temple." This is, by no means, a call for gavel-to-gavel television coverage of Court proceedings, nor is it a call for the Court to consider the constraints of the media when it chooses its cases and writes its rulings. Instead, an increased sensitivity to its relationship with the American public might come in the form of the justices making themselves more available to the press, answering questions about processes and methods of decision making, and providing the opportunity for the media to attend the justices' public appearances. Additionally, slight alterations in the schedule of handing down decisions would likely make a world of difference for reporters who continually scramble to digest and report on rulings within minutes of going on the air or to press. Finally, and most controversially, the opening of the Court's doors to television cameras, if only on an experimental basis, would contribute enormously to the ability and the desire of the network news to cover the Court.

In the final analysis, the Court will have to lead the way to a more cooperative relationship between the media and the Court, and the promotion of an informed public. As Linda Green-

house of the *New York Times* has observed,

> Despite our divergent interests — the press corp's interest in accessibility and information, the Court's in protecting the integrity of its decisional processes — I am naive enough and out of step enough with the prevailing journalistic culture, to think of these two institutions as, to some degree, partners in a mutual democratic enterprise to which both must acknowledge responsibility. The responsibility of the press is to commit the resources necessary to give the public the most accurate and contextual reporting possible about the Court, its work, its members and its relationship with other branches of government. The Court's responsibility is to remove unnecessary obstacles to accomplishing that task (1996: 1561).

References

Greenhouse, Linda. 1996. "Telling the Court's Story: Justice and Journalism at the Supreme Court." *Yale Law Journal* 105:1537-1561.

Slotnick, Elliot E. and Jennifer A. Segal. forthcoming. *Television News and the Supreme Court: All the News That's Fit to Air?* Cambridge: Cambridge University Press.

Books and Articles to Watch For

Sue Davis, *University of Delaware*

Send information about your forthcoming work toSue Davis at: suedavis@udel.edu

Malcolm M. Feeley and **Edward L. Rubin** (*University of Calif. Berkeley*) have a new book due out in spring 1998. JUDICIAL POLICY MAKING AND THE MODERN STATE takes issue with traditional approaches of both legal scholars and political scientists, arguing that neither discipline has provided a satisfactory account of judicial policy making. They argue policy making is a distinct activity, markedly different from judicial interpretation, but nevertheless consistent with the idea of a bounded judicial role with identifiable norms and processes. They show that policy making takes place when judges do not claim that a constitutional, legal or statutory provision leads to a particular outcome, but instead behave like administrative agencies are often required to do -- and use a vague or opened-provision of law as grant or authorization to boldly "make law" within a given policy arena. They test their theory through a sustained analysis of the actions of federal trial court judges as they used the Eighth Amendment's provision prohibiting cruel and unusual punishment as an authorization to formulate comprehensive policies about conditions in prisons.

JUDICIAL POLICY MAKING AND THE MODERN STATE will be the subject of round table discussions at the annual meetings of the Law and Society Association in Aspen in June, and the American Political Science Association in Boston in September. It is published by Cambridge University Press, and can be ordered via phone at 1.800.872.7423.

Peter Lang Publishing, Inc., has just published the UNITED STATES SUPREME COURT JUDICAL DATA BASE, PHASE II: USER'S GUIDE, by **James L. Gibson** (*University of Houston*). The Guide documents the data collected on the Supreme Court by a team of scholars, including Rober Carp, Beverly Cook, Charels Johnson, and Sidney Ulmer. In addition to documenting each of the codes in the data set, the book provides specific details on how the variables were conceptualized and coded, as well as infomration about the reliability of the results. Three major aspects of these decision are addressed: the values expressed int the opinions of the Court (including concurrences, dissents, etc.), the attributes of the litigants in each case, and the nature and extent of participation in the litigation by amicus curiae. the data themselves have just become available at ICPR|SR. The book includes as an appendix the codebook ro Harold Spaeth's Supreme Court Data Base since our new variables supplement the variables collected by Spaeth. The cost of the book is $32.95. Copies may be ordered from:

Peter Lang Customer Service
275 Seventh Avenue
New York NY 10001
Or by calling: 1.800.770.5264

Books About Law and Courts from 1996-1998

Adams, David M. PHILOSOPHICAL PROBLEMS IN THE LAW, Second Edition. Belmont, CA: Wadsworth Publishing Co., 1996. 588 pp. Paper.

Adler, David Gray and Larry N. George eds. THE CONSTITUTION AND THE CONDUCT OF AMERICAN FOREIGN POLICY. Lawrence, Kansas: University Press of Kansas, 1996. 396 pp.

Allen, Francis A.THE HABITS OF LEGALITY: CRIMINAL JUSTICE AND THE RULE OF LAW. New York: Oxford University Press, 1996. 156 pp. Cloth $33.50.

Altman, Andrew. ARGUING ABOUT LAW: AN INTRODUCTION TO LEGAL PHILOSOPHY. Belmont, CA: Wadsworth, 1996. 250 pp. Paper.

Amar, Akhil Reed. THE CONSTITUTION AND CRIMINAL PROCEDURE: FIRST PRINCIPLES. New Haven: Yale University Press, 1997. 283 pp. Cloth $30.00.

Amerasinghe, C. F. PRINCIPLES OF THE INSTITUTIONAL LAW OF INTERNATIONAL ORGANIZATIONS. New York: Cambridge University Press, 1996. 519 pp.

Ashmore, Harry S. CIVIL RIGHTS AND WRONGS: A MEMOIR OF RACE AND POLITICS, 1944-1996. Columbia: The University of South Carolina Press, 1997. Paper $19.95.

Askin, Frank. DEFENDING RIGHTS: A LIFE IN LAW AND POLITICS. New Jersey: Humanities Press, 1997. 215 pp. Cloth $45.00. Paper $15.00.

Baer, Judith A. WOMEN IN AMERICAN LAW, VOLUME II. New York: Holmes & Meier, 1997.

Baker, Thomas E. THE MOST WONDERFUL WORK...: OUR CONSTITUTION INTERPRETED. St. Paul, Minn.: West Publishing Co., 1996. xliv + 706 pages. Cloth $26.95.

Barker, Paul, ed. LIVING AS EQUALS. Oxford, England: Oxford University Press, 1996. 165 Pages. Cloth $24.95.

Barrow, Deborah J., Gary Zuk, and Gerard S. Gryski. THE FEDERAL JUDICIARY AND INSTITUTIONAL CHANGE. Ann Arbor: University of Michigan Press, 1996. 143 pp. Cloth $39.50.

Baum, Lawrence. THE PUZZLE OF JUDICIAL BEHAVIOR. Ann Arbor: University of Michigan Press, 1997. 215 pp. $18.95 Paper. $29.75 Cloth.

Bell, Peter A. and Jeffrey. O'Connell ACCIDENTAL JUSTICE: THE DILEMMAS OF TORT LAW. New Haven: Yale University Press, 1997. 266 pp. $30.00 Cloth.

Bellow, Gary and Martha Minow, eds. LAW STORIES: LAW, MEANING, AND VIOLENCE. Ann Arbor: University of Michigan Press, 1996. 233 pages.

Benjamin, Gerald and Henrik N. Dullea, eds. DECISION 1997: CONSTITUTIONAL CHANGE IN NEW YORK Albany: The Rockefeller Institute Press, 1997. 534 pp. Paper $29.95.

Bergmann, Barbara R. IN DEFENSE OF AFFIRMATIVE ACTION. New York: Basic Books, 1996. 213 pp. Cloth $23.00.

Biskupic, Joan and Elder Witt. THE SUPREME COURT AND INDIVIDUAL RIGHTS,. Third Edition. Washington: Congressional Quarterly, 1997. 360 pp. Paper $34.95.

Biskupic, Joan and Elder Witt. THE SUPREME COURT AND THE POWERS OF THE AMERICAN GOVERNMENT. Washington: Congressional Quarterly Press, 1997. 434 pp. Paper $34.95.

Bork, Robert H. SLOUCHING TOWARDS GOMORRAH: MODERN LIBERALISM AND AMERICAN DECLINE. New York: Regan Books (Harper Collins), 1996. 382 pp. Cloth $25.00.

Brigham, John. THE CONSTITUTION OF INTERESTS: BEYOND THE POLITICS OF RIGHTS. New York: New York University Press, 1996. 224 pp. Cloth $37.50.

Bright, Charles. THE POWERS THAT PUNISH: PRISON AND POLITICS IN THE ERA OF THE "BIG HOUSE," 1920-1955. Ann Arbor: The University of Michigan Press, 1996. 326 pp. Cloth $47.50.

Brisbin, Richard A., Jr. JUSTICE ANTONIN SCALIA AND THE CONSERVATIVE REVIVAL Baltimore: The Johns Hopkins University Press, 1997. 474 p. Cloth $39.95.

Brooks, Peter and Paul Gewirtz , eds. LAW'S STORIES: NARRATIVE AND RHETORIC IN THE LAW. New Haven and London: Yale University Press, 1996. 320 pp. Cloth $30.00

Caney, Simon, David George, and Peter Jones, eds. NATIONAL RIGHTS, INTERNATIONAL OBLIGATIONS Boulder, Colorado: Westview Press, 1996. 211 pp. Paper.

Caplan, Lincoln. UP AGAINST THE LAW: AFFIRMATIVE ACTION AND THE SUPREME COURT. New York: The Twentieth Century Fund Press, 1997. 75 pp. $9.95 Paper.

Cardwell, Michael MILK QUOTAS: EUROPEAN COMMUNITY AND UNITED KINGDOM LAW. Oxford: Oxford University Press, 1996. 220 pp. Cloth $65.00.

Case, Roland. UNDERSTANDING JUDICIAL REASONING: CONTROVERSIES, CONCEPTS AND CASES. Toronto, Canada: Thompson Educational Publishing, Inc., 1997. 232 pp. Paper $24.95.

Chandler, Ralph Clark and William A. Ritchie, eds THE AMERICAN CONSTITUTION AT THE END OF THE TWENTIETH CENTURY. Kalamazoo, Michigan: New Issues Press, 1996. 611 pp. $40.00 Cloth. $20.00 Paper.

Clark, Roger S. and Madeleine Sann, eds. THE PROSECUTION OF INTERNATIONAL CRIMES: A CRITICAL STUDY OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA. Brunswick, New Jersey: Transaction Publishers, 1996. 502 pp. Cloth $49.95.

Cogan, Neil H. THE COMPLETE BILL OF RIGHTS: THE DRAFTS, DEBATES, SOURCES & ORIGINS. New York: Oxford University Press, 1997. 708 pp. Cloth $95.00.

Collins, Ronald K.L. & David M. Skover. THE DEATH OF DISCOURSE. Boulder: Westview Press, 1996. 294 pp.

Cook, Anthony E. THE LEAST OF THESE: RACE, LAW, AND RELIGION IN AMERICAN CULTURE. New York: Routledge, 1997. 256pp. Cloth $59.95. Paper $18.95.

Cooper, Phillip and Howard Ball. THE UNITED STATES SUPREME COURT: FROM THE INSIDE OUT. Prentice-Hall, 1996.

Cortner, Richard C. THE KINGFISH AND THE CONSTITUTION: HUEY LONG, THE FIRST AMENDMENT, AND THE EMERGENCE OF MODERN PRESS FREEDOM IN AMERICA. Westport, Ct.:Greenwood Press, 1996. 216 pp. Cloth $55.00.

Cray, Ed CHIEF JUSTICE: A BIOGRAPHY OF EARL WARREN. New York: Simon and Schuster. 1997. 602 pp. Cloth. $30.00.

Critchlow, Donald T., ed. THE POLITICS OF ABORTION AND BIRTH CONTROL IN HISTORICAL PERSPECTIVE. University Park: Pennsylvania State University Press, 1996. 180 pp.

Currie, David P. THE CONSTITUTION IN CONGRESS: THE FEDERALIST PERIOD, 1789-1901. Chicago: University of Chicago Press, 1997. 327 pp. Cloth $32.50

DeCew, Judith Wagner. IN PURSUIT OF PRIVACY: LAW, ETHICS, AND THE RISE OF TECHNOLOGY. Ithaca: Cornell University Press, 1997. 199 pp. Cloth $39.95; paper $15.95,

Delgado, Richard and Jean Stefancic. MUST WE DEFEND NAZIS? HATE SPEECH, PORNOGRAPHY, AND THE NEW FIRST AMENDMENT. New York: New York University Press, 1997. 216 Pages 26.95 Cloth.

Dershowitz, Alan M. REASONABLE DOUBTS: THE CRIMINAL JUSTICE SYSTEM AND THE O.J. SIMPSON CASE. New York: Simon & Schuster. A Touchstone Book. 1996. 271 pages. Paper $13.00.

Dinnage, James D. and John F. Murphy. THE CONSTITUTIONAL LAW OF THE EUROPEAN UNION. Cincinnati: Anderson Publishing Company, 1996. 731 pp

Domnarski, William. IN THE OPINION OF THE COURT. Urbana, Illinois and Chicago: University of Illinois Press, 1996. Xi + 183 pp. Cloth, $32.50. Paper, $14.95.

Downs, Donald Alexander. MORE THAN VICTIMS: BATTERED WOMEN, THE SYNDROME SOCIETY, AND THE LAW. Chicago: University of Chicago Press, 1997. 309 pp. Cloth $27.50.

Dullea, Henrik N. CHARTER REVISION IN THE EMPIRE STATE: THE POLITICS OF NEW YORK'S 1967 CONSTITUTIONAL CONVENTION. Albany: The Rockefeller Institute Press, 1997. 449 pp. $24.95 Paper.

Ely, John Hart. ON CONSTITUTIONAL GROUND. Princeton: Princeton University Press, 1996. 507 pp. Cloth $69.50. Paper $24.95.

Epstein, Lee and Jack Knight. THE CHOICES JUSTICES MAKE. Washington, D.C.: CQ Press, 1998. 200pp. $21.95 Paper.

Farber, Daniel A. and Suzanna Sherry BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW. New York: Oxford University Press, 1997. 195 pp. Cloth $25.00.

Faure, Murray and Jan-Erik Lane, eds. SOUTH AFRICA: DESIGNING NEW POLITICAL INSTITUTIONS. Newbury Park, CA: Sage Publications, 1996. 278 pp. $22.95 Paper.

Feldman, Stephen M. PLEASE DON'T WISH ME A MERRY CHRISTMAS: A CRITICAL HISTORY OF THE SEPARATION OF CHURCH AND STATE. New York: New York University Press, 1997. 395 pp. Cloth $29.95.

Feofanov, Yuri and Donald D. Barry POLITICS AND JUSTICE IN RUSSIA: MAJOR TRIALS OF THE POST-STALIN ERA. Armonk, New York, and London: M. E. Sharpe, 1996, 345 pp. $23.95 Paper.

Fine, Toni M.. AMERICAN LEGAL SYSTEMS: A RESOURCE AND REFERENCE GUIDE. Cincinnati: Anderson Publishing Company, 1997. 121 pp. $15.95 Paper.

Fiss, Owen THE IRONY OF FREE SPEECH. Cambridge: Harvard University Press, 1996. 90 pp. Cloth $18.95.

Fiss, Owen. LIBERALISM DIVIDED: FREEDOM OF SPEECH AND THE MANY USES OF STATE POWER. Boulder: Westview Press, 1996. 192 pp.

Freeman, M.D.A., CURRENT LEGAL PROBLEMS 1996 VOLUME 49 PART 2: COLLECTED PAPERS. Oxford and New York: Oxford University Press. 1996. Pp. 420.

Friedman, Lawrence M. AMERICAN LAW: AN INTRODUCTION. New York: W.W. Norton, 1998. 416 pp. Cloth $29.95.

Friedman, Lawrence M. and George Fisher, eds. THE CRIME CONUNDRUM: ESSAYS ON CRIMINAL JUSTICE Boulder, CO: Westview Press, 1997. 244 pp. Cloth $59.00.

Garvey, John H. WHAT ARE FREEDOMS FOR?. Cambridge: Harvard University Press, 1996. 312 pp. Cloth $35.00.

Gerhardt, Michael J. THE FEDERAL IMPEACHMENT PROCESS: A CONSTITUTIONAL AND HISTORICAL ANALYSIS. Princeton: Princeton University Press, 1996. 233 pp. Cloth $29.95.

Goldman, Sheldon. PICKING FEDERAL JUDGES: LOWER COURT SELECTION FROM ROOSEVELT THROUGH REAGAN. New Haven, CT: Yale University Press, 1997. 428 pages. Cloth $45.00.

Goldstein, Robert Justin. BURNING THE FLAG: THE GREAT 1989-1990 AMERICAN FLAG DESECRATION CONTROVERSY. Kent, Ohio: The Kent State University Press, 1996. 412 pp. Cloth $52.00. Paper $32.00.

Goodrich, Peter. LAW IN THE COURTS OF LOVE: LITERATURE AND OTHER MINOR JURISPRUDENCES. London: Routledge, 1996.

Graber, Mark A. RETHINKING ABORTION: EQUAL CHOICE, THE CONSTITUTION, AND REPRODUCTIVE POLITICS. Princeton, Princeton University Press, 1996. 244 pp.

Greenberg, Ellen. THE SUPREME COURT EXPLAINED. New York: W. W. Norton and Company, 1997. 208 pp. $12.95 Paper.

Greenberg, Ellen. THE SUPREME COURT EXPLAINED. New York: W. W. Norton and Company, 1997. 208 pp. $12.95 Paper.

Griffin, Stephen M. AMERICAN CONSTITUTIONALISM: FROM THEORY TO POLITICS. Princeton, NJ: Princeton University Press, 1996. 216 pp. Cloth $29.95.

Griffin, Stephen M. and Robert C. L. Moffat eds RADICAL CRITIQUES OF THE LAW. Lawrence, Kansas: University Press of Kansas, 1997. 337 pp. Cloth $45.00, Paper $25.00.

Guarino-Ghezzi, Susan and Edward J. Loughran. BALANCING JUVENILE JUSTICE. New Brunswick: Transaction Publishers, 1996. 213 pp.

Hagan, John, A. R. Gillis, & David Brownfield. CRIMINOLOGICAL CONTROVERSIES: A METHODOLOGICAL PRIMER. Boulder, Colorado: Westview Press, 1996. 202 pp.

Haines, Herbert H. AGAINST CAPITAL PUNISHMENT: THE ANTI-DEATH PENALTY MOVEMENT IN AMERICA, 1972-1994. New York: Oxford University Press, 1996. 253 pp. Cloth $35.00.

Haney-Lopez, Ian F. WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE. New York: New York University Press, 1996.

Harmon, Louise and Deborah W. Post. CULTIVATING INTELLIGENCE: POWER, LAW, AND THE POLITICS OF TEACHING: A COLLABORATION. New York: New York University Press, 1996. 230 pp. Paper $15.95.

Harr, Charles M. SUBURBS UNDER SIEGE: RACE, SPACE, AND AUDACIOUS JUDGES. Princeton, NJ: Princeton University Press, 1996. 266 pp.

Harwood, Sterling. JUDICIAL ACTIVISM: A RESTRAINED DEFENSE. Revised edition. Bethesda, MD. Austin & Winfield, Publishers, 1996. 167 pp. Cloth $69.96. Paper $49.95.

Helmholz, R. H., Charles M. Gray, John H. Langbein, Eben Moglen, Henry E. Smith, Albert W. Alschuler. THE PRIVILEGE AGAINST SELF-INCRIMINATION: ITS ORIGINS AND DEVELOPMENT. Chicago: University of Chicago Press, 1997. 310 pages. $29.95 cloth.

Hendley, Kathryn. TRYING TO MAKE LAW MATTER. Ann Arbor: University of Michigan Press, 1996. 265 pp.

Heumann, Milton and Thomas Church with David Redlawsk, eds. HATE SPEECH ON CAMPUS: CASES, CASE STUDIES AND COMMENTARY. Boston: Northeastern University Press, 1997. 309 pp. Cloth $50, & Paper $20.

Higginbotham, A. Leon, Jr. SHADES OF FREEDOM: RACIAL POLITICS AND PRESUMPTIONS OF THE AMERICAN LEGAL PROCESS. New York: Oxford University Press, 1996. xxii + 304 pp. Cloth $30.00

Hobson, Charles F. THE GREAT CHIEF JUSTICE: JOHN MARSHALL AND THE RULE OF LAW. Lawrence, Kansas: The University Press of Kansas, 1996. 256 pp. Cloth $35.00.

Hockett, Jeffrey D. NEW DEAL JUSTICE: THE CONSTITUTIONAL JURISPRUDENCE OF HUGO L. BLACK, FELIX FRANKFURTER, AND ROBERT H. JACKSON. Lanham, MD: Rowman and Littlefield Publishers, 1996. 322 pages.

Hoffer, Peter Charles THE SALEM WITCHCRAFT TRIALS: A LEGAL HISTORY. Lawrence, Kansas: University Press of Kansas, 1997. 165 pp. $10.95 Paper.

Hoffman, Daniel N. OUR ELUSIVE CONSTITUTION: SILENCES, PARADOXES, PRIORITIES. Albany N.Y: State University of New York Press, 1997. 297 pp. Paper $19.95.

Hopkins, Ann Branigar. SO ORDERED: MAKING PARTNER THE HARD WAY. Amherst: University of Massachusetts Press, 1996. 395 pp.

Huff, C. Ronald, Ayre Rattner and Edward Sagarin. CONVICTED BUT INNOCENT: WRONGFUL CONVICTION AND PUBLIC POLICY. Newbury Park, CA: Sage Publications, 1996. 180 pp.

Hunter, Howard O., ed. THE INTEGRATIVE JURISPRUDENCE OF HAROLD J. BERMAN Boulder, Colorado, USA/Oxford, UK: Westview Press 1996. 166 pp.

Hyman, Harold M. THE RECONSTRUCTION JUSTICE OF SALMON P. CHASE: IN RE TURNER AND TEXAS V. WHITE. Lawrence: The University Press of Kansas, 1997. xii +184 pp. Cloth $25.00. Paper $12.95.

Inciardi, James A., Duane C. McBride, and James E. Rivers DRUG CONTROL AND THE COURTS. Thousand Oaks, CA: Sage Publications, 1996. 130pp. Paper $17.95.

Jackson, Donald W. THE UNITED KINGDOM CONFRONTS THE EUROPEAN CONVENTION ON HUMAN RIGHTS. Gainesville: University Press of Florida, 1997. 214 pp. Cloth $49.95.

Jacob, Herbert, Erhard Blankenburg, Herbert M. Kritzer, Doris Marie Provine, Joseph Sanders. COURTS, LAW, AND POLITICS IN COMPARATIVE PERSPECTIVE. New Haven, CT: Yale University Press. $45 cloth, $20.00 paper.

Jacobson, David. RIGHTS ACROSS BORDERS: IMMIGRATION AND THE DECLINE OF CITIZENSHIP. Baltimore: The Johns Hopkins Press, 1996. 181 pp. $33.50.

Johnson, Herbert A. THE CHIEF JUSTICESHIP OF JOHN MARSHALL, 1801-1835. Columbia: University of South Carolina Press, 1997. 317 pp. Cloth $55.00. ISBN

Johnston, Richard Andre Blais, Elisabeth Gidengil, and Neil Nevitte. THE CHALLENGE OF DIRECT DEMOCRACY: THE 1992 CANADIAN REFERENDUM. Montreal and Kingston, Canada: McGill-Queen's University Press, 1996. 338 pp. (including appendices and index). Paper CDN$ 19.95.

Jost, Kenneth. THE SUPREME COURT YEARBOOK 1995-1996. Washington: Congressional Quarterly, Inc., 1996. 358 pp. Cloth $37.95. Paper $27.95.

Jurgielewicz, Lynne. GLOBAL ENVIRONMENTAL CHANGE AND INTERNATIONAL LAW: PROSPECTS FOR PROGRESS IN THE LEGAL ORDER. Lanham, MD: University Press of America, 1996. 268 pp.

Kahn, Robert S. OTHER PEOPLE'S BLOOD: U. S. IMMIGRATION PRISONS IN THE REAGAN DECADE. Boulder, CO: Westview Press, 1996. 265 pp. Paper $20.00.

Katz, Ellis and G. Alan Tarr, eds. FEDERALISM AND RIGHTS. Lanham, Maryland: Rowman & Littlefield Publishers Inc., 1996. 208 pp.

Katzmann, Robert A. COURTS AND CONGRESS. Washington, D.C.: The Brookings Institution/ Governance Institute, 1997. 163 pp. Cloth $38.95. Paper $12.95.

Kaye, D. H. SCIENCE IN EVIDENCE. Cincinnati, Ohio: Anderson Publishing Co., 1997. 409 pages.

Kens, Paul. JUSTICE STEPHEN FIELD: SHAPING AMERICAN LIBERTY FROM THE GOLD RUSH TO THE GILDED AGE. Lawrence, KS: University Press of Kansas, 1997. viii, 376pp, 12 illustrations. Cloth $39.95.

Kermit L. Hall, William M. Wiecek and Paul Finkelman, eds. AMERICAN LEGAL HISTORY. New York: Oxford University Press, 1996. 610 pages. $25.95 Cloth. $15.95 Paper.

Kevelson, Roberta, ed. LAW AND THE CONFLICT OF IDEOLOGIES: NINTH ROUND TABLE ON LAWAND SEMIOTICS. New York: Peter Lang, 1996. 250 pp.

Keynes, Edward. LIBERTY, PROPERTY, AND PRIVACY: TOWARD A JURISPRUDENCE OF SUBSTANTIVE DUE PROCESS. University Park, Pennsylvania: Pennsylvania State University Press, 1996. 254 pp. Cloth $40.00. Paper $16.95.

Kommers, Donald P. THE CONSTITUTIONAL JURISPRUDENCE OF THE FEDERAL REPUBLIC OF GERMANY, Second Edition. Durham, NC: Duke University Press, 1997. 620 pp. Paper.

Korn, Jessica. THE POWER OF SEPARATION: AMERICAN CONSTITUTIONALISM AND THE MYTH OF THE LEGISLATIVE VETO. Princeton: Princeton University Press, 1996. 178 pp. Cloth $29.95

Kruman, Marc W. BETWEEN AUTHORITY AND LIBERTY: STATE CONSTITUTION MAKING IN REVOLUTIONARY AMERICA. Chapel Hill: University of North Carolina Press, 1997.

Kyvig, David E. EXPLICIT AND AUTHENTIC ACTS: AMENDING THE U.S. CONSTITUTION, 1776-1995. Lawrence, Kansas: University Press of Kansas, 1996. 604 pp. Cloth $55.00.

Lahav, Pnina. JUDGMENT IN JERUSALEM: CHIEF JUSTICE SIMON AGRANAT AND THE ZIONIST CENTURY. Berkeley: The University of California Press. , 1997. 331 pp. $29.95 Cloth.

Landsberg, Brian K. ENFORCING CIVIL RIGHTS: RACE, DISCRIMINATION AND THE DEPARTMENT OF JUSTICE. Lawrence, Kansas: The University Press of Kansas, 1997. 276 pp. $35.00 Cloth.

Lane, Jan-Erik. CONSTITUTIONS AND POLITICAL THEORY. Manchester: Manchester University Press, 1996. Distributed by St. Martin's Press, New York. 294 pp.

Lane, Roger. MURDER IN AMERICA: A HISTORY. Columbus, Ohio: Ohio StateUniversity Press, 1997. 399 Pages. $24.95 Cloth.

Levy, Leonard W. A LICENSE TO STEAL: FORFEITURE OF PROPERTY. Chapel Hill, The University of North Carolina Press, 1996. 181 pp. Cloth $29.95.

Lobban, Michael. WHITE MAN'S JUSTICE: SOUTH AFRICAN POLITICAL TRIALS IN THE BLACK CONSCIOUSNESS ERA. New York: Oxford University Press, 1996. 288 pp. Cloth $65.00.

Louis Edward Ingelhart, ed. PRESS AND SPEECH FREEDOMS IN AMERICA, 1619-1995: A CHRONOLOGY. Westport, CT: Greenwood Press, 1997. 367 pp. $75.00 Cloth.

Ludwikowski, Rett R. CONSTITUTION-MAKING IN THE REGION OF FORMER SOVIET DOMINANCE. Durham and London: Duke University Press, 1996. 641 pp. Cloth $75.00.

Malamud-Goti, Jaime. GAME WITHOUT END: STATE TERROR AND THE POLITICS OF JUSTICE. Norman, OK.:University of Oklahoma Press, 1996. 235 pages. $ 24.95 Cloth.

Malavis, Nicholas George. BLESS THE PURE AND HUMBLE: TEXAS LAWYERS AND OIL REGULATION, 1919-36. College Station, TX: Texas A & M University Press. 322 pp. Cloth $44.95.

Manfredi, Christopher P. THE SUPREME COURT AND JUVENILE JUSTICE. Lawrence: University Press of Kansas, 1998. xv + 256 pp. Cloth $35.00.

Martini, Martha Rice. MARX NOT MADISON: THE CRISIS OF AMERICAN LEGAL EDUCATION. Lanham: University Press of America, 1997. 172 pp.

Maveety, Nancy. JUSTICE SANDRA DAY O'CONNOR: STRATEGIST ON THE SUPREME COURT. Lanham, Md.: Rowman & Littlefield Publishers 1996. 152 pp. Paper $21.95.

McBeath, Gerald A. THE ALASKA CONSTITUTION: A REFERENCE GUIDE. Westport, Connecticut: Greenwood Press, 1997. 280 pp. Cloth: $95.00

McDonagh, Eileen L. BREAKING THE ABORTION DEADLOCK: FROM CHOICE TO CONSENT. New York, N. Y.: Oxford University Press, 1996. 280 pp. Cloth $49.95. Paper $24.95.

McIntosh, Wayne and Cynthia Cates. JUDICIAL ENTREPRENEURSHIP: THE ROLE OF THE JUDGE IN THE MARKETPLACE OF IDEAS. Greenwood Press, 1997.

McIntyre, Lisa J. LAW IN THE SOCIOLOGICAL ENTERPRISE: A RECONSTRUCTION. Boulder: Westview Press, 1994. 240 pp.

McLauchlan, William P. THE INDIANA STATE CONSTITUTION. Westport, Connecticut: Greenwood Press, 1996. 208 pp. Cloth $75.00.

Meier, Robert F. and Gilbert Geis VICTIMLESS CRIMES? PROSTITUTION, DRUGS, HOMOSEXUALITY, ABORTION. Roxbury Series in Crime, Justice and Law. Los Angeles: Roxbury Publishing Company, 1997. 216 pp.

Mennel, Robert M. and Christine L. Compston, eds. HOLMES AND FRANKFURTER: THEIR CORRESPONDENCE, 1912-1934. Hanover and London: University Press of New England, 1996. xlii + 302 pp. Cloth $45.00

Mezey, Susan Gluck. CHILDREN IN COURT: PUBLIC POLICYMAKING AND FEDERAL COURT DECISIONS. State University of New York Press, 1996.

Mitchell, Richard J. POLITICAL BRIBERY IN JAPAN. Honolulu: University of Hawaii Press, 1996. 206 pp. Paper $25.00.

Moore, Wayne D. CONSTITUTIONAL RIGHTS AND POWERS OF THE PEOPLE. Princeton: Princeton University Press, 1996. 296 pp. Cloth $39.50.

Morris, Thomas D. SOUTHERN SLAVERY AND THE LAW, 1619-1860. Chapel Hill, NC: University of North Carolina Press, 1996. 575 pp. $49.95 Cloth.

Mosley, Albert G. and Nicholas Capaldi. AFFIRMATIVE ACTION: SOCIAL JUSTICE OR UNFAIR PREFERENCE?. Lanham, Maryland: Rowmann & Littlefield Publishers, Inc. 1996. 141 pp.

Mueller, Dennis C. CONSTITUTIONAL DEMOCRACY. New York: Oxford University Press, 1996. 382 pp. Cloth, $65.00.

Neuman, Gerald L. STRANGERS TO THE CONSTITUTION: IMMIGRANTS, BORDERS, AND FUNDAMENTAL LAW. Princeton: Princeton University Press, 1996.

Newman, Frank and David Weissbrodt, eds. INTERNATIONAL HUMAN RIGHTS: LAW, POLICY AND PROCESS. Second Edition. Cincinnati, OH: Anderson Publishing Company, 1996. 834 pages.

Nielsen, Marianne O. and Robert A. Silverman, eds. NATIVE AMERICANS, CRIME, AND JUSTICE. Boulder, Co.: Westview Press, l996. 321 pp.

Nino, Carlos Santiago. RADICAL EVIL ON TRIAL. New Haven, Yale University Press, 1996. 220 pp. Cloth $27.50

Nino, Carlos Santiago. THE CONSTITUTION OF DELIBERATIVE DEMOCRACY. New Haven, Yale University Press, 1996. 220 pp. Cloth $30.00

O'Brien, David M. with Yasuo Ohkoshi. TO DREAM OF DREAMS: RELIGIOUS FREEDOM AND CONSTITUTIONAL POLITICS IN POSTWAR JAPAN. Honolulu: University of Hawaii Press, 1996. 271 + xvi pp.

O'Connor, Karen. NO NEUTRAL GROUND? ABORTION POLITICS IN AN AGE OF ABSOLUTES. Boulder, Colorado: Westview Press, 1996. 208 pp. Paper $13.95.

O'Neil, Robert M. FREE SPEECH IN THE COLLEGE COMMUNITY. Bloomington, IN: The Indiana University Press, 1997. 280 pp. Cloth $24.95.

Osiel, Mark. MASS ATROCITY, COLLECTIVE MEMORY, AND THE LAW. New Brunswick, New Jersey: Transaction Publishers, 1997. 317 pp. $34.95 Cloth.

Paulson, Ross Evans. LIBERTY, EQUALITY, AND JUSTICE: CIVIL RIGHTS, WOMEN'S RIGHTS, ANDTHE REGULATION OF BUSINESS, 1865-1932. Durham: Duke University Press. 361 pp. Cloth $54.95. Paper $18.95.

Perea, Juan F. ed. IMMIGRANTS OUT! THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES. New York: New York University Press, 1996. Paper $19.95.

Peritz, Rudolph J. R. COMPETITION POLICY IN AMERICA, 1888-1992: HISTORY, RHETORIC, LAW. New York: Oxford University Press, 1996. 384 pp. Cloth $45.00.

Porto, Brian L. THE CRAFT OF LEGAL REASONING. Fort Worth: Harcourt Brace, 1998. 195 pp. Paper $22.50.

Posner, Richard A. THE FEDERAL COURTS: CHALLENGE AND REFORM. Cambridge, Mass.: Harvard University Press, 1996. 413 pp. Cloth $37.50.

Pound, Roscoe. With a new introduction by A. Javier Trevino. SOCIAL CONTROL THROUGH LAW. New Brunswick, NJ and London: Transaction Publishers, 1997. L + 138 pp. $21.95 Paper.

Rabinowitz, Victor. UNREPENTENT LEFTIST: A LAWYER'S MEMOIR. Urbana, IL: University of Illinois Press, 1996. 346 pp. Cloth $29.95

Ranney, Austin, ed. COURTS AND THE POLITICAL PROCESS: JACK W. PELTASON'S CONTRIBUTIONS TO POLITICAL SCIENCE. Berkeley, CA: Institute of Governmental Studies Press, 1996. 139 pp. $12.95.

Reagan, Leslie J. WHEN ABORTION WAS A CRIME: WOMEN, MEDICINE AND LAW IN THE UNITED STATES, 1867-1973. Berkeley: University of California Press, 1997. 384 pp. Cloth $29.95.

Roberts, Julian V. and Loretta Stalans. PUBLIC OPINION, CRIME, AND CRIMINAL JUSTICE. Boulder, CO: Westview Press, 1997. 337pp. $65.00 Cloth.

Rosen, Deborah. A. COURTS AND COMMERCE: GENDER, LAW, AND THE MARKET ECONOMY IN COLONIAL NEW YORK. Columbus: Ohio State University Press, 1997. 232 pp.

Rosenbloom, David and Rosemary O'Leary. PUBLIC ADMINISTRATION AND LAW H. Second Edition. New York: Marcel Dekker, Inc. 1997. (No. 61 in the Public Administration and Public Policy Series.) 344 pp. Cloth $150.00.

Rowland, C.K. and Robert A. Carp. POLITICS AND JUDGMENT IN FEDERAL DISTRICT COURTS. Lawrence, KS: University Press of Kansas, 1996. 211 pp. Cloth $29.95.

Rudenstine, David. THE DAY THE PRESSES STOPPED: A HISTORY OF THE PENTAGON PAPERS CASE. Berkeley, California: University of California Press. Pp. 416.

Sarat, Austin and Thomas W. Kearns eds. JUSTICE AND INJUSTICE IN LAW AND LEGAL THEORY. Ann Arbor: The University of Michigan Press, 1996. 173 pp. Cloth $39.50.

Sarat, Austin and Thomas W. Kearns eds. LEGAL RIGHTS: HISTORICAL AND PHILOSOPHICAL PERSPECTIVES. Ann Arbor: The University of Michigan Press, 1996. Cloth, $44.95.

Sarat, Austin, ed. RACE, LAW, AND CULTURE: REFLECTIONS ON BROWN V. BOARD OF EDUCATION. New York: Oxford University Press, 1997. 238 pp. Cloth $45.00. Paper $16.95.

Sarnoff, Susan Kiss. PAYING FOR CRIME: THE POLICIES AND POSSIBILITIES OF CRIME VICTIM REIMBURSEMENT. Westport, CN: Praeger, 1996. 115 pp. Cloth$49.95.

Sartori, Giovanni. COMPARATIVE CONSTITUTIONAL ENGINEERING: AN INQUIRY INTO STRUCTURES, INCENTIVES AND OUTCOMES. New York: New York University Press, Second edition, 1997. 217 pages. $18.50 Cloth.

Saunders, Kevin W. VIOLENCE AS OBSCENITY: LIMITING THE MEDIA'S FIRST AMENDMENT PROTECTION. Durham, NC: Duke University Press, 1996. 246 pp. Cloth $49.95. Paper $17.95.

Scalia, Antonin. A MATTER OF INTERPRETATION: FEDERAL COURTS AND THE LAW. Princeton, NJ: Princeton University Press, 1997. 159 pp. Cloth $19.95.

Schirazi, Asghar. THE CONSTITUTION OF IRAN: POLITICS AND THE STATE IN THE ISLAMIC REPUBLIC,. Translated by John O'Kane. London and N.Y.: I.B. Tauris Publishers, 1997. 325 pp. Cloth $69.50

Schultz, David A. LEVERAGING THE LAW: USING THE COURTS TO ACHIEVE SOCIAL CHANGE. Peter Lang, 1998.

Schultz, David A. and Christopher E. Smith. THE JURISPRUDENTIAL VISION OF JUSTICE ANTONIN SCALIA. Lanham, Md.: Rowman & Littlefield, 1996. 245 pp.

Schwartz, Bernard, ed. THE WARREN COURT: A RETROSPECTIVE New York: Oxford University Press, 1996. 406 pp. Cloth $45.00.

Schwartz, Bernard. A BOOK OF LEGAL LISTS: THE BEST AND THE WORST IN AMERICAN LAW. New York: Oxford University Press, 1997. 292 pp. Cloth $25.00.

Schwartz, Bernard. THE UNPUBLISHED OPINIONS OF THE REHNQUIST COURT. New York: Oxford University Press, 1996. 492pp. Cloth $45.00.

Sebba, Leslie. THIRD PARTIES: VICTIMS AND THE CRIMINAL JUSTICE SYSTEM. Columbus: Ohio State University Press, 1996. 446 pp.

Seidman, Louis M. and Mark V. Tushnet. REMNANTS OF BELIEF: CONTEMPORARY CONSTITUTIONAL ISSUES. New York: Oxford University Press, 1996. 223 pp. $15.95 Paper.

Seron, Carroll. THE BUSINESS OF PRACTICING LAW: THE WORK LIVES OF SOLO ANDSMALL-FIRM ATTORNEYS. Philadelphia: Temple University Press, 1996. 224 pp.

Shichor, David and Dale K. Sechrest, eds. THREE STRIKES AND YOU'RE OUT: VENGEANCE AS PUBLIC POLICY. Thousand Oaks, CA: SAGE Publications, 1996. 290pp. Paper $21.95.

Shoichi, Koseki, translated by Ray A. Moore. THE BIRTH OF JAPAN'S POSTWAR CONSTITUTION. Boulder: Westview Press, 1997. 259 pp. Cloth $55.00.

Simons, Geoff. THE SCOURGING OF IRAQ: SANCTIONS, LAW, AND NATURAL JUSTICE. New York: St. Martin's Press, 1996. 304 pp.

Sjostrom, Stefan. PARTY OR PATIENT? DISCURSIVE PRACTICES RELATING TO COERCION IN PSYCHIATRIC AND LEGAL SETTINGS. Umea, Sweden: Borea Bokforlag, 1997. 354 pp.

Slawson, W. David. BINDING PROMISES: THE LATE 20TH-CENTURY REFORMATION OF CONTRACT LAW. Princeton: Princeton University Press, 1996. 206 pp.

Smith, Rogers M. CIVIC IDEALS: CONFLICTING VISIONS OF CITIZENSHIP IN U.S. HISTORY. New Haven, CT: Yale University Press, 1997.

Star, Leonie. COUNSEL OF PERFECTION: THE FAMILY COURT IN AUSTRALIA. Melbourne: Oxford University Press, 1996. 251 pp. $29.95 Paper.

Stearns, Maxwell L. ed. PUBLIC CHOICE AND PUBLIC LAW. Cincinnati: Anderson Publishing Co., 1997.

Stebenne, David L. ARTHUR J. GOLDBERG: NEW DEAL LIBERAL. New York: Oxford University Press, 1996. 539 pp.

Sterett, Susan. CREATING CONSTITUTIONALISM? THE POLITICS OF LEGAL EXPERTISE AND ADMINISTRATIVE LAW IN ENGLAND AND WALES. Ann Arbor: University of Michigan Press, 1997. 240 pp. Cloth $49.50.

Strum, Phillipa. PRIVACY: THE DEBATE IN THE U.S. SINCE 1945. Forth Worth, Texas: Harcourt Brace, 1998.

Subedi, Surya P. LAND AND MARITIME ZONES OF PEACE IN INTERNATIONAL LAW. Oxford: Clarendon Press, 1996, for the series Oxford Monographs in International Law. 271 pp. Cloth $75.00.

Sunderland, Lane V. POPULAR GOVERNMENT AND THE SUPREME COURT: SECURING THE PUBLIC GOOD AND PRIVATE RIGHTS. Lawrence, Kansas: University Press of Kansas, 1996. 361 pp. Cloth $40.00.

Sunstein, Cass R. FREE MARKETS AND SOCIAL JUSTICE. New York: Oxford University Press, 1997. 416 pages. Cloth $35.00.

Tarr, G. Alan, ed. CONSTITUTIONAL POLITICS IN THE STATES: CONTEMPORARY CONTROVERSIES AND HISTORICAL PATTERNS Westport, CT: Greenwood Press, 1996. 248 pp. $59.95.

Thaler, Pau. THE SPECTACLE: MEDIA AND THE MAKING OF THE O. J. SIMPSON STORY. Westport, CN: Praeger, 1997. 326 pp. Paper $22.95

Tonry, Michael and Kathleen Hatlestad, eds. SENTENCING REFORM IN OVERCROWDED TIMES: A COMPARATIVE READER. New York: Oxford University Press, l997, xv, 288 pp.

Tonry, Michael, ed. CRIME AND JUSTICE: A REVIEW OF RESEARCH. Chicago: The University of Chicago Press, 1997. Vol. 22, 433 pp. Cloth $46.00.

Tonry, Michael. SENTENCING MATTERS. New York: Oxford University Press, 1996. 222 pp. Cloth $29.95

Tushnet, Mark. MAKING CONSTITUTIONAL LAW: THURGOOD MARSHALL AND THE SUPREME COURT, 1961-1991. New York: Oxford University Press, 1997. 246 pp. Cloth $29.95.

Urofsky, Melvin I. AFFIRMATIVE ACTION ON TRIAL: SEX DISCRIMINATION IN JOHNSON V. SANTA CLARA. Lawrence Kansas: University Press of Kansas, 1997. 201 pp. $12.95 paper.

Urofsky, Melvin I. DIVISION AND DISCORD: THE SUPREME COURT UNDER STONE AND VINSON, 1941-1953 Columbia, SC: University of South Carolina Press, 1997. 314 pp. Cloth. $39.95.

Uviller, H. Richard. VIRTUAL JUSTICE: THE FLAWED PROSECUTION OF CRIME IN AMERICA. New Haven: Yale University Press, 1996. 318 pp.

Van Wyk, David, John Dugard, Bertus de Villiers and Dennis Davis, eds. RIGHTS AND CONSTITUTIONALISM: THE NEW SOUTH AFRICAN LEGAL ORDER. NewYork: Oxford University Press, 1996. 720 pp. Cloth $115.

Vidmar, Neil. MEDICAL MALPRACTICE AND THE AMERICAN JURY. Ann Arbor: University of Michigan Press, 1996. xii + 318pp. Cloth $34.50.

Volcansek, Mary L. with Maria Elisabetta de Franciscis and Jacqueline Lucienne Lafon JUDICIAL MISCONDUCT: A CROSS-NATIONAL COMPARISON. Gainesville: University Press of Florida, 1996. 176 pp. Cloth $39.95.

Weisberg, Richard H.. VICHY LAW AND THE HOLOCAUST IN FRANCE. New York: New York University Press, 1996. 447 pp. Cloth $45.00.

Williams, Robert A., Jr. LINKING ARMS TOGETHER: American Indian TREATY VISIONS OF LAW & PEACE, 1600 - 1800. New York: Oxford University Press, l997.192 pp. Cloth $29.95.

Winick, Bruce J. THE RIGHT TO REFUSE MENTAL HEALTH TREATMENT. Washington: American Psychological Association, 1997. 427 pp.

Wirt, Frederick M. "WE AIN'T WHAT WE WAS" CIVIL RIGHTS IN THE NEW SOUTH. Durham, NC: Duke University Press, 1997. 286pp. Cloth $49.95. Paper $16.95

Wolfson, Nicholas. HATE SPEECH, SEX SPEECH, FREE SPEECH. Westport: Praeger Publishers, 1997. 149 pp. Cloth, $35.

Wolters, Raymond. RIGHT TURN: WILLIAM BRADFORD REYNOLDS, THE REAGAN ADMINISTRATION, AND BLACK CIVIL RIGHTS. New Brunswick, NJ: Transaction Publishers, 1996. 499pp. Cloth $49.95.

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Upcoming Conferences and Events

Do the Haves Still Come Out Ahead Again?

This conference will assess the scholarly impact of the most widely cited article ever published in the Law and Society field, Marc Galanter's "Why the 'Haves' come Out Ahead: Speculations on the Limits of Legal Change" [9 Law & Society Review 95-160 1974)]. The conference will be held May 1-2, 1998, at the University of Wisconsin-Madison.

Sessions at the conference will examine how Galanter's ideas and concepts regarding the relative advantages and disadvantages of litigants in the American legal system have been employed in sociolegal research. His framework suggested the close interconnection between law and society, the impact of the distribution of power and the resources in a democratic society, and the necessary connection between the structure and functioning of the legal system and ongoing processes of legal and social change.

The 16 papers to be presented were selected from among a large number of proposals; the selections were primarily made with the purpose of producing a set of coherent and lively session discussions on whether the 'haves' really do (or still do) come out ahead, how things have (or have not) changed for the 'have nots,' and how Galanter's ideas can be applied to non-court settings, different legal systems and legal cultures, and changing societal conditions. In addition, the organizers have sought to insure that the papers reflect diverse intellectual backgrounds and diverse generational experiences. At the close of the conference, Marc Galanter will reflect on the intellectual background of the original paper, and how he might approach the question differently if he were writing the paper in 1998.

The conference is administered by the Institute for Legal Studies of the University of Wisconsin-Madison. For further information, please contact:

Dr. Joy Roberts - jhrobert@facstaff.wisc.edu
608.263.2545
fax: 262.5486

Weekly updates of the conference, including registration information, are availible on the Institute for Legal Studies Web site (http://www.law.wisc.edu/ils/).

International Conference on Democratization

The University of Houston Department of Political Science will be hosting an international conference on democratization in November, 1999. The conference will assess the body of theories and hypotheses addressed in democratization research, with an eye toward consolidating our knowledge of the processes involved, and more importantly, identifying the urgent questions and problems that remain unanswered after this decade of intensive research. The conference will be both retrospective -- assessing what we have accomplished in the last decade -- and prospective -- identifying the most important unanswered questions for the field. The conference will be broadly structured, including both macro- and micro-research and work on both the causes and consequences of democratization. And though the conference is planned to coincide with the decade anniversary of the fall of the Berlin Wall, it will be global in scope, emphasizing theories and scientific understandings of democratization. The conference will result in an edited volume, to be published as an

1998 Conferences

Midwest Political Science Association	**Chicago, IL**	**April 23-25, 1998**
Law and Society Association	**Aspen, CO**	**June 4-7, 1998**
APSA, 1998	**Boston, MA**	**Sept 3-6, 1998**
Southern Political Science Association	**Atlanta, GA**	**Oct 28-31, 1998**
Northeastern Political Science Association	**Boston, MA**	**Nov 11-14, 1998**
Southwestern Social Science Association	**San Antonio TX**	**March 31-April 3, 1999**
Western Political Science Association	**Seattle WA**	**Mar 25-27, 1999**

Other Upcoming Conferences and Events

APSA Short Course: Courts, Law and the New (Historical) Institutionalism

This course, sponsored by the Law and Courts Organized Section, American Political Science Association, will explore the New (Historical) Institutionalism scholarship and its application to the study of the impact of legal institutions and law on political and societal change. Some of the issues to be addressed by participants include: What are the basic elements of the New (Historical) approach? Are there unique opportunities and limitations in applying this approach to our understanding of the impact of legal institutions and law on political and society change? What are the implications for studying the relationship of history to legal and societal change? What are the implications for studying the relationship of history to legal change if the American political tradition is viewed as one of the multiple traditions versus a Hartzian, consensual approach? Are there particular benefits of employing the new (Historical) Institutional approach to study the Supreme Court, state and lesser federal courts, the criminal justice system, civil law questions, and issues of common law? Does the New (Historical) Institutional approach provide new opportunities to relate changing social, political, and economic facts to law and legal institutions or to study legal institutions and law cross-nationally? In considering whether to attend, you might wish to read a symposium on the new (Historical) Institutionalism in Volume 28. Polity (Fall 1995).

Participants include: Professors Cornell Clayton, Washington State University Howard Gillman, University of Southern California; Mark Graber, University of Maryland; Christine Harrington, New York University; Ronald Kahn, Oberlin College; Michael McCann University of Washington; Eileen McDonagh, Northeastern University; and Roger Smith, Yale University.

Faculty, graduate students, and unaffiliated scholars are invited to attend. Participants will discuss published works and works in progress. A packet of materials will be sent to attendees during the summer. After the annual APSA meeting a letter confirming your participation will be sent to the academic dean of your institution. Please list the name, title, and address of the person to whom the letter should be sent.

This course is scheduled for Wednesday, September 2, 1:00-5:00. There is a $10.00 fee for faculty and a $5.00 fee for graduate students, primarily to cover the expense of photoduplicating materials. Please make checks payable to Organized Section on Law and Courts and send registration materials to:

Professor Ronald Kahn - fkahn@alpha.cc.oberlin.edu
Department of Politics
Oberlin College
Oberlin Ohio 44074
Office: 440.775.8495
Home: 440.774.1670
fax: 440.775.8886

Law and Semiotics Roundtable

The 13th Law and Semitoics Roundtable will be held in Amherst Massachusetts April 22-25, 1999. The general theme will be "Commodification: Constructing Worlds, Constructing Reality" with sub themes and topics to be developed around contributions by participants.

The formal announcement will be available shortly. To receive this information or express interest, contact John Brigham at brigham@polsci.umas.edu.

Section News and Announcements

Post-Doctoral Position in Democratization

A post-doctoral position with the Department Political Science at the University of Houston in conjunction with an international conference on democratization to be held in November, 1999 is now available. The position will extend until approximately May, 2000.

Interested applicants should have recently completed a Ph.D. and have a strong substantive interest in problems of democratization. Other qualifications include an on-going research agenda in democratization, excellent quantitative data analytic and word processing skills as well as knowledge of the Internet and other aspects of computing are essential. In addition, the ability to construct and modify web pages is highly desirable. Fluency in a foreign language is a decided asset. Women and minorities are encouraged to apply.

The duties of the position include:

a. Assisting in on-going research on democratization. Currently, projects are underway in South Africa, Eastern Europe, Russia, Benin, Ghana, and elsewhere.
b. Assisting in organizing the democratization conference (see conference announcements for more information). Assistance is needed in every aspect of the conference, ranging from logistics (e.g., hotel and airline bookings), to funding raising, publicity, recruiting participants, contacting embassies, etc. Some aspects of this work will be administrative in nature (e.g., handling mailings); other aspects will involve discussions with high-level academics and politicians. Applicants who will simply "muck in" and do what has to be done at the moment are highly desireable!
c. Finally, applicants should be able to contribute to certain aspects of our work just as we expect to contribute to the development of your research. The position does includes some publication opportunities. In essence, the research team is seeking someone who can perform as a sophisticated research assistance, but who will also be a junior colleague.

Our funding for this position requires we pay no more than $2,000 per month, and we currently have funding for 24 months. This is a .75 % FTE, which means we expect 30 hours per week to devoted to conference and research tasks. Applicants would be expected to live in Houston, and additional research support (e.g., unlimited mainframe computing time, etc.), office space, etc. will be included. The most attractive aspect of this position is surely the opportunity to become centrally involved in what promises to be a very important conference on democratization.

We are accepting applications beginning immediately. Please send a letter of application, a copy of your vita, and a list of three reference to

James L. Gibson
Cullen Distinguish Professor
Department of Political Science
University of Houston
Houston, TX 77204

or to

Raymond M. Duch
Associate Professor
Department of Political Science
University of Houston
Houston, TX 77204

Please do not send applications via e-mail or fax.

Arctic Social Sciences Program

The National Science foundation's Arctic Social Sciences Program welcomes research proposals on law and society in the circumpolar north (Alaska, Greenland, Iceland, as well as northern Canada, Russia, Finalnd, Norway, and Sweden). Proposals should come from U.S. institutions. Target dates for submission are August 1, 1998 and February 15th, 1999. For more information on the program, please contact:

Dr. Fae L. Korsmo - fkorsmo@nsf.gov
Program Director, Arctic Social Sciences, National Science Foundation
4201 Wilson Boulevard
Arlington VA 22230
phone: 703.306.1029
fax: 703.306.0648

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Subscriptions to **Law and Courts** are free to members of the APSA's Law and Courts Section. Please contact the APSA to join the Section.

The deadline for submissions for the next issue of **Law and Courts**: July 1, 1998.

Law and Courts

Cornell Clayton, Editor
Department of Political Science
PO Box 644880
Washington State University
Pullman WA 99164-4880

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