

LAW, COURTS, AND JUDICIAL PROCESS SECTION

NEWSLETTER

Vol. 3 No. 3

Summer, 1986

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The Newsletter publishes articles, news items, announcements, commentary, and features of interest to members of the Law, Courts, and Judicial Process Section. The Newsletter is published three times each year in Fall, Spring, and Summer issues. Deadlines for submission of materials for each issue are as follows: Fall (September 15th), Spring (January 15th), and Summer (May 15th). Contributions to the Newsletter should be sent to the appropriate editor listed below.

Articles and Commentary

Brief articles and notes describing matters of interest to the field will be published subject to review by Newsletter editors. Authors are encouraged to share research findings, teaching innovations, or commentary on developments in the field which would interest members of the section. Footnote and reference style should follow that of the American Political Science Review.

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*ALL CRITTERS GREAT AND SMALL:
Critical Legal Studies and Liberal Political Theory*

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A spectre is stalking America's public law scholars -- the spectre of the Critical Legal Studies movement (CLS). Or at least, so its adherents fervently hope. The major law reviews are increasingly filled with articles on a whole range of current and historical topics bearing the imprimatur of this new school. This development is beginning to win the attention even of political scientists who study public law, despite their usual skepticism about the enthusiasms of their law school counterparts. In this essay, I will suggest that there is indeed much in the CLS movement that political scientists should take seriously, even though much of it consists of things that, under different labels, they have taken seriously for a long time.

Yet there is also much to dispute. At the most basic level, the outlooks of many leading critical legal scholars and of much related radical thought rest on philosophic assumptions that represent, I think, critical errors. These key assumptions are that notions of freedom and equality are meaningless unless they refer to a total overcoming of all natural and social limitations by all conceivably relevant persons; and that all apparent limits on such radical freedom are far more matters of man-created interpretations which reinforce needless, illicit hierarchies that constitute factors of our condition which cannot be entirely overcome. These assumptions, I believe, are quixotic and often prove self-defeating. While they can and have generated useful critical efforts aimed at real forms of oppression, they ultimately produce a profound revulsion at the human condition that can support nihilistic pessimism, stubborn conservatism, or a desperate frivolity as easily as they produce constructive change.

A Pocket Guide to the CLS

For uninitiated readers, it should be noted at the outset that the Conference on Critical Legal Studies began in the late 1970s as a self-conscious movement among diverse left-oriented legal scholars (whose students now often facetiously refer to them as "crits" or "critters"). They were generally dissatisfied with the traditional Marxist materialist outlooks that predominated in the established left-lawyers' group, the National Lawyers Guild. The leading CLS spokesmen range from neo-Marxian scholars such as Morton Horwitz, Mark Tushnet, and (to some degree) Robert Gordon, who write most extensively on legal history, to the more original philosophizing of Roberto Unger and the madcap eclecticism of Duncan Kennedy. As this list suggests, while it was spawned among Yale law students and has outposts around the country, CLS is centered at the Harvard Law School (and ironically still lacks much faculty representation at Yale). Its rise has created some severe divisions among the Harvard faculty that have won the movement attention in general circulation magazines, such as the *New Yorker* and the *New Republic*.

It's hazardous to designate the positions uniting these truly varied scholars, but it is also fashionable, and so I will hazard three. First, the critical legal scholars stress the logical indeterminacies and contradictions of all legal texts -- statutes, judicial opinions, constitutional provisions. Second, they hold that American law embodies "liberal legalism," that it directly and subtly serves the relations of

domination that characterize a liberal capitalist society, even while it professes to treat all fairly and equally. It also displays the corresponding internal "contradictions" of that exploitative socioeconomic system. Third, most critical legal scholars share some hope that a genuinely egalitarian, communitarian, and emancipated human society may be possible, and that discrediting, undermining, and "deconstructing" our deceptive, oppressive, self-contradictory liberal legalism may help move people toward it -- though those hopes are often accompanied by painful doubts bred by the movement's own beliefs in the pervasiveness of arbitrariness and domination in social life.

Public law scholars in political science frequently protest that little of this is original, all these positions are more or less anticipated by, at the latest, the legal realists of the 1930s, and that our field, if not the law schools, long ago assimilated what wisdom there is to be had in them. Since the behavioral revolution of the 1950s, we have paid less attention to what courts say, knowing their opinions are often indeterminate and misleading, and we have analyzed courts as political institutions in a liberal capitalist society, studying their relations and services to that society's dominant political forces. Sometimes we have even proposed roles for courts designed to move the system in whatever direction a scholar finds desirable.

While all these points are true enough, there are distinctive elements to the ways at least some critical legal scholars have extended the legal realist critique of 19th century laissez-faire "mechanical jurisprudence." The legal realists were mostly left-minded pragmatists in the John Dewey mold, some influenced also by Marx and Freud. The critical legal scholars are largely products of the New Left of the 1960s, shaped by the mixture of more democratic versions of Marxism with romantic, ultimately Nietzschean elements that characterized that movement. While some CLS members correctly claim to belong to the Deweyite and realist traditions of democratic pragmatism, they give their three tenets a different cast reflecting these other influences.

On issues of interpretation, they invoke the deconstructionist literary school of Jacques Derrida and Stanley Fish, a movement whose basic insights trace back to Nietzsche's argument that we seek at the deepest level to impose our own perspectives on texts (as on all else). Thus we ultimately discover in them only what we bring to them. To this contemporary literary scholars have added the gloss that texts always can be shown to be self-contradictory, for they ultimately reveal only the impossibility of the very effort to convey a determinate message that they simultaneously represent. In unmasking "liberal legalism," moreover, many critical legal scholars have stressed, more than have most judicial behavioralists, how the legal system does have some relative autonomy from the deeper socioeconomic power structure of the society and all other "single factor" determinants. Thus it may at times be a pivotal arena within which competing elites help determine the form and membership of the prevalent hierarchical structure of domination, at least for a while. Most significantly, perhaps, the future visions of the critical legal scholars tend to be expressed more radically than those of the legal realists. They range from Unger's brave if unconvincing effort to describe truly free, egalitarian, yet practical social institutions, to Kennedy's devil-may-care disavowal of all system-building, theoretical or political, in favor of seeking to promote moments of felt insight and community, described as experiences of "intersubjective zap."¹

As most scholars now recognize, the legal realists' milder formulations of these sorts of positions ultimately led that movement to only gently reformist and even

conservative postures. It chiefly produced efforts to make the law do better at oiling what legal elites took to be the obvious squeaks in the existing system, with less regard for the constraints of precedent or abstract theory than their predecessors had shown. The hope of many critical legal scholars is that their new formulations will help them to pursue a radical direction more successfully. I doubt this is so.

Some Criticisms of Law's "Critical Critics"

Deconstructionism. First, the turn to deconstructionist literary theories is no guarantee of leftist results, as the Nietzschean roots of these interpretive approaches indicate. The fact that both texts and interpretations may express the creative "will to power" of those who originate them -- or even of the deeper social structures of which individuals' outlooks are allegedly but particular expressions -- does not mean that the ambiguities visible in legal texts necessarily reveal the internal contradictions of liberal or capitalist social formations. They may instead reveal chaotic indeterminacy; or a perspective that is dominant within a community, but neither oppressive nor incoherent, only incompletely developed; or they may uncover a dark, ceaseless struggle for domination in which there are temporary winners but no possibility of universal relief. There are ardent deconstructionists who adhere to all these political positions, as well as many who have given little thought to politics at all. In confirmation of this point, Lief Carter, the most prominent proponent of the critical legal scholars among political scientists, applauds their interpretive theories and persuasively links them with the earlier pragmatic traditions -- but he explicitly disavows the "radical substance" of most of the "crits" in favor of what appears to be a more moderate, left-liberal Deweyite outlook.²

"Liberal Legalism." The second significant problem of the critical legal scholars is that their view of the liberalism in "liberal legalism" is largely not based on careful inspection of either liberal philosophical writings or actual liberal social practices. It rather reflects conglomerations of characterizations obtained from various secondary sources, sometimes rather musty ones. Mark Tushnet's useful work on the law of slavery, for example, describes liberalism simply by citing C. B. Macpherson's *Political Theory of Possessive Individualism*, published a quarter-century ago.³ That work, while still significant, has been subjected to numerous scholarly assaults and has in many respects been superseded by later works on Hobbes and Locke, such as those of Quentin Skinner, John Dunn, Richard Ashcraft, Nathan Tarcov and Neal Wood. Even many Marxian scholars agree that some of Macpherson's central claims -- such as Locke's alleged belief that workers are "sub-rational" and therefore not persons -- cannot be sustained. At any rate, a genuinely radical critique of legal institutions must not aim chiefly at showing that legal doctrines reflect the inadequacies of the historic liberal ideas Macpherson depicts. It must also demonstrate that the contemporary workings of those institutions display the contradictions of the social power systems that liberal conceptions are sometimes thought to justify.

Many other critical legal scholars defend their descriptions of liberalism by citing longer lists of more exotic continental opponents of liberalism, such as Lukacs, Gramsci, Adorno, Althusser, Foucault and Derrida, some of whom speak more to the ills of contemporary liberal practices as well as ideas. But such works are usually invoked only very generally, and these CLS writers, too, appear innocent of the mainstream contemporary scholarship on the liberal tradition they assault. Only Unger has actually discussed primary texts of liberal theory in some depth, while

making some attempt to link them with the operations of law in modern social systems. But his work still ignores much recent scholarship on both liberal ideology and societies. Unger thus perpetuates the old error, common to Macpherson and Strauss, of taking the politically illiberal Hobbes as paradigmatic of liberalism, and he characterizes current practices in sweeping terms derived from secondary portraits, not from any detailed primary studies.⁴

The result is that the CLS demonstrations of liberal legalism's "contradictions" have proceeded more on the level of doctrinal ideas than either sustained explorations of liberal theory or empirical assessments of actual social conditions. If one wishes to respond to CLS critiques of liberal thought, one therefore has to deal with brief assertions of criticisms apparently thought to have been proven elsewhere. More significantly, CLS writers often rely on such caricatures of liberal theory that, as Ronald Dworkin has recently noted, their efforts to prove that legal doctrines reveal its insuperable conflicts have been "spectacular and even embarrassing failures" -- easily refutable through appeal to actual liberal thinkers who are not guilty of the positions they assault.⁵

Let me stress that neither Dworkin nor many other liberal scholars, myself included, would deny for an instant that American law embodies much that can properly be called "liberal ideology." It would be astonishing if it did not; but it is true that some scholarship still seems to subscribe to the "legalist" myth, which some versions of liberalism admittedly endorse, holding that law represents fair and impartial standards that are somehow independent of political beliefs. The CLS writers are right to assault that recurring myth. It is their further claim -- that Anglo-American legal systems are rendered irrevocably incoherent by the "contradictions" of liberal ideas and the social systems they support -- that remains more an assumption than an achievement of the movement. If our public law does not represent a transcendental brooding omnipresence in the sky, neither is it clearly simply a reflex of some monolithic, albeit inherently self-contradictory, "liberalism" or "liberal society." The story appears much more complicated. I doubt that CLS scholars will make much progress in characterizing the ideas embedded in law until they deal more thoroughly with the primary liberal texts, with recent mainstream scholarship concerning them, and with other currents in American political thought. And their agenda will be left seriously incomplete if they do not move beyond these tasks to show that we can see in law not only the self-destructive failings of liberal ideas but the deeper socioeconomic relationships in contemporary America.

That is not to say that CLS writers must abandon all deconstruction of doctrinal ideas in favor of more strictly materialist accounts. As noted above, most critical legal scholars perceive a need to turn to later, less reductionist versions of Marxian historical analysis, producing what I and many others see as the strongest work generated by the movement. Once again, however, this turn jeopardizes their radical posture: Robert Gordon, for instance, has recently stressed how legal doctrines have many determinants and many indeterminacies, giving law a "relatively autonomous" character in relation to dominant social ideologies, economic formations, and power structures. With the tenets of "critical legal historiography" as he defines them I have few quarrels; but as Gordon explicitly acknowledges, there is also little difference between this approach and that of scholars like Louis Hartz, who wrote mainstream intellectual history with a stress on related social, cultural, and economic factors.⁶ There is obviously no guarantee that this approach will be aligned with radical political conclusions.

Radical Freedom. There is one final problem of the CLS perspective that is the most significant. They have derived from Marx, Nietzsche, and the whole post-Kantian tradition of radical critical theory certain fundamental notions of the human self and human freedom that are, at bottom, self-contradictory and unrealizable. As Bernard Yack shows in his important new book, *The Longing for Total Revolution*, post-Kantian social critics on both the left and the right have generally embraced some version of two views that can seem reinforcing, but that in fact prove profoundly incompatible. They hold that human personalities are products of various external social determinants, and that human freedom consists of somehow gaining control of those external determinants and subjecting them to conscious human direction.⁷

Of course, it seems absurd to think that people might be able to regulate the whole of their external environment constantly and collectively. Critical social theorists have therefore tried to find a social sub-sphere containing the key to mastering the character of the rest of the societal "super-structure," a key that could itself be subjected to human control. For early romantic theorists this sphere was art, philosophy, or religion; momentarily, for Marx it was production. But the dream common to all such theorists has been that we can really find some way to subject all the social forces that now dominate us to our conscious collective determination, thereby humanizing our environment and making true freedom possible for the first time.

This outlook is plain enough in the work of Roberto Unger, who writes of the need to "understand society as made and imagined" and to construct "a social world less alien" to the human "self," understood as "a being whose most remarkable quality" is "the power to overcome and revise" every "social and mental structure" that constitutes his existence. From this "most remarkable quality" is derived the chief radical moral imperative: true freedom must unleash this power through institutions that efface the contrast "between routine and revolution," that foster widespread "total criticism" of existing social structures and make their "reimagining" and "remaking" matters of "everyday existence."⁸ These same conceptions, and the same imperative, are evident in the outlook of those critical legal scholars -- no longer including Kennedy, it seems -- who embrace Kennedy's formulation of the "fundamental contradiction" of our condition. They hold that the root of the human dilemma is the conflict between our desires for unlimited personal autonomy and our recognition that we exist in collective forms of life, so that freedom must be communal, despite the restrictions on individuality communal life involves. That contradiction can be significantly ameliorated, however, if our collective existence is somehow made more permeable to our recurrent re-creation of it.⁹

That is, to say the least, not an easy assignment. Kennedy has since renounced his proclamation of this "fundamental contradiction" because he recognizes that if it genuinely is so fundamental, then aspirations to overcome it appear hopelessly utopian.¹⁰ He was, however, originally correct in sensing that the notion of freedom he was employing and still employs proves ultimately contradictory. It insists on the one hand that our social environment constitutes us at the deepest level, as liberals allegedly fail to recognize, and it then insists that freedom *must* consist in the power to reform that constitutive environment for our own ends. As Kennedy put it, the "very structures against which we rebel" provide us "the stuff of our selves.... We are implicated in what we would transform and it in us."¹¹

But this insistence that "we" rebel against what constitutes "us" still implies the existence of a "self" with ends and powers that are somehow autonomous from its

social determinants, a notion the outlook's descriptive premises reject but that its moral imperative requires. Furthermore, the fact that this conception of freedom requires us to hunt for some key to controlling the entire social world (and, occasionally, CLS writers come close to suggesting that legal ideology may be this key) means that it initiates a search for what is probably a mythical holy grail, based on the promise of a social transformation that is almost certainly unattainable.¹² Thus CLS proponents are led to institutional proposals, such as Unger's, that win little serious attention even on the left, or they fall back on the rather desperate quests of Kennedy and Peter Gabel for evanescent, near-mystical experiences of what Gabel terms "unalienated relatedness" or "authentic connectedness." (Kennedy rightly resists such formulations, for they imply the existence of some "authentic" self that is manifested in certain social relations but not others, a claim that again cannot really be reconciled with definitions of the self as purely socially constituted. Yet Kennedy also speaks of our "current situation" as one of structural alienation, suggesting that we might eventually overcome "alienation" via different social structures).¹³

An Alternative: Liberal Liberty

As I argue elsewhere, I believe that a different conception of freedom, drawn from Lockean liberal traditions, still serves as a better normative standard than the radical notions CLS scholars inherit from critical social theory.¹⁴ On more traditional liberal views, freedom is held to consist in both personal and social capacities to understand our circumstances as fully as possible and then to choose the most satisfying and meaningful courses available to us. But these choices involve a clear-eyed recognition that persistence in any course means foregoing opportunities to alter and direct our lives in other respects, while to avoid making enduring choices often means making worse choices. There are thus no unqualifiedly felicitous solutions, only more or less sustaining ones.

To be sure, this more moderate liberalism, like Unger's "superliberalism," makes the enhancement of freedom a fundamental moral imperative. It, too, is committed to maintaining opportunities for critical reflection and to increasing human powers for personal and social self-direction. But it does not endorse a "relentlessly negative conception of a self" that constantly "struggles by every means at its disposal" to "overcome and revise" every social and mental structure in its existence.¹⁵ Instead, such liberalism finds positive qualities in existing selves, conceiving that freedom must often consist in accepting the limitations on our powers to reshape our lives that inevitably accompany the making of those choices, and the acceptance of those commitments, that give our lives form and meaning. In place of Unger's implication that all retreats from our power to produce "destabilizing struggle" violate our "selves," or of Kennedy's even more radical quest for eternally mutable, protean forms of life that promise the tingle of frequent "intersubjective zaps," the liberal conception of freedom searches for social structures that provide for stable perseverance in decisions made by existing persons, as well as for opportunities to criticize, reconsider, and reform.

In political terms, liberalism thus points less toward a Jeffersonian stress on encouraging revolution every twenty years -- which some CLS writers would apparently radicalize to "every twenty minutes" -- and more toward a Madisonian emphasis on the value of constitutionalism, on the maintenance of alterable but relatively enduring political structures within which personal freedom, thus understood, can flourish. This conception of freedom is one that admittedly involves some acceptance, however provisional, of many existing barriers to human

choice. It urges their gradual erosion, but holds out no hope that complete control over our world will ever be achieved. We will always remain beings whose freedom comes in perceiving, accepting, and actualizing the best of the less than perfect options available to us. This is, however, a conception of freedom that can support a sense of meaningful accomplishment in the present while retaining the critical power to inspire improvements for the future.

The Lessons of CLS

But while I think the fundamental normative standard of the CLS outlook is misconceived, there are still many reasons for political scientists to attend to the movement. It is, in the first place, a political phenomenon of some significance when major American law schools and law reviews, traditionally conservative bastions and still prime sources of political and corporate elites, come to be havens for radical critics who are willing to embrace the labels, if not the reality, of revolutionaries and even nihilists. The phenomenon is admittedly over-determined: I have heard arguments that it reflects the special structure of legal academia, where publication takes place in student-edited journals, that it is a reaction to the conservative "law and economics" movement, that it is more fad than trend and at any rate a replay of the legal radicalism of the 1930s. There is something to all these points, and it is probably true as well that the functional imperatives of law as an institution in a liberal society help re-generate the myth of its apolitical nature, so that in each generation debunkers have new shibboleths to shatter.

But I think the rise of the movement does indicate that there are real problems with the dominant perspectives and practices in American law, problems that political scientists who study law have not adequately addressed. The arguments over interpretation are undoubtedly worth pursuing, even though it often seems that when the smoke clears, proponents of all viewpoints simply go on to offer their substantive interpretations in as persuasive a fashion as possible, with their interpretive theories providing only some incidental wrapping to their arguments, designed to charm the like-minded. The question of how far legal thought and legal institutions play a "relatively autonomous" role in shaping social developments, moreover, is a quite important one. It is one which, in various ways, political scientists of both theoretical and behavioral persuasions can and have usefully explored. But the CLS has done a service, I think, in putting it more forthrightly on the agenda than it has sometimes been. Scholars of many methodologies have sometimes seemed to assume either that law and courts matter a great deal, or matter not much at all, without detailed exploration of the empirical and theoretical complexities involved in making either claim.

Finally, I suggest (with a cavalier absence of concrete evidence that demonstrates the point just made) that the fascination with CLS in the legal academic community reflects in part certain failures of the more moderate liberal philosophic traditions, and policies I have been defending. As a guide to both the nation's political agenda and to constitutional jurisprudence, modern pragmatic liberalism has lost much of its influence, in favor of resurgent market ideologies and also renewed esteem for traditional morality. (The legal outlooks of Richard Posner and, in his recent pronouncements, Robert Bork provide examples). The modern philosophic defenses of that liberalism, embodied most notably in Dahl's pluralism and Rawls' theory of justice, have similarly been assaulted by both right and left theoretical perspectives.

These events have many sources, but I believe they are aggravated by the failure of modern liberal thought to define and to justify persuasively the basic conception of human freedom I have been describing. Thus liberalism can, on the one hand, be easily corrupted into a defense of unbridled market systems that often hamper the capacities for choice of many while they empower but a few. And it can, on the other, be radicalized into demands for ever-recurring "total revolution" that make the cause of freedom seem appalling to those sustained by traditional social forms. Law is an arena where efforts to recur to the first principles of the regime, at least formally, are quite frequent. Hence it is one where these deficiencies in past understandings of liberal values have been sharply felt, producing quests for new normative guides to the intellectual and practical problems lawyers face.

The training of political scientists in both western traditions of normative discourse and empirical analyses of political systems should fit us to speak to these basic difficulties, but often we have defined our tasks more narrowly, perhaps too narrowly. Consequently, I think that for public law scholars with both empirical and normative interests, the critical legal studies movement is suggestive indeed, and despite its deficiencies I commend its texts to my colleagues -- for instruction, deconstruction, or simply as useful data about our subject matter, the legal creatures who have always occupied such prominent places in the landscape of American politics.

NOTES

¹See Roberto Mangabeira Unger, "The Critical Legal Studies Movement," 96 *Harvard Law Review* 563-675 (1983); Peter Gabel and Duncan Kennedy, "Roll Over Beethoven," 36 *Stanford Law Review* 1, 4 (1984); Robert Gordon, "Critical Legal Histories," 36 *Stanford Law Review* 57, 101 (1984); Joseph William Singer, "The Player and the Cards: Nihilism and Legal Theory," 94 *Yale Law Journal* 1-70 (1984).

²Lief H. Carter, *Contemporary Constitutional Lawmaking* (Elmsford, N.Y.: Pergamon Press, 1985), p. 127.

³Mark V. Tushnet, *The American Law of Slavery, 1810-1860* (Princeton: Princeton University Press, 1981), pp. 32-33, p. 236 ns. 49-50; cf. Singer, *supra* n. 1 at pp. 36-37, n. 115.

⁴Roberto Mangabeira Unger, *Knowledge and Politics* (New York: The Free Press, 1975); *Law in Modern Society* (London: The Free Press, 1976).

⁵Ronald Dworkin, *Law's Empire* (Cambridge, Mass.: Harvard University Press, 1986), pp. 272-274.

⁶Gordon, *supra* n. 1 at 101-102. See also Morton J. Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge: Harvard University Press, 1977), pp. xiii-xiv.

⁷Bernard Yack, *The Longing for Total Revolution* (Princeton: Princeton University Press, 1986), pp. 124, 365.

⁸Unger, *supra* n. 1 at 584-585, 602, 662, 665, 673.

⁹Duncan Kennedy, "The Structure of Blackstone's *Commentaries*," 28 *Buffalo Law Review* 205, 211-212 (1979); cf. Paul Brest, "The Fundamental Rights Controversy: The Essential Contradictions of Normative Constitutional Scholarship," 90 *Yale Law Journal* 1063, 1108 (1981); Gordon, *supra* n. 1, at 114.

¹⁰Kennedy, *supra* n. 1 at 15.

¹¹Kennedy, *supra* n. 9 at 211-212.

¹²For an example of the CLS stress on the importance of legal ideology see Karl Klare, "The Quest for Industrial Democracy and the Struggle Against Racism," 61 *Oregon Law Review* 151, 162 (1982). For an elaboration of this criticism, see Yack, *supra* n. 7 at 29-31, 366-367.

¹³Gabel and Kennedy, *supra* n. 1, pp. 1, 13, 30.

¹⁴Rogers M. Smith, *Liberalism and American Constitutional Law* (Cambridge, Mass.: Harvard University Press, 1985), pp. 198-225.

¹⁵Unger, *supra* n. 1 at 585, 662.

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A very complete bibliography of works by critical legal scholars has been compiled by Duncan Kennedy and Karl Klare and published in 94 *Yale Law Journal* 461-490 (1984). Numerous articles on the movement appear in "Critical Legal Studies Symposium," 36 *Stanford Law Review* 1 (1984).

CRITICAL THEORY

Jacques Derrida, *On Grammatology*, ed. G.C. Spivak (Baltimore: Johns Hopkins University Press, 1976).

Antonio Gramsci, *Selections from the Prison Notebooks*, ed. Q. Hoare and G.N. Smith (New York: International Publishers, 1971).

Georg Lukacs, *History and Class Consciousness* (Cambridge: MIT Press, 1968).

Adorno, Althusser, and Foucault are all usefully discussed, with references, in Steven B. Smith, *Reading Althusser* (Ithaca: Cornell University Press, 1984).

LIBERAL THEORY

Richard Ashcraft, *Locke's Two Treatises of Government* (London: Allen and Unwin, 1986) (draws together views developed in several earlier articles).

John Dunn, *The Political Thought of John Locke* (Cambridge, England: Cambridge University Press, 1969).

C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962).

Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge, England: Cambridge University Press, 1978).

Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953).

Nathan Tarcov, *Locke's Education for Liberty* (Chicago: University of Chicago Press, 1984).

Neal Wood, *The Politics of Locke's Philosophy* (Berkeley: University of California Press, 1983).

SECTION NEWS

SECTION OFFICERS

The following people are proposed as the slate of nominees to fill the vacancies in section offices which will occur in September. The Nomination Committee is pleased that these people have agreed to serve if elected. William McLauchlan, Chair of the Nominations Committee, will place their names in nomination at the Annual Meeting of the Section in Washington, D.C.

Chair, 1986-87:	Lawrence Baum
Chair Elect, 1987-88:	Doris Marie Provine
Executive Committee, 1986-88:	Lettie Wenner Susan M. Olson
Sec.-Treas., 1986-89:	Victor E. Flango

1986 SECTION MEETING

The Law, Courts, and Judicial Process Section will have its annual meeting on Thursday, August 28, 1986, at 5:30 p.m. during the APSA annual meeting in Washington, D.C. Principal agenda items for the meeting include election of officers, announcements about upcoming conventions, and section activities for 1986-87.

William McLauchlan will give the report of the nomination committee and will nominate a slate of individuals for the various section offices. According to the newly revised by-laws, additional nominations for section office (except the Chairperson) may be made by five persons at the meeting or by a petition sent to the current chairperson, Bradley Canon, prior to the meeting.

For offices for which no nominations are received or made at meeting, the nominating committee's slate will be considered elected and the officers will assume office at the conclusion of the meeting. Offices which are contested will be filled by mail ballot sent to all members of the section by the end of September.

The newly elected executive committee will meet on Friday, August 29, at 5:30 p.m. to consider plans for 1986-87. Suggestions for Section activities should be made to any of the Section's officers.

JUDICIAL SCHOLARS ON BITNET

The Law, Courts, and Judicial Process Section Newsletter will periodically publish a list of all scholars interested in judicial matters who wish to communicate on BITNET. Individuals wishing to place their name on this list should contact Charles A. Johnson, Editor, Newsletter, Department of Political Science, Texas A&M University, College Station, Texas 77843 (BITNET: H553CJ @ TAMVM1). The first list will be published in the Fall, 1986, issue of the newsletter.

ANNOUNCEMENTS

RESEARCH COMMITTEE ON COMPARATIVE JUDICIAL STUDIES

[Reprinted from *The Docket*, #12]

Election of Executive Committee

As a result of a mail ballot, the Executive Committee has been elected for the period January 1, 1986–December 31, 1989. The Committee will have the following composition:

Chairman: Professor C. Neal Tate
Department of Political Science
North Texas State University
Denton, TX 76203-5338

Secretary: Professor Martin Edelman
Department of Political Science
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Professor Peter J. van Koppen
Faculty of Law
Erasmus University
Rotterdam, Netherlands

Professor Abiola Ojo
 Dept. of Public Law
 University of Lagos
 Akoka, yaba
 Lagos, Nigeria

Ex officio members (ex Chairs of the Research Committee)

Professor John R. Schmidhauser
 Dept. of Political Science
 von Kleinsmid Center 327
 University of Southern California
 Los Angeles, CA 90089-0044, USA

Professor Joel Grossman
 Dept. of Political Science
 221 North Hall
 University of Wisconsin-Madison
 Madison, WI 53706, USA

Professor Donald Kommers
 Dept. of Political Science
 University of Notre Dame
 Notre Dame, IN 46556, USA

1986 Interim Meeting of The Research Committee

There will be an Interim Meeting of the Research Committee, December 14-15, 1986. The meeting will be hosted by Professor Malcolm Freeley and the Center for the Study of Law and Society at the University of California-Berkeley. Members of the Research Committee and other scholars interested in the Committee's work may submit proposals for panels and research papers and offers to chair or serve as commentator on panels to the Research Group's Convenor at the following address:

C. Neal Tate
 Department of Political Science
 North Texas State University
 Denton, TX 76203-5338, USA

Telephones: OFFICE: (817) 565-2684
 HOME: (817) 387-7774

All kinds of proposals are welcome. The Convenor has some ideas for sessions that might be of theoretical importance or general interest, but no themes have yet been established and no commitments have been made. *To receive full consideration, proposals for panels and papers should be received by October 1, 1986, and proposals to serve as chair or commentator by October 15, 1986.*

The format of the Berkeley Interim Meeting will probably involve a day-and-a-half or two days of panel sessions with appropriate social occasions. Local arrangements will be announced later.

1987 Interim Meeting of the Research Committee

The Convenor would like to organize a second Interim Meeting of the Research Committee during the summer of 1987. Given that IPSA will meet in Washington, D.C. in the summer of 1988, it seems highly desirable for any 1987 Interim Meeting to be held outside North America, or certainly outside the United States. Several European sites are under consideration, but no decisions or commitments for a 1987 Interim Meeting have been made. Suggestions for sites

and/or offers to host such a meeting from members would be most welcome. Send them at your earliest convenience to the Convenor at the address stated previously.

CONFERENCE GROUP ON JURISPRUDENCE AND PUBLIC LAW

The Conference Group on Jurisprudence and Public Law hopes to establish a place within the social science community for theoretical thinking about law. The proliferation of ideas and perspectives in contemporary jurisprudence is bred from a variety of disciplines and, partly because of this diversity, the new offspring have yet to find a home. We hope the Conference Group will be that home for visions of legal theory growing out of political and social thought, including interpretive and rational choice theory, as well as other work from political science, literary criticism, anthropology, sociology, economics, theology, and history. We hope to reinvigorate the study of "public law" by bringing jurisprudence back in. We plan to have regular panels presenting work in critical legal studies, economic analysis of law, feminist theory of law, constitutionalism, and natural law theory, among others. We will also regularly co-sponsor panels with the Conference Group on Political Economy.

Within political science we hope to build on the movement toward the study of institutions, whether in the guise of a "new institutionalism" or a concern with the "constitution of politics." Jurisprudence and legal theory play a strategic role in this movement-- they are a key source of inspiration and ideas. There is another hope. People interested in the intersection of legal, social and political theory are scattered in many different university departments and professional associations. There is a need for more opportunities to exchange ideas, and the Conference Group hopes to provide them.

Our first meeting will be at the APSA meetings in Washington in August, 1986. For future years we hope to regularize our panel organizing procedures. If you have papers or panel suggestions for 1987 or beyond please write to one of the conference organizers:

Organizers: Kim Scheppele
Department of Political Science
University of Michigan
Ann Arbor, MI 48109
(313) 763-2128
(313) 662-4695

Karol Soltan
Department of Government and Politics
University of Maryland
College Park, MD 20742
(301) 454-2998

AMERICAN JUDICATURE SOCIETY RESEARCH AWARDS

The American Judicature Society is sponsoring a program to support student research for both doctoral dissertation and law review articles. Awards will be made to cover research related expenses for empirical research contributing to the understanding of the administration of justice in the United States. Grants are intended to provide funds for items not normally available from the student's university, such as travel to field research locations, sample survey costs, and payment to subjects or informants. Computer time will be covered only if not available from the university. Funds cannot be used to type or reproduce dissertations or articles or as student stipends. Proposals are welcome from doctoral and advanced law students.

Application deadline: October 1, 1986. For further information and

application forms, contact:

Dr. Frances K. Zemans
Assistant Executive Director of Programs
American Judicature Society
25 East Washington Street, Suite 1600
Chicago, Illinois 60602

AUTHOR INQUIRY

Ramesh Deosaran is conducting research into the jury system, pretrial publicity, and media bias in political reporting in the West Indies. He is willing to collaborate on joint studies on any one of those subjects with counterparts in the U.S.A. Deosaran is author of *Trial by Jury: Social and Psychological Dynamics* and is Senior Lecturer at University of the West Indies, St. Augustine, Trinidad.

Graduate Student Paper Award Reminder

The Section is offering an award for the best paper presented by a graduate student in a professional meeting concerning the law, courts, and judicial process. The award includes a \$100 honorarium and a copy of the *Guide to the U.S. Supreme Court*. The competition is open to papers authored solely by a graduate student presented at a professional meeting during the 1985-86 academic year, including the 1985 APSA meeting.

To be considered a copy of the paper should be sent to each member of the evaluation committee: David O'Brien, Department of Government, University of Virginia, Charlottesville, Virginia 22901; David Neubauer, Department of Political Science, University of New Orleans, Louisiana 70148; and Lettie Wenner, Department of Political Science, University of Illinois -- Chicago, Chicago, Illinois 60680.

CONFERENCE INFORMATION

LAW AND SOCIETY ASSOCIATION (1986)

The following papers were presented at the 1986 annual meeting of the Law and Society Association, May 28-June 1, 1986, in Chicago, Illinois.

Alternative Dispute Resolution: Recent Developments

"Program on Alternative Dispute Resolution," Peter Adler, University of Hawaii

"The Contemporary Emergence of ADR: The Movement's Own Story," Neal Milner, University of Hawaii

"ADR in the Public Sector," Miriam K. Mills, New Jersey Institute of Technology

"Lawyers and Alternatives in Civil Dispute Processing," Konstanza Plett, University of Bremen

"Settlement of Claims in Pretrial Stages," A. Girardet, Ministere de la Justice, Paris

Plant Closings, Property Law, and Economic Democracy

"The Reliance Interest in Property," Joseph Singer, Boston University

"Lawyers and Plant Closings," Douglas Cassel, Business and Professional Persons for the Public Interest, Chicago

Legitimacy of Legal Authorities

"Legitimacy and Support for the Legal System," Anne Heinz, University of Chicago

"Legitimacy, Compliance, and Consent," Craig McEwen, Bowdoin College

"Legal Ideology and Legitimacy: An Ethnographic Perspective," Sally Merry, Wellesley College

"Justice, Legimacy, and Compliance," Tom Tyler, Northwestern University

Longitudinal Litigation Trends as Social History: Progress and Prospects for Research

"The Litigation Explosion: Why Not the State of Denmark?", Britt-Mari Blegvad, Copenhagen School of Economics and Social Science

"Explaining Diversity and Patterns of Change in Caseloads: The Use of Evolutionary Models," Steven Daniels, American Bar Foundation

"The Longitudinal Study of Courts in Comparative Perspective: Some Conceptual Problems," Heleen Ietswaart, Vaucresson Centre de Recherches Interdisciplinaires, Paris

"The Role of District Courts in Changing the Lives of Rural Turkish Women, 1950-67," June Starr, SUNY-Stonybrook

"Socio-Economic Development and the Evolution of Litigation Patterns in Belgium, 1970-84," Francis Van Loon, University of Antwerp

"Comparing Litigation in the Netherlands with that of North Rhine-Westphalia in Germany, 1970-81," Jan Verwoerd, Ministry of Justice, Netherlands

Police and the Law

"Proactive Policing: Trends and Implications," Susan E. Martin, Police Foundation

"Curbing Unconstitutional Searches through Occupational Professionalization," Lon Lanza-Kaduce and Ronald Akers, University of Florida

"Research on the Exclusionary Rule," Priscilla F. Slocum, UCLA

"Police Careers," Jeffrey S. Slovak, Rutgers

The Roles of Lawyers--Building Practices, Building Networks, Making Deals

"Lawyers As Brokers," Herbert Kritzer, Wisconsin

"Entrepreneurial Law Practice: A Tale of Two Settings," Don Landon, Southwest Missouri State

Child Abuse, Family Violence, and Deterrence

"Negotiated Reality and the Law: Determining the Facts of the Case, The Interests of the Child, and Effective Intervention," Gene Kassebaum and David Chandler, University of Hawaii

"Perceptions of Enforcing Rules: Comparison of Offenders vs. Non-Offenders," Ellen Cohn and Susan White, University of New Hampshire

"Family Violence Research: Canadian Perspectives," Leslie W. Kennedy, University of Alberta, and Don Dutton, University of British Columbia

"Pursuing Civil Remedies as an Alternative to Criminal Action: Eliminating Spousal Immunity in Cases of Rape," Susan Gluck Mezey, Loyola University of Chicago, and Liane Kosaki, University of Southern Illinois

"Perceptions of Legal Sanctions, Deterrence, and Marital Violence," Kirk R. Williams and Murray A. Straus, University of New Hampshire

Comparative Perspectives on Rural Legality

"Access to Justice in Rural Britain," Kim Economides, University of Exeter

"The Impact of the Rural Environment on Law Practice," Donald Landon, Southwest Missouri State University

"The Rural Justice System and Children: Leave Them Alone, Especially if They are Down on the Farm," Michael Roche, University of South Dakota

"Rural Justice in Canada: Theoretical and Empirical Issues," Laureen Snyder, Queen's University

Issues and Problems in Field Experimentation

"Discretion Dependent Designs: Issues in the Indianapolis Domestic Violence Experiment," David Ford, Indiana University

"Funding Field Experiments," Joel Garner, National Institute of Justice

"The Vera Experience with Field Experimentation: Some Problems and Solutions," Sally T. Hillsman, Vera Institute

"An Experiment on Pre-Trial Court-Annexed Arbitration," E. Allan Lind, Institute of Civil Justice/Rand

Non-Traditional Models of Adjudication In and Out of the Courts: Origins and Outcome

"Early Neutral Evaluation: A Preliminary Appraisal," David I. Levine, Hastings College of Law

"Outcome of Institutional Reform Litigation: A Case Study," Murray Levine, SUNY-Buffalo

"The Elderly and Competency Determinations: A Critical View of the Procedural Framework," Joanna K. Weinberg, Bryn Mawr College

The Recruitment, Socialization, and Culture of Lawyers

"The New Status Classes in Law School--Women and Minorities," Charles Cappell, University of Virginia

"The Tales Lawyers Tell: Image Processing Within the Legal Profession," Susan Dwyer-Shick, Pacific Lutheran

"The Recruitment of Men and Women to In-House Legal Departments: A Study of Organizational Recruitment," Sharyn Roach, University of Connecticut

"Research on Legal Careers," Seymour Warkov, University of Connecticut

Values and the Regulatory Process

"Normative Theory as a Critical Approach in Studying Administration," Robert Bell, Georgetown

"Public Policies Toward the Medical Product Industry," Susan Foote, University of California-Berkeley

"Environmentalism, Economics, and Agency Expertise: Recent Developments in Forest Service Planning," Larry Ruth, University of California-Berkeley

Approaches to the Study of Courts

"Civil Jury Verdicts, Jury Reporters and the Going Rate," Steve Daniels, American Bar Foundation

"Motive Imagery Analysis and Supreme Court Appointments," Jilda M. Aliotta, Miami University

"Do the Haves Come Out Ahead? Winning and Losing in State Supreme Courts, 1870-1970," Robert Kagan, University of California-Berkeley; Bliss Cartright, Econometrics Research; Lawrence Friedman, Stanford; Stanton Wheeler, Yale

"Big Time" Law Practice

"Who Does What? The Allocation of Work Between Inside and Outside Counsel in Corporate Legal Work," Robert Bell, Georgetown

"Reconsidering the Obvious: Lawyers and the Structure of Influence in Washington," Robert Nelson, American Bar Foundation

"Corporate Lawyers: Hirelings or Institution Builders?" Robert Rosen, University of Miami

Court Communications and Social Relationships

"Injunctions Against Union Picketing," James Atleson, SUNY-Buffalo

"Accountability, Representation, and the Mass Media Communication Behavior of Trial Judges," Robert Drechsel, University of Wisconsin

"Rules Versus Relationships in Small Claims Disputes," William H. O'Barr, Duke

"Conciliation, Private Justice, and the Role of the Law," Evelyne Serverin, University of Saint Etienne

Criminal Justice Reforms: Historical and Contemporary Trends

"Implementation and Success Measures of the Wisconsin Felony Sentencing Guidelines," Sandra Shane-Dubow, Wisconsin Sentencing Commission

"New Justice Reform: The Use of Home Confinement Techniques," Thomas Blomberg, Florida State University

"Rule 50(B) and the Speedy Trial Act of 1974: A Multi-Intervention Time Series Analysis," Joel H. Garner, National Institute of Justice

"Punishment and Social Structure Revisited: Unemployment and Imprisonment, 1948-81," James Inverarity, Western Washington University, and Daniel McCarthy, Federal Bureau of Prisons, Lompoc, California

"Policy, Politics, and the Criminal Courts," Stuart A. Scheingold, University of Washington, and Lynne Gressett, U.S. General Accounting Office

"Doing Time: Dynamics of Imprisonment in the Reformist State," John R. Sutton,

Princeton

The Construction of Regulatory Politics

"Against Pluralism: Democratic Theory and Administrative Law," Cass Sunstein, Chicago

"The Federal Judiciary and the Relative Autonomy of Federal Agencies, 1960-1985," Richard Brisbin, Potsdam College

"Rethinking Participation: Democratic Theory and the Siting of Hazardous Waste Facilities," Albert Matheny and Bruce Williams, University of Florida

"The Culture of Regulatory Politics," Errol Meidinger, SUNY-Buffalo

Critical Perspectives on Civil Rights: Immigration, Race, Feminism and the Politics of Exclusion

"The Transformation of Race Politics," Kim Crenshaw, Wisconsin

"Feminism: The Dynamic of Difference," Clare Dalton, Harvard University

"Immigration Law and Policy," Gerald Lopez, Stanford

New Ideas in Legal Theory

"Perspectives in Law & Society: Michel Foucault v. Gillian Rose," Bernard L. Bray, Talladega College

"Social Contractarian Notions of Justice: An Economic Approach," James B. Bryan, Manhattanville College

"The Ties That Bind: Social Implications of Community Zoning," Dennis Coyle, University of California-Berkeley

"Negotiation and Legal Rationality," Yves Dezalay, Paris

"Group Dynamic Law," David Funk, Indiana University-Indianapolis

"Variety in the Rule of Law," Karol Soltan, University of Maryland

Regulatory Enforcement I

"Formal and Informal Enforcement Sanctions: The Case of Nursing Home Regulation," John Gardiner and Kathryn Malec, University of Illinois-Chicago

"The Housing Code in Action: A Comparison of Three Cities," Patricia Ould, SUNY-Buffalo

"Cooperative Regulatory Enforcement," Joseph Rees, Texas A&M

The Federal Courts: Activism and Impact

"Is the Medium the Message? The Communication of *Wallace v. Jaffree*," Thomas R. Hensley, Steven Brown, and Joyce Baugh, Kent State University

"Judicial Ordered Social Reform: Neofederalism and Neonationalism and Debate Over Political Structure," David Rudenstine, Cardozo Law School

"The Supreme Court's Activism: Stance Toward Plaintiffs and Appellants, 1932-1981," James J. Zuehl, University of Illinois-Chicago

Ideology and Legal Processes

"Foucauldian Analytics: Strategy for Investigating the Death of Penalty," Bernard L. Bray, Talladega College

"Reification of the Traditional Male Sex Role: Male Procreational Interests and the Law," S. McCoin, UCLA

"Ethno-Ideology's Role in Legal Behavior," M.E.R. Nicholson, Mill Valley

"Feminization of Conflict Resolution: The Influence of Gender...Mediation," Judy Rothschild, University of California-Berkeley

Politics, Morality, and the Constitution

"Process and Rights Values: The Separation of Church and State in Burger Court Jurisprudence," Ronald Kahn, Oberlin College

"Constitutional Adjudication in a Morally Pluralistic Society," Michael Perry, Northwestern

"Interest Groups in American Public Law," Cass Sunstein, University of Chicago

Psychological Determinants of Procedural Choice

"Attitudinal Correlates of Problem Solving Strategies," Neil Vidmar, University of Western Ontario

"Preferences for Alternative Dispute Resolution Procedures," Regina Schuller, University of Ontario

"Determinants of Procedural Choice in Informal Dispute Resolution," Blair Sheppard, David Saunders, and John Minton, Duke University

"Estimation of Chance and Negotiation by Lawyers," Peter J. Van Koppen, Erasmus University

Regulatory Enforcement II

"Methodological Problems in Studying Regulatory Enforcement," Nancy Frank, Wisconsin-Milwaukee

"Of Manners Gentle: Enforcement Strategies of Australian Business Regulatory

Agency," Peter Grabosky and J. Braithwaite, Australian National University

"Prosecution of Occupational Safety and Health Violations in Great Britain," Keith Hawkins, Oxford Centre for Socio-Legal Studies

Critical Legal Studies in Europe

"Critical Legal Theory and the Practice of Law in Britain," Kim Economides, University of Exeter

"The Rise and Rise of Critical Legal Studies in Britain," David Sugarman, Middlesex Polytechnic

"Critique and Law: The Problematic Legacy of the Frankfurt School," Roger Cotterall, University of London

"The Political Economy of Law: Europe and the Third World," Francis Snyder, University of Warwick

Control and Accountability of Public Bureaucracies

"Bureaucratic Efficiency vs. Bureaucratic Justice: The Role of Administrative Law Judges in Social Security Administration," Donna Price Cofer, Southwest Missouri State

"The Limitations of Administrative Review Mechanisms: The Role of the Immigration Judge in Bail Administration," Janet Gilboy, American Bar Foundation

"Public Participation in the Administrative Process: Tempering Bureaucracies in the Interests of Democracy," Richard D. Schwartz, Syracuse

Pornography and the Law

"The Limitations of the Miller Test in Obscenity Trials," Joseph E. Scott, Ohio State University

"Violence in Video Cassettes Released in 1985," Nial Davis, Ohio State University

"Social Influences on the Regulation of Pornography: A Survey of Prosecutors," David Pritchard and Jon Dilts, Indiana University

"The Pornography Commission," Burton Joseph, Playboy Enterprises

Public Law Enforcement and Private Attorneys General

"Rethinking the Private Attorney General," Bryant Garth, Ilene Nagel and S. Jay Plager, Indiana University

"Equal Employment Opportunity and the Mobilization of Law," Paul Burstein, University of Washington

"A Canadian Perspective on the Private Attorney General," William Bogart, University of Windsor

State Theory and Legal Practice: Use and Avoidance of Law

"The Use and Avoidance of Law," Doreen McBarnet, Centre for Socio-Legal Studies, Oxford

"State Power and Professionalizing the Practice of Administrative Law," Christine Harrington, New York University

"Managing the Law: Notes from a Study of Tax Avoidance," Doreen McBarnet and Graham Mansfield, Oxford Centre for Socio-Legal Studies

"Trusts as an Avoidance Technique in Bankruptcy," Allison Real, Brunel University

"Using Bankruptcy Law Against Health and Safety Legislation," Lisa Stearns, Columbia

A New Research Agenda for Legal Services for the Poor

"Community Participation in Legal Aid Offices," Fred Zemans, Osgoode Hall and Fernando Rojas, University of Wisconsin

"Remedying the Wrongs of Reactive Mobilization: Legal Services Programs and Black's Mobilization of Law," Susan Lawrence, Rutgers

"Community Leaders and the Study of Legal Needs in Orange County, California," James Meeker and John Dombrink, University of California-Irvine

Judicial Change in Lower Courts

"Court Reform and Education Reform," Keith Boyum, California State University-Fullerton

"Decision-Making in a Master Calendar Criminal Court," Lisa Frohmann, UCLA

"The Crisis in the Courts: Revolution in the Role of the Judge," Jo Lia Perry, Northwestern

Law and Conflict in a Socialist System: Yugoslavia

"Self-Management Courts," Robert Hayden, American Bar Foundation

"Prosecution in the Criminal Courts of the Republic of Croatia," George F. Cole and Neven Cirkveni, University of Connecticut

"Administrative Law," Steven Lilic, University of Minnesota/University of Belgrade

"Ethnic Conflict," Radoslav Stojanovic, University of Maryland/Belgrade

Rationalization of Law and Justice

"Technocracy and the Rationalization of Justice," Wolf Heydebrand, New York University

"The Judge as De Facto Court Leader," Peter E. Fish, Duke

"Rationalization of the Public Sphere," Gerald Turkel, Delaware

Survey Research Data Bases on the Family: A Roundtable Discussion

"The *Family Circle* Survey of the American Family," James McCready, University of Chicago

"The NIH Survey of Families and Households," James Sweet, University of Wisconsin

"National Longitudinal Study of the High School Class of 1972: Fifth Follow-Up," Robert Willis, University of Chicago and Norc

New Approaches Toward Understanding Old Social Problems

"The New Politics of Pornography," Donald A. Downs, Wisconsin

"The Postulation Theory of Law and Its Applicability to Racial Jurisprudence," Ronald C. Woods, E. Michigan University

"Class, Ethnicity, and Immigration Law: An Analysis of the 1984 Simpson-Mazzoli Debate," Marjorie Zatz, Arizona State

Perspectives on Juvenile Justice

"The Portrayal of Juvenile Justice Paradigms in Juvenile Justice Research," Patricia Harris, Temple University

"A Theory of Juvenile Misbehavior," Charles M. Gray, College of St. Thomas

"Japanese Juvenile Delinquency," Toshikuni Murai, University of California-Berkeley

Procedural Justice in Legal Settings

"The Impact of Legal Processes on the System Evaluations of Accused Felons," Jonathan Casper and Tom Tyler, American Bar Foundation and Northwestern

"Litigant Evaluations of Experience in Court," Deborah Hensler and William Felstiner, Rand

"Procedural Justice in Court-Annexed Arbitration," E. Allan Lind, Rand

"Citizens' Attitudes Toward the Jury System: Accuracy, Fairness, and Efficiency," Robert Maccoun and Tom Tyler, Northwestern

Regulating the Financial Marketplace: A Roundtable Discussion

"Regulating Risk Taking," Nancy Reichman, University of Denver

"Thirty-Five Years of Cellar-Kefauver: The Statistics of Merger Enforcement," George Bittlingmayer and Valerie Cheh, Washington University

"Policing Trust," Susan Shapiro, New York University

"Policing Securities," Philip Stenning and Clifford Shearing, University of Toronto

Toward a Critical Legal History of the Modern Business Corporation

"On the History of Corporate Lawyers," Robert Gordon, Stanford

"On the History of Corporate Law," Morton Horwitz, Harvard

Interdisciplinary Research and Critical Legal Studies

"Some Current Controversies in Critical Legal Studies," Mark Tushnet, Georgetown

"Critical Legal Studies and Interdisciplinary Research," David Kennedy, Harvard

"The Role of Implementation Research in a Post-CLS World," William Whitford, Wisconsin

Politics of Judicial Selection

"Financing Circuit Court Electoral Campaigns in Cook County, Illinois," Marlene Arnold Nicholson, DePaul

"The Effectiveness of State Bar Activities in the Recruitment of State Judges," Charles H. Sheldon, Washington State

"French and American Judicial Selection: The Formative Period, 1770-1830," Mary L. Volcansek, Florida International

Public Opinion, The Legal Process, and Democratic Theory

"Political Repression in the American States," James Gibson, University of Houston

"Public Confidence in Emergency (Anti-Terrorist) Legislation," John E. Finn, Princeton University

"Effect of Demographic Variables on Judgments of Wrongdoing: Is There a Common Law of Attribution?," Lee Hamilton, Wayne State University, and Joseph Sanders, University of Houston

"Political Censorship and National Security," Leon Hurwitz, Cleveland State University

"Tolerance and Freedom in the Netherlands and the United States," Peter Van Koppen, Erasmus University, and James Gibson, University of Houston

Social Control of Organizations

"Organizational Misconduct: The Connection Between Theory and Policy," Diane Vaughan, Boston College

"The Regulation of the Pharmaceutical Industry in Japan," Mariko Inoue, MIT

"Administrative Sanctions: Remedy or Retribution?" Patricia Ewick, Wellesley College

"Regulating-Self Regulation: The Control of Occupational Health and Safety in the United Kingdom," Hazel Genn, Oxford Centre for Socio-Legal Studies

Social Psychology of the Jury

"On the Admissibility of Rape Trauma Syndrome Evidence," Eugene Borgida, University of Minnesota, and Nancy Brekke, University of Virginia

"Jury Decisionmaking in Eyewitness Identification Cases," Bryan Cutler and Stephen Penrod, University of Wisconsin

"Jury Nullification: Inside the Courtroom," Stephen Herzberg, University of Wisconsin

"Attorneys' Law Psychology in Selecting Jurors and Its Effectiveness: An Empirical Study," Martin F. Kaplan, Northern Illinois University

"Jury Decisionmaking in Civil Cases," Sarah Tanford, Purdue University

White Collar Crime

"Values and Visions in the Inquiry and Regulation of White-Collar Crime," Deborah King, Dartmouth College

"Corporate Homicide Prosecutions," William J. Maakestad, Western Illinois

"Computers as Weapons for Crime," Joan McCord, Drexel University

"An Analysis of Fines as a Criminal Sanction in the Federal District Courts," Robert W. Gillespie, University of Illinois

Comparative Perspectives on Legal Change

"The Routinization of Law: The Cases of Chile and Costa Rica," Joyce Sterling and Wilbert Moore, University of Denver

"Comparative Legal Development: Incorporating the Advances of Non-Developmental Comparative Scholars," Samuel Krislov and Robert Kvavik, University of Minnesota

"The Political Function of Soviet Courts: A Model for One-Party States," Louise Shelley, American University

Courts and Group Litigation: Who is Influencing Whom?

"Multidistrict Litigation as Group Litigation," Susan Olson, Federal Judicial Center

"The Environment of Interest Group Litigation," Patrick Bruer, University of Wisconsin

"Amici Curiae in Circuit Courts of Appeal," Wayne McIntosh and Paul Parker, University of Maryland

"Court-Sponsored Settlement Initiatives," Marie Provine, Syracuse University

"Civil Litigation to Chill Public Interest Advocacy," Penelope Canan and George W. Pring, University of Denver

Courts, the Law, and Public Opinion

"Crisis of Legitimacy in a State Supreme Court: A (Q-Sort) Attitude Study," Greg Casey, University of Missouri

"The Supreme Court and Public Opinion: The Abortion Issue," Charles H. Franklin, Washington University, and Liane C. Kosaki, Southern Illinois University

"Attitudes toward Corporate Wrongdoing," Valerie P. Hans, University of Delaware

"Politics, Cue Theory, and Judicial Decision Making: A Test of Two Models," Robert W. Suchner and Jim Thomas, Northern Illinois

European Critical Methodologies

"Critical Perspectives in German Private Law Theory," Gert Bruggemeier, University of Bremen

"Critical Inquiry in Public International Law and Contract Law: The Case of Third World Debt," Gunter Horman, University of Bremen

"Legal Socialization: Problems of Conceptualization and Methodology," Chantal Kourilsky, Institut De Recherches Juridiques Comparatives

Language, Doctrine, and Social Relations

"State Law and the Constitution of Political Movements," John Brigham, University of Massachusetts

"A Dialogical Freedom of Expression," Paul Chevigny, New York University

"Legal Form in the Transformation of an Economy," Brinkley Messick, University of Massachusetts

"The Language of Language Law," Jonathan Pool, University of Washington, and Susan Dwyer-Shick, Pacific Lutheran University

Tax Compliance

"Decisions about Tax Paying Careers," John S. Carroll, MIT

"Advocacy and Perceptions: The Structure of Tax Practice," Karyl A. Kinsey, American Bar Foundation

"Measuring Tax Complexity," Susan B. Long and Judyth A. Swingen, Syracuse University

"Tax Compliance Alternatives: An Analysis of Practitioner Support," Valerie C. Milliron and Daniel R. Toy, Penn State University

Court Performance: People, Motives, and Technology

"Social Loafing on the Bench: The Case of Court Calendars," Mary Lee Luskin, Indiana University

"Using Management Science to Assign Judges to Types of Cases," Stuart Nagel, University of Illinois

"The Fallibility of 'Verbatim' Transcripts: What and Why," Anne Graffam Walker, Falls Church, Virginia

"Working Paper: Toward the Development of an Index to Measure Case Processing Time," Barry Mahoney and Victor E. Flango, National Center for State Courts

Discretion in Criminal Court Outcomes and the Potential for Abuse and Discrimination

"Regional and Racial Differences in Incarceration and Disproportionality in U.S. Prisons, 1850-1980," Samuel L. Myers and William J. Sabol, University of Pittsburgh

"Race, Pre-Adjudication Detention, and Juvenile Justice," Charles E. Frazier and Donna M. Bishop, University of Florida

"Inmates' Perceptions of Sentencing Fairness in Two Reformed States: A Model of Outcome Satisfaction," Lynne Goodstein and Jean Landis, Penn State University

"Detention Decisions in Juvenile Cases: JINS, JDS, and Gender," Russell Schutt, University of Massachusetts-Boston, and Dale Dannefer, University of Rochester

Extended Impact Litigation

"Guthrie v. Evans' (Reidsville Maximum Security Prison in Georgia)" Bradley S. Chilton, Southeast Missouri State University, and Susette M. Talarico, University of Georgia

"Wyatt v. Stickney' (Bryce State Mental Hospital in Alabama)," Philip Cooper, SUNY-Albany

"Alberti v. Sheriff and Commissioners Court of Harris County' (Harris County Jail in Texas)," Thomas Ostrowski, Gannon University

Social and Cultural Construction of Crime and Criminality: Historical Perspectives

"Depicting the Criminal: American Drawings and Photographs, 1806-1896," David Papke, Indiana University-Indianapolis

"Sitting Bull as Vagrant: The Construction of Sioux Criminality," Sidney Haring, City University

"Sugar and Police: 'London in the 1790's," Peter Linebaugh, University of Massachusetts-Boston

AMERICAN POLITICAL SCIENCE ASSOCIATION (1986)

The following papers will be presented at the 1986 meeting of the American Political Science Association, August 28-31, 1986, in Washington, D.C.

Chief Justices and Judicial Leadership

"Historical Perspectives on the Leadership of Chief Justices," Robert Steamer, University of Massachusetts

"Leadership in the Warren Court," David J. Danelski and Jeanne C. Danelski, Occidental College

"Can the Supreme Court be Led? A Re-evaluation of the Role of Chief Justices," Jeffrey Morris, University of Pennsylvania

Agenda Setting in Appellate Courts

"Agenda Setting and Decisions on the Merits on the Georgia Supreme Court," Victor E. Flango, National Center for State Courts

"Deciding to Decide in the U.S. Supreme Court," H.W. Perry Jr., Washington University

"Labor before the Vinson Court," Jan Palmer, Ohio University

The Burger Court: Political and Judicial Profiles

"Justice Harry A. Blackmun: Transformation from 'Minnesota Twin' to Independent Voice," Stephen L. Wasby, SUNY-Albany

"Chief Justice Warren E. Burger: The Jurisprudence of Law and Order," Charles M. Lamb, State University of New York at Buffalo

"Justice Sandra Day O'Connor: The Limits of Federalism as a Decisional Principle," Beverly Blair Cook, University of Wisconsin-Milwaukee

"Justice Byron R. White: Should We in the Groves of Academe Continue to Neglect Him?," Daniel C. Kramer, College of Staten Island-CUNY

Non Nova, Sed Novo: New Approaches to the Analysis of Judicial Activity

"Using Artificial Techniques to Understand Supreme Court Decision Making," Werner Grunbaum, University of Missouri-St. Louis

"Presidential Power in the Federal Courts," Craig R. Ducat, Northern Illinois University, and Robert L. Dudley, Colorado State University

"Assessing Judicial Attributes v. Case Characteristics: An Alternative Approach to Supreme Court Decision Making," Jilda M. Aliotta, Miami University

"An Experimental Test of Perceptions Regarding Credibility of Judicial Decisions: The Cult of the Robe," Louise H. Huddleston and Bill M. Huddleston, University of North Alabama

British and Canadian Courts in Comparative Perspective

"Policing the Boundaries of Federalism: Judicial Review in a Comparative Perspective," F.L. Morton and Rainer Knopff, The University of Calgary

"Reproductive Hazards in the Workplace: A Comparative Study of Law and Policy in Britain and America," Sally J. Kenney, Princeton University

"The British Courts and Industrial Conflict: The Role of the Judiciary in the Miner's Strike of 1984-1985 -- a View from the Labour Community," Frank Belloni, University of Bristol

Supreme Court Legitimacy and Public Reaction to Its Decisions

"The Supreme Court As an Opinion Leader: Legitimacy, Court Decisions, and the Mass Public," Thomas R. Marshall, The University of Texas at Arlington

"Testing Supreme Court Legitimacy Theory: The 1985 Abortion Case," Thomas R. Hensley, Joyce A. Baugh, and Steven R. Brown, Kent State University

"Neither the Purse nor the Sword: Dynamics of Public Confidence in the Supreme Court," Gregory A. Caldeira, The University of Iowa

"A Comparative Analysis of Mass and Elite Support for the U.S. Supreme Court," Barbara Luck Graham, University of Missouri-St. Louis

The Supreme Court, the Constitution, and the Court's Decisions

"Constitution and Court: The Institutions Converge," John Brigham, University of Massachusetts

"States As Sources of Unconstitutional Behavior in the United States: 1947-1976," S. Sidney Ulmer, University of Kentucky

"The Decision Making of the U.S. Supreme Court, 1916-1985: A Three Level Perspective," C. Neal Tate, North Texas State University

"Justice Brennan and the Living Constitution," Edward V. Heck, San Diego State University

State Supreme Courts

"Interpersonal Relations and Role Conflict on State Supreme Courts: Case Study of a Court in Transition," Patrick Hagan, West Virginia University

"A Century of Judging: Judicial Review with a State Supreme Court, 1889-1980," Charles H. Sheldon, Washington State University

"Alternative Methods of Studying Judicial Impact: Miranda in Three State Courts," Donald R. Songer, Oklahoma Baptist University

"Consensus in Decision Coalitions in State Courts of Last Resort," Melinda Gann Hall and Paul Brace, Colorado State University

State Court Judges: Trial and Appellate

"Was Chief Justice Burger Right? Judicial Evaluation of Lawyers," Paul J. Weber and Philip Laemmle, University of Louisville

"Degree of Partisan Voting in Michigan Supreme Court Elections," Charles Press, Michigan State University

"Disparity in Sentencing Policy," Margaret E. Gilkison, Louisiana State University

"Judicial Conferences, Judicial Committees, and Judicial Reform," Tracy Lightcap and Holly K.O. Sparrow, Georgia Administrative Office of the Courts

Alternative Dispute Resolution and Adjudication: Emerging Themes in Law and Politics

"The Political Economy of Alternative Dispute Resolution," Christine Harrington, New York University

"Judges As Settlement Managers: The Emergence of a New Judicial Role," Marie Provine, Syracuse University

"The Emerging Profession of Dispute Resolution," Janet Rifkin, University of Massachusetts

LAW, COURTS, AND JUDICIAL PROCESS SECTION (1986)

The following panels will convene at the annual meeting of the American Political Science Association, August 28-31, 1986, in Washington, D.C.

Political Power and Reform of Criminal Justice

"Police Agency Accreditation: The Prospects of Reform," Stephen Mastrofski, Pennsylvania State University

"The Politics of Indigent Defense," Alissa Pollitz Worden, University of North Carolina-Chapel Hill, and Robert E. Worden, University of Georgia

"Extended Impact Litigation and Prison Reform: *Guthrie v. Evans*," Bradely Stewart Chilton, Southeast Missouri State University, and Susette M. Talarico, University of Georgia

Workshop on Sources of Data for Judicial Research

PARTICIPANTS: Peter F. Nardulli (Chair), University of Illinois
 Joel Garner, National Institute of Justice
 Patrick Langan, Bureau of Justice Statistics
 John Shepard and Patricia Lombard, Federal Justice Center
 Victor E. Flango, National Center for State Courts
 Stephen Daniels, American Bar Foundation
 Michael Traugett, ICPSR

Comparing State Supreme Courts and the U.S. Supreme Court: A Workshop on Researching State Appellate Courts

PARTICIPANTS: David Neubauer (Chair), University of New Orleans
 Thomas Dalton
 Stephen Daniels, American Bar Foundation
 Victor E. Flango, National Center for State Courts
 Henry Glick, Florida State University
 John Patrick Hagen, West Virginia University
 G. Alan Tarr, Rutgers University-Camden

Equality and the Constitution

"The Burger Court and Equal Protection of the Law: The Changing Intersection of Process and Rights Values," Ronald Kahn, Oberlin College

"Where the 'Haves' Start Out Ahead: Observations on the Bias of Constitutional Property Rights," John Brigham, University of Massachusetts

Appealing to Principle: Values and Justification in Law

"Constitutionalism, Constitutive Principles and Their Relationship to Constitutional Documents," John E. Finn, Princeton University

"The Future of Liberalism, the Rule of Law and Pluralist Society," Karol E. Soltan, University of Maryland

"The Value and Values of Law," Jennifer Nedelsky, University of Toronto

"The Mutual Construction of Rules and Facts," Kim Lane Scheppele, University of Michigan

Appellate Court Management and Jurisprudence

"Settlement and Efficiency in Appellate Litigation," Jerry Goldman, Northwestern University

"Managing the Supreme Court's Business, 1971-1983," William P. McLauchlan, Purdue University

"Video Conferencing--The State of the Art," Paul Nejelski, United States Tax Court

"Appellate Review as Diagnostic Adjudication: The Supreme Court of Canada and the Charter of Rights," Carl Baar, York University

Roundtable on the Role of Moral Philosophy in Constitutional Law

PARTICIPANTS: Sotorios A. Barber (Chair), Notre Dame University
 Walter Berns, American Enterprise Institute
 Walter F. Murphy, Princeton University
 Gary McDowell, U.S. Department of Justice

CONFERENCE GROUP ON JURISPRUDENCE AND PUBLIC LAW

The following panels will convene at the annual meeting of the American Political Science Association, August 28-31, 1986, in Washington, D.C.

Appealing to Principle: Values and Justification in Law (co-sponsored, see Section on Courts, Law and Judicial Process)

Constitution and the Formation of Preferences

"The Constitution of the Market," Mark Tushnet, Georgetown Law Center

"The Constitution, Legal Regulation and Preference Formation," Cass Sunstein, School of Law, University of Chicago

Game Theory, Law and Ethics

"Symmetry and Fairness in Information Games," John Chamberlin and Kim Scheppele, University of Michigan

"Just Utilization of Class Action Settlements," Charles Silver, Yale Law School

"Constitutionalism, Impartial Standards and Bargaining Games," Karol Soltan, University of Maryland

Interpretation, Political Theory and the Constitution

"Law, Morality and Liberal Community: A Rejoinder to the Communitarians," Stephen Macedo, Harvard University

"Meaning and the Constitution," Mark Brandon, University of Michigan

"Constitutional Law as an Arena of Power," Sheldon Pollack, University of Pennsylvania Law School

"Constitutionalism, the Presidency and Political Theory," David Aladjem, Princeton University

The Administrative State

"The Failure of American Corporatism," Donald Brand, University of Pennsylvania

"Judicial Activism and the New Congress: The Case of Welfare Rights," Shep Melnick, Brandeis University

"Administrative Discretion and the Rule of Law," Robert Bell, Department of Sociology, Georgetown University

Author Meets the Critics: Richard Epstein, TAKINGS: PRIVATE PROPERTY AND THE POWER OF EMINENT DOMAIN

PARTICIPANTS: Jennifer Nedelsky, University of Toronto Law School
Stephen Macedo, Harvard University
Frank Michelman, Harvard Law School

Carol Rose, Northwestern University Law School

Jurisprudence and Social Science

"Legal Theory in Trial Courts," Leif Carter, University of Georgia

"Plea Bargaining and the Structure of Criminal Process," Malcolm Feeley, School of Law, University of California-Berkeley

"Putting Cities in Their Place: Legal and Political Practice," Judith Garber, University of Maryland

Roundtable Discussion: A Constitutional Political Science

PARTICIPANTS: Sotirios A. Barber, Notre Dame University
William F. Harris II, University of Michigan
Jeffrey Tulis, Princeton University
Kim Lane Scheppele, University of Michigan

Roundtable on the Role of Moral Philosophy in Constitutional Law (co-sponsored, see Section on Law, Courts and Judicial Process)

Roundtable on Feminist Theory and the Law

PARTICIPANTS: Jennifer Nedelsky (Chair), University of Toronto
Kathy Ferguson, Dena College
Martha Minow, Harvard Law School
Druscilla Cornell, University of Pennsylvania Law School

Social and Cultural Construction of Crime and Criminality: Historical Perspectives

"Depicting the Criminal: American Drawings and Photographs, 1806-1896," David Papke, Indiana University-Indianapolis

"Sitting Bull as Vagrant: The Construction of Sioux Criminality," Sidney Haring, City University

"Sugar and Police: "London in the 1790's," Peter Linebaugh, University of Massachusetts-Boston

SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION (1987)

The Southwestern Political Science Association annual meeting will be held on March 18-21 in Dallas, Texas. Proposals for panels and papers should be sent to Charles A. Johnson, Department of Political Science, Texas A&M University, College Station, Texas 77843 (Phone: 409-845-2511 and BITNET: H553CJ @ TAMVM1). The deadline for submission of proposals is October 15, 1986.

MIDWEST POLITICAL SCIENCE ASSOCIATION (1987)

The Midwest Political Science Association annual meeting for 1987 will be held on April 9-11 at the Palmer House in Chicago. Proposals for panels and for papers should be sent to Joel B. Grossman, Department of Political Science, University of Wisconsin, Madison, WI 53706 (phone: 608-263-2414). The deadline for submission of proposals is October 15, 1986.

WESTERN POLITICAL SCIENCE ASSOCIATION (1987)

The Western Political Science Association annual meeting for 1987 will be held on March 26-28 in Anaheim, California. Proposals for panels and papers should be sent to Richard Brody, WPSA Program Chair, Department of Political Science, Stanford University, Stanford, CA 94305.

APSA Short Course
The Supreme Court: Behind the Scenes
 Jeffrey B. Morris
 University of Pennsylvania

The American Political Science Association is sponsoring a short course at the U.S. Supreme Court conducted by Jeffrey Morris. The course will meet at the Supreme Court before the APSA meeting on Wednesday, August 27, 1986, from 10 a.m. to 4 p.m. The cost of attending the course is \$40. Additional information is available from Robert Hauck, Assistant Director of the APSA. Mr. Hauck's address and phone number are: APSA, 1527 New Hampshire Ave, N.W., Washington, D.C. 20036, (202) 483-2512.

BIBLIOGRAPHIC INFORMATION

NEW BOOKS

For the first time, the Newsletter is providing a listing of newly published books, this one including a number of volumes published in 1985 and early 1986. Most are specialized, although some are texts. This listing is not exhaustive. It was developed by relying on such sources as *Choice* and the *Library Journal*, correspondence from authors, and advertisements. If you have published a recent book in the subfield that is not included, we apologize for the omission. If you wish it to be listed in the 1987 summer issue of the Newsletter, please contact Charles M. Lamb, Department of Political Science, SUNY at Buffalo, Buffalo, NY 14260.

Abernathy, M. Glenn. *Civil Liberties Under the Constitution* 4th ed. (Columbia, S.C.: University of South Carolina Press, 1985), \$22.95, 618 pages.

Abraham, Henry J. *The Judicial Process: An Introductory Analysis of the Courts of the United States, England, and France* 5th ed. (New York: Oxford University Press, 1986), \$13.95, 604 pages.

Abraham, Henry J. *Justices and Presidents: A Political History of Appointments to the Supreme Court* 2d ed. (New York: Oxford University Press, 1985), \$9.95 (p), \$28 (c), 430 pages.

Barkan, Steven E. *Protesters on Trial: Criminal Justice in the Southern Civil Rights and Vietnam Antiwar Movements* (New Brunswick, N.J.: Rutgers University Press, 1985), \$25, 198 pages.

Baum, Lawrence. *American Courts: Process and Policy* (Boston: Houghton Mifflin, 1986), \$16.95, 343 pages.

Baum, Lawrence. *The Supreme Court* 2d ed. (Washington, D.C.: CQ Press, 1985), \$12.95, 270 pages.

Beckstrom, John H. *Sociobiology and the Law: The Biology of Altruism in the Courtroom of the Future* (Urbana, Ill.: University of Illinois Press, 1985), \$19.95, 151 pages.

Burstein, Paul. *Discrimination, Jobs, and Politics: The Struggle for Equal Opportunity in the United States* (Chicago: University of Chicago Press, 1985), \$12.95 (p), \$28 (c), 258 pages.

Calabresi, Guido. *Ideals, Beliefs, Attitudes, and the Law: Private Law Perspectives on a Public Law Problem* (Syracuse, N.Y.: Syracuse University Press, 1985), \$11.95 (p), \$20 (c), 208 pages.

Cannon, Mark W. and David M. O'Brien, eds. *Views from the Bench: The Judiciary and Constitutional Politics* (Chatham, N.J.: Chatham House, 1985), \$12.95 (p), \$25 (c), 330 pages.

Carmen, Ira H. *Cloning and the Constitution: An Inquiry into Government Policymaking and Genetic Experimentation* (Madison, Wis.: University of Wisconsin Press, 1985), \$22.50, 240 pages.

- Carp, Robert A. and Ronald Stidham. *The Federal Courts* (Washington, D.C.: CQ Press, 1985), \$13.95, 258 pages.
- Carter, Lief H. *Contemporary Constitutional Lawmaking: The Supreme Court and the Art of Politics* (New York: Pergamon, 1985), \$12.95 (p), \$29.50 (c), 216 pages.
- Clark, Gordon L. *Judges and the Cities: Interpreting Local Autonomy* (Chicago: University of Chicago Press, 1985), \$25, 247 pages.
- Currie, David P. *The Constitution in the Supreme Court: The First Hundred Years, 1789-1888* (Chicago: University of Chicago Press, 1985), \$45, 512 pages.
- Dalton, Thomas C. *The State Politics of Judicial and Congressional Reform: Legitimizing Criminal Justice Policies* (Westport, Conn.: Greenwood, 1985), \$35, 320 pages.
- Diamond, Paul R. *Beyond Busing: Inside the Challenge to Urban Segregation* (Ann Arbor, Mich.: University of Michigan Press, 1985), \$29.95, 411 pages.
- Donohue, William A. *The Politics of the American Civil Liberties Union* (New Brunswick, N.J.: Transaction Books, 1985), \$14.95 (p), \$29.95 (c), 390 pages.
- Downs, Donald A. *Nazis in Skokie: Freedom, Community, and the First Amendment* (Notre Dame, Ind.: University of Notre Dame Press, 1985), \$20, 227 pages.
- Dworkin, R.M. *A Matter of Principle* (Cambridge, Mass.: Harvard University Press, 1985), \$25, 425 pages.
- Epstein, Lee. *Conservatives in Court* (Knoxville, Tenn.: University of Tennessee Press, 1985), \$17.95, 216 pages.
- Feeley, Malcolm M. and Samuel Krislov. *Constitutional Law* (Boston: Little, Brown, 1985), \$33.95, 873 pages.
- Fisher, Louis. *Constitutional Conflicts Between Congress and the President* (Princeton, N.J.: Princeton University Press, 1985), \$40, 372 pages.
- Foster, Lorn S., ed. *The Voting Rights Act: Consequences and Implications* (New York: Praeger, 1985), \$32.95, 208 pages.
- Friedman, Lawrence M. *Total Justice* (New York: Russell Sage Foundation and Basic Books, 1985), \$14.50, 166 pages.
- Gibson, James L. and Richard D. Bingham. *Civil Liberties and Nazis: The Skokie Free Speech Controversy* (New York: Praeger, 1985), \$34.95, 240 pages.
- Glennon, Robert Jerome. *The Iconoclast as Reformer: Jerome Frank's Impact on American Law* (Ithaca, N.Y.: Cornell University Press, 1985), \$24.95, 252 pages.

- Goldman, Sheldon and Thomas P. Jahnige. *The Federal Courts as a Political System* 3d ed. (New York: Harper & Row, 1985), \$12.50, 263 pages.
- Goldman, Sheldon and Charles M. Lamb, eds. *Judicial Conflict and Consensus: Behavioral Studies of American Appellate Courts* (Lexington, Ky.: University Press of Kentucky, 1986), \$30, 320 pages.
- Green, Robert L., ed. *Metropolitan Desegregation* (New York: Plenum Press, 1985).
- Harrington, Christine B. *Shadow Justice: The Ideology and Institutionalization of Alternatives to Courts* (Westport, Conn.: Greenwood Press, 1985), \$29.95, 216 pages.
- Hull, Elizabeth. *Without Justice for All: The Constitutional Rights of Aliens* (Westport, Conn.: Greenwood Press, 1985), \$29.95, 244 pages.
- Jacob, Herbert. *Law and Politics in the United States* (Boston: Little, Brown, 1986), 336 pages.
- Levy, Leonard W. *Emergence of a Free Press* (New York: Oxford University Press, 1985), \$29.95, 432 pages.
- Mashaw, Jerry L. *Due Process in the Administrative State* (New Haven, Conn.: Yale University Press, 1985), \$24, 271 pages.
- Mendelson, Wallace. *Supreme Court Statecraft: The Rule of Law and Men* (Ames, Iowa: Iowa State University Press, 1985), \$21.95, 352 pages.
- Monti, Daniel J. *A Semblance of Justice: St. Louis School Desegregation and Order in Urban America* (Columbia, Mo.: University of Missouri Press, 1985), \$24, 240 pages.
- Murphy, Walter F. and C. Herman Pritchett, eds. *Courts, Judges, and Politics: An Introduction to the Judicial Process* 4th ed. (New York: Random House, 1986), \$18, 544 pages.
- Newmyer, R. Kent. *Supreme Court Justice Joseph Story: Statesman of the Old Republic* (Chapel Hill, N.C.: University of North Carolina Press, 1985), \$33, 490 pages.
- O'Neill, Timothy J. *Bakke and the Politics of Equality: Friends and Foes in the Classroom of Litigation* (New York: Harper & Row, 1985), \$27.95, 325 pages.
- Posner, Richard A. *The Federal Courts: Crisis and Reform* (Cambridge, Mass.: Harvard University Press, 1985), \$25, 365 pages.
- Pride, Richard A. and J. David Woodward. *The Burden of Busing: The Politics of Desegregation in Nashville, Tennessee* (Knoxville, Tenn.: University of Tennessee Press, 1985), \$24.95, 320 pages.
- Provine, Doris Marie. *Judging Credentials: Nonlawyer Judges and the Politics of Professionalism* (Chicago: University of Chicago Press, 1986), \$13.95 (p), \$30 (c), 264 pages.

- Schoeman, Ferdinand David, ed. *Philosophical Dimensions of Privacy: An Anthology* (New York: Cambridge University Press, 1985), \$13.95 (p), \$39.50 (c), 426 pages.
- Schubert, Glendon. *Political Culture and Judicial Behavior* (Lanham, Md.: University Press of America, 1985), two volumes.
- Smith, Rogers M. *Liberalism and Constitutional Law* (Cambridge, Mass.: Harvard University Press, 1985), \$22.50, 328 pages.
- Schwartz, Bernard. *The Unpublished Opinions of the Warren Court* (New York: Oxford University Press, 1985), \$29.95, 400 pages.
- Steiner, Gilbert Y. *Constitutional Inequality: The Political Fortunes of the Equal Rights Amendment* (Washington, D.C.: Brookings, 1985), \$8.95 (p), \$22.95 (c), 120 pages.
- Sundquist, James L. *Constitutional Reform and Effective Government* (Washington, D.C.: Brookings, 1986), \$9.95 (p), \$26.95 (c), 250 pages.
- Tribe, Lawrence H. *Constitutional Choices* (Cambridge, Mass.: Harvard University Press, 1985), \$29.95, 458 pages.
- Tribe, Laurence H. *God Save This Honorable Court: How the Choice of Justices Affects Our Lives* (New York: Random House, 1985), \$16.95, 171 pages.
- Ulmer, S. Sidney. *Supreme Court Policymaking and Constitutional Law* (New York: McGraw-Hill, 1986), \$38.95, 894 pages.
- Wice, Paul B. *Chaos in the Courtroom: The Inner Workings of the Urban Criminal Courts* (New York: Praeger, 1985), \$34.95, 199 pages.
- Wolfe, Christopher. *The Rise of Modern Judicial Review: From Constitutional to Judge-Made Law* (New York, Basic Books), \$23.95, 392 pages.
- Yarbrough, Tinsley E., ed. *The Reagan Administration and Human Rights* (New York: Praeger, 1985), \$33.95, 288 pages.