

# LAW, COURTS, AND JUDICIAL PROCESS

## SECTION NEWSLETTER

Vol 5. No. 3

Summer, 1988

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Chair: Doris Marie Provine    Chair-Elect: Karen O'Connor

Secretary/Treas.: Victor Flango

Executive Committee: Henry Glick, Christine Harrington, Susan Olson, Neal Tate, Lettie Wenner

Newsletter Editor: William P. McLauchlan

Associate Editors: Lief Carter, Charles Lamb, and Wayne McIntosh

## **Instructions to Contributors**

The Newsletter publishes articles, news items, announcements, commentaries, 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 (Oct. 15th), Spring, (Feb. 15th), and Summer (June, 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. Please send two copies of prospective articles and commentary to:

Professor Lief Carter, Associate Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
University of Georgia  
Athens, GA 30602  
(404) 542-2057

### **Conventions and Bibliographic Information**

The Newsletter attempts to inform members of upcoming and past conferences as well as the publication of judicial articles and books. Organizers of judicial panels at national, regional, state, and other professional meetings are encouraged to inform the Newsletter so that papers and participants may be reported. Authors of judicial books are also encouraged to inform the Newsletter of their manuscript's publication. Suggestions and information concerning conventions or publications in the field should be sent to:

Professor Charles Lamb, Associate Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
State University of New York at Buffalo  
Buffalo, NY 14260  
(716) 636-2251

### **Data and Analysis Information**

The Newsletter wishes to keep the Section informed regarding availability of data sets of interest to the field. This includes newly archived data sets held by the Consortium as well as non-archived ones, which individual researchers would like to share with colleagues. Special analysis and data problems or queries of interest to the field will also be published. Suggestions and information should be sent to:

Professor Wayne McIntosh, Associate Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Government & Politics  
University of Maryland  
College Park, MD 20742  
(301) 454-2124 BITNET: MCINTOSH@UMD2

### **Announcements and Correspondence**

Announcements and section news will be included in the newsletter. Developments in the field such as fellowships, grants, etc., will be announced if there is sufficient time for submission of materials to the granting body. Announcements and correspondence concerning the Newsletter should be sent to:

William P. McLaughlan, Editor  
Law, Courts, and Judicial Process Section Newsletter  
Department of Political Science  
Purdue University  
West Lafayette, IN 47907  
317/494-4171 BITNET: MCLAUCH@PURCCVM

<b>SECTION NEWS</b>
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**Graduate Student Paper Award.**

Please consider nominees for this important award. It is designed to recognize the best graduate-student authored paper in our field in 1987-88. The winner will be recognized when the section convenes at the 1988 annual meeting in Washington and (we hope) in the materials every member of the association gets upon registering for the meeting.

To be eligible, the paper must address issues relevant to the field of courts, law, and/or the processes associated with them. In addition, the paper must have been accepted for presentation at a professional meeting occurring between August 31, 1987 and August 31, 1988, e.g. the 1987 APSA meeting, one of the regional meetings, or the 1988 Law and Society meeting. Finally, the author must have been a graduate student when the paper was written, and the student must be sole author of the paper. Deadline for submissions is June 15, 1988.

*For the sake of the younger scholars in the field, we should consider all eligible papers for this award if possible. The committee needs the assistance of panel chairs, section chairs, mentors, and fellow panelists in getting submissions.*

Jim Gibson, University of Houston, has agreed to chair this year's selection committee. Milt Heumann, Rutgers University, and Alison Renteln, University of Southern California, have also agreed to serve. Please send submissions to Professor Gibson or another member of the committee. Professor Gibson's address is:

Dept. of Political Science  
University of Houston  
3934 University Boulevard  
(713) 660-8813  
BITNET: POLSBR@UHUPVM1

**Video Coverage of Oral Argument in the U.S. Supreme Court.**

Several members of the section have urged the section to take a position on access to oral argument in the U.S. Supreme Court via video-taping. Their idea is that the section should take whatever steps are possible to encourage the Court to video-tape oral argument. Marie Provine submitted a resolution on behalf of the section to the executive committee of the APSA that would commit the association to a position urging the Court to allow video-taping for broadcasting, perhaps through a C-Span type arrangement. The executive committee is at present soliciting the views of the justices on this issue and will consider the question again when it meets in August.

### **A Reception Sponsored by the Section**

The Section will sponsor a reception for members and friends in honor of visiting IPSA scholars in our field. The reception, featuring a cash bar, is scheduled for 7:00 PM on Thursday, September 1 in the Map Room of the Washington Hilton. Our Section business meeting is scheduled for 6:30 in the same room. This timing was chosen to accommodate those who wish to hear Judge Ruth Bader Ginsburg speak on "Women Becoming Part of the Constitution" at 5:30 on Thursday.

### **Section Nominating Committee Report**

The nominating committee will submit the name of Stuart Scheingold of the University of Washington for chair of the Section. With the support of the membership at the annual meeting, Stuart will serve as chair-elect next year and become Chair the following year, succeeding Karen O'Connor.

For two year terms on the Executive Committee, Leslie Goldstein of Delaware and Twiley Barker of Chicago Circle to serve on the Executive Committee will be submitted to the Section members. Additional nominations may be made with the support of five members of the section, either from the floor or by petition to the Chair, Professor D. Marie Provine, Political Science, Syracuse University, NY 13244-1090.

The Nominating Committee was composed of John Brigham, Univ. of Massachusetts, Chair; Sue Davis, Univ. of Delaware; Kim Scheppele, Univ. of Michigan; John Schmidhauser, Univ. of Southern California; and Harry Stumpf, University of New Mexico.

### **Public Affairs Video Archives**

The Public Affairs Video Archives was established at Purdue University to record and preserve all the broadcasts which occur on C-SPAN I and II. It maintains a complete inventory of recordings and this provides a great deal of opportunity for video instructional material.

Of particular interest to section members is its coverage of legal conferences and speeches plus weekly analysis of cases before the Supreme Court, called "Supreme Court Review"

The archives are indexed by subject, type of program, speaker, committee, subcommittee, group name, place, and date. The Archives maintains a mailing list of interested people.

For further information contact:

Robert X Browning, Director  
Public Affairs Video Archives  
Stewart Center G-39  
Purdue University  
West Lafayette, IN, 47907  
(317) 494-9630  
BITNET: PAVA@PURCCVM

**SYMPOSIUM ON JUDICIAL SELECTION  
TO HONOR S. SIDNEY ULMER  
AT THE UNIVERSITY OF KENTUCKY**

The Political Science Department at the University of Kentucky, in conjunction with the Kentucky Law Journal, will hold a Symposium on the Selection of Judges in the U.S. on September 15-16, 1988. The symposium honors Professor S. Sidney Ulmer who retired from active service in the department on June 30th.

Program construction had not been completed at the Newsletter's deadline. However, five political scientists are scheduled to give papers as follows:

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Burton Atkins (Florida State) "Similarities and Differences in the British and American Selection of Appellate Judges"

Lawrence A. Baum (Ohio State) "Voter Perceptions of Contested State Supreme Court Elections"

Peter Fish (Duke) "'Spite' Nominations to the Supreme Court"

Jeffrey Sigel (SUNY at Stony Brook) "A Theory of Senate Confirmation of Supreme Court Nominees"

Herbert Weisberg (Ohio State) "Senate Voting on the Confirmation of Supreme Court Nominees"

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Law professors James Alfini (Florida State) and Robert Davidow (George Mason) will also give papers. Political scientists Henry Abraham (Virginia), J. Woodford Howard (Johns Hopkins), and Tom Walker (Emory) will serve as commentators. Supreme Court Justice Antonin Scalia will also be in attendance as will be the Chief Justice of Kentucky, Robert Stephens. Papers and comments will be published in the spring, 1989, issue of the Journal.

The department invites attendance by political scientists and others interested in judicial selection. There is no registration fee. More information about the Symposium can be obtained by writing or calling Bradley Canon (606-257-4895) (BITNET: POL140@UKCC) or Malcolm Jewell (606-257-1946) (BITNET: POL152@UKCC), Department of Political Science, University of Kentucky, Lexington, KY 40506

**Integrating Cross National Perspectives into Public Law Courses**

Dramatic litigation such as the Bhopal incident suits and the General Sharon's libel action underscore the growing interpenetration of legal systems. However, American legal research has been parochial in its interests and the

political science sub-field of judicial studies has only recently shown interest in other countries. This interest in foreign systems is not yet fully reflected in our courses, and is only beginning to have impact in the curriculum as well.

This short course, jointly sponsored by the APSA section on Law Courts and the Judicial Process and the ABA's Commission on College and University non-professional legal studies will have four components.

1. There will be a discussion of alternative course offerings in comparative law with illustrative syllabi and texts, and available readings presented. These include courses structured on family law or systems of law principles, individual country approaches, and efforts organized on the lines of recurring or common issues.
2. Ways will be discussed of incorporating comparative materials into standard judicial behavior and constitutional law courses.
3. Emphasis will be placed on incorporating comparative law into the American government and introductory political science course.
4. The session will also take advantage of the unique opportunity afforded by the IPSA/APSA conjunction. We plan a panel of foreign scholars of comparative law joining American judicial scholars in commenting on the session, and reflecting their own approaches and concerns.

Materials and bibliography will be available for all of these topics. Pedagogic approaches to the materials will be demonstrated.

Make plans early to attend this unique short course. For further information or to pre-register, contact:

J. Brinton Rowdybush  
American Political Science Association  
1527 New Hampshire Avenue, N.W.  
Washington, DC 20036.

## ANNOUNCEMENTS

### RESEARCH FUNDING

The Fund for Research on Dispute Resolution, an independent research fund affiliated with the National Institute for Dispute Resolution, has announced a request for proposals for studies in dispute resolution. The Fund will make awards, in two separate funding cycles, totaling approximately \$750,000-\$800,000 each year. The next deadline for submission of concept papers is October 1, 1988.

The Fund will support a broad range of research that connects the study of disputing and dispute handling to social, psychological, economic, political or legal theory, and which seeks to promote understanding of the conditions under which individuals, groups and organizations do or do not express grievances and become involved in disputes. The Fund hopes to support research that examines how different patterns of disputing and dispute handling affect the rights of disputants and others, how they enhance or diminish opportunities for democratic participation and how they speak to the needs of powerless or "at-risk" groups. The Fund seeks to begin exploration of these questions and to move beyond program driven evaluation. It encourages researchers to engage in critical examination of disputing and dispute handling and will support studies that are both theoretically grounded and socially useful.

For a copy of the program announcement and the request for proposal write to The Fund for Research on Dispute Resolution, 1901 L Street, N.W., Suite 600, Washington, DC 20036. For more information regarding the program and application process contact Robert Jones, Program Coordinator, Fund for Research on Dispute Resolution at the same address (tel (202) 785-4637).

## CONFERENCES

### **1989 Interim Meeting of the Research Committee on Comparative Judicial Studies of the International Political Science Association**

The 1989 Interim Meeting of the Research Committee on Comparative Judicial Studies will be hosted by Professor Torben Vallinder and the Department of Political Science at the University of Lund, Lund, Sweden. Lund is located in southern Sweden, near Malmo, just to the east across the water from Copenhagen (Kobenhavn), Denmark, which will probably be the best destination for international air travellers.

Tentative dates for the meeting are 21-23 August, 1989. If you are interested in organizing a panel or colloquium, please contact:

C. Neal Tate  
Department of Political Science  
University of North Texas  
Box 5338  
Denton, TX 76203-5338 USA  
BITNET FA06@NTSUVMI  
Ph: (817)565-2318 (off.)  
(817)387-7774 (home)

Further details will be available after the meeting of the Research Committee's Executive Council in Washington, but the initial deadline for receipt of proposals is October 1, 1988. It may not be possible to consider proposals received after this date.

### **MIDWEST POLITICAL SCIENCE ASSOCIATION**

The Midwest Political Science Association Meeting for 1989 will be held April 13-15, 1989, at the Palmer House in Chicago. Anyone interested in participating in the Meeting should contact the Judicial Politics and Public Law Section Chair:

Prof. Susan Mezie  
Department of Political Science  
Loyola University  
6525 N. Sheridan Rd  
Chicago, IL 60626  
Office: 312/508-3055

The deadline for submission of panel or paper suggestions is October 17, 1988.

### **SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION (1989)**

The 1989 annual meeting of the Southwestern Political Science Association will be March 29-April 1 at the Excelsior Hotel in Little Rock, Arkansas. Individuals wishing to present papers and organize panels, should contact:

Prof. C.K. Rowland  
Department of Political Science  
University of Kansas  
Lawrence, KS 66045  
Phone: (913) 864-3523

Deadline for submission of paper proposals is October 15, 1988.

### **WESTERN POLITICAL SCIENCE ASSOCIATION (1989)**

The Western Political Science Association annual meeting for 1989 will be March 30-April 1 at the Red Lion Inn in Salt Lake City, Utah. Proposals for papers should be sent to:

Prof. Howard Ball  
Department of Political Science  
University of Utah  
Salt Lake City, Utah 84112  
Phone: (801)581-8620

Deadline for paper proposals is September 30, 1988.



<b>PROGRAMS</b>
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The Following panels will be convened for the 1988 Program of the Research Committee on Comparative Judicial Studies, August 31 and September 1, in Washington, D.C. , in conjunction with the IPSA and the APSA annual meetings.

For additional information, contact Professor C. Neal Tate, Department of Political Science, University of North Texas, Denton, Texas, 76203-5338; Phone: (817)565-2318 (O) or (817)387-7774 (H). BITNET FA06@NTSUVMI

**TENTATIVE PROGRAM FOR THE 1988 MEETING OF THE  
RESEARCH COMMITTEE ON COMPARATIVE JUDICIAL STUDIES  
HELD IN CONJUNCTION WITH THE XIVTH WORLD CONGRESS  
OF THE INTERNATIONAL POLITICAL SCIENCE ASSOCIATION  
(28 August - 1 September, 1988)  
AND THE ANNUAL MEETING OF THE AMERICAN POLITICAL  
SCIENCE ASSOCIATION  
(31 August - 4 September, 1988)**

WASHINGTON, D.C., USA

IPSA PANEL 1 (Official Research Group Panel on IPSA Program)

Judging in Europe: Cross-National and International Perspectives

CHAIR: Samuel Krislov, University of Minnesota

"The Expansion of Judicial Power in Italy and its Structural Determinants,"  
Guiseppa Di Federica, Universita Bologna.

"Judicially-Enforced Equality within the European Community,"  
Donald W. Jackson, Texas Christian University.

"The Impact of Western European Constitutional Courts on Policy-Making  
Processes: A Comparative Study,"  
Alec Stone, University of Washington.

"The Italian Constitutional Court and European Community Law,"  
Mary Volcansek, Florida International University.

DISCUSSANT/COMMENTATOR: Jerry Waltman, Univ. of Southern  
Mississippi.

IPSA PANEL 2 (Official Research Group Panel on IPSA Program)

Judiciaries and Dispute Resolution in the Third World

CHAIR: Edward Goldberg, California State University, Los Angeles.

"Special Justice and the Indian Supreme Court: A Study in Evolving Forms of Judicial Behavior Regarding Distributive and Restitutive Justice,"  
Madhukar Shyam Chaturvedi and Jyoti Nagar.

"Citizen's Role in the Judicial Process: A Study of Nyaya Panchayats in a Southern State in India,"  
R. Madhanagopal, Madurai Kanaraj University,

"The Judiciary in a Military Administration--The Nigerian Experience,"  
Abiolo Ojo, University of Lagos.

"The Office of the Ombudsman: A Study of the Working of Lokayukta in the State of Rajasthan, India,"  
Ashok Sharma and Jyoti Nagar.

DISCUSSANT/COMMENTATOR: Kristine Olsen, California State University-Los Angeles.

**1988 INTERIM MEETING PANELS**

INTERIM MEETING SITE:  
U.S. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,  
VANGUARD BUILDING, 1111 20TH STREET, N.W.  
WASHINGTON, D.C. 20575 USA

**INTERIM MEETING PANEL 1:**

Theory and Concepts for the Analysis of Judicial Systems

Wednesday, 31 August, 1988, 9:00 - 11:00 A.M.

CHAIR: Peter Russell, York University

"The Contribution of Courts to Nation-Building: Capacity and Limitations,"  
Kenneth M. Holland and Priscilla Machado, University of Vermont.

"Judicial Independence and Pre-existing Rules: A Critique of Martin Shapiro's Concepts,"  
Kristine Olsen, California State University-Los Angeles.

"A Comparative Analysis of the Role of Culture in Judicial Decision Making,"

Alison Dundes Renteln, University of Southern California.

DISCUSSANT/COMMENTATOR: Open

#### INTERIM MEETING PANEL 2:

##### Judicial Policies and the Political Environment

Wednesday, 31 August, 1988, 11:00 A.M. - 1:00 P.M.

CHAIR: Paul C. Cline

"Attitudinal Tolerance and Civil Liberties in Britain and the United States,"  
David Barnum, DePaul University.

"Delinquency and Development: Judicial Response in the United States and Cuba,"  
Thomas Dalton.

"Litigating Abortion Policy: The Canadian Experience,"  
F. L. Morton, University of Calgary.

"Judicial Review and Family Law in the United States,"  
Pedro F. Silva-Ruiz, University of Puerto Rico.

DISCUSSANT/COMMENTATOR: Peter Sperlich, University of California, Berkeley.

LUNCH (ON YOUR OWN) 1:00 - 2:00 P.M.

#### INTERIM MEETING PANEL 3:

##### Legal Traditions and Constitutional Policy Making

Wednesday, 31 August, 1988, 2:00 - 4:00 P.M.

CHAIR: R. N. Trivedi, Ranchi University.

"A Comparison of the Criminal Justice Subsystems of the United States and France, with Particular Emphasis upon Constitutional Provisions,"  
Morris D. Forkosch.

"Constitutional Development in Israel: The Fundamental Law of the Judiciary,"  
Edward Goldberg and Marvin Goldsmith, California State University, Los Angeles.

"The Influence of the Duality of Legal Traditions on Constitutional Jurisprudence,"

Pierre Patenaude, Universite de Sherbrooke.

"Montesquieu and the Swedish Court System,"

Torbjorn Vallinder, University of Lund.

DISCUSSANT/COMMENTATOR: R. Taylor Cole, Duke University

#### INTERIM MEETING PANEL 4:

##### Courts and Legal Policies in Comparative Perspective

Thursday, 1 September 1988, 9:00 - 11:00 A.M.

CHAIR: Open

"Judicial Commissions of Inquiry: A Comparative Analysis,"

Martin Edelman, SUNY, Albany, and Kenneth M. Holland, University of Vermont.

"Freedom of Information and National Security: A Comparative Perspective,"

Nils Peter Gleditsch, Institute for Fredsforkning.

"War Crimes Trials in Comparative Perspective,"

Theodore McNelly, University of Maryland.

"Power and Judicial Organization, Personnel, and Policy in Comparative Perspective,"

John R. Schmidhauser, University of Southern California.

DISCUSSANT/COMMENTATOR: David Danelski, Stanford University.

#### INTERIM MEETING PANEL 5:

##### Comparative Judicial Behavior

Thursday, 1 September, 1988, 11:00 A.M. - 1:00 P.M.

CHAIR: Open

"Integration and Control Functions Performed by English and American Appellate Courts,"

Burton Atkins, Florida State University.

"The Dissenting Opinion Experiences in the Federal Republic of Germany and the 'United States,'"

Christine Landfried.

"Reactions of an Independent Supreme Court to Authoritarian Rule: The Philippine Supreme Court in Comparative Perspective,"  
C. Neal Tate, University of North Texas.

"Extrajudicial Activities of the Italian Magistrates: Characteristics and Political Implications,"  
Francesca Zannotti, University of Bologna.

DISCUSSANT/COMMENTATOR: Open.

## **LAW AND SOCIETY ASSOCIATION (1988)**

The following panels and papers were presented at the 1988 annual meeting of the Law and Society Association, June 9-12, in Vail, Colorado:

### **Exploring the Impact of Disputing Alternatives**

Divorce Settlements: Comparing Outcomes of Different Processes  
Marilyn Ray, Cornell University

Refocusing Research On Mediation Outcomes: The Problem of Social Inequality  
Calvin Morrill and Peter C. Facciola, Univ. of Arizona

Medical Screening Panels and the Fairness Issue  
James T. Richardson and Richard Bjur, Univ. of Nevada, Reno

American Indiana Courts vs. Anglo-American Courts: The Effects of Procedure  
Jerre Moreland, University of Nebraska

### **Lawyers and the Construction of Law and Legal Institutions for Clients**

Radical Lawyers: The English Case  
Stuart A. Scheingold, University of Washington

Lawyers Who Litigate: Background, Work Setting, and Attitudes  
Herbert M. Kritzer, University of Wisconsin

The Role of Legal Representation in Administrative Process: Toward A Framework for Evaluation Institutional Performance  
Hazel Genn, Queen Mary College

Can Lawyers Predict the Outcome of Their Cases?  
Marijke Malsch, State University Leiden

### **Enforcement and Compliance: Legal Controls and Corporate Behavior**

The Gatekeepers of Truth: Self-Regulation in News Organizations  
Susan P. Shapiro, Northwestern University

Cooking the Books: Creative Accounting and the Control of Corporate Financing  
Doreen McBarnett and C. Wheelan, Oxford University

Risk Management Strategies To Minimize Loses From Environmental and Product Liability  
Joseph Sanders, University of Houston

General and Specific 'Deterrence' Effects of OSHA Enforcement on Corporate Accidents  
Wayne Gray and John Scholz, SUNY, Stony Brook

### **Administrative Policy and Decision-Making in the Immigration Context**

Discretionary Decisionmaking: the Context and Process of Judging Applications to the U.S.  
Janet A. Gilboy, American Bar Foundation

The Role of the I.N.S. in Immigration Law-Making  
Kitty Calavita, University of California, San Diego

### **Language, Law and Silence of the oppressed**

The Intersection of Race and Gender in the Critique of the Liberal Self  
Celina Romany, CUNY

Liberal Ideology and the Experience of Women  
Jodi Horn and Ria Hermann, Arizona State University

Fascism and the Representation of Women  
Tasha Houed, Arizona State University

### **Legal and Social Aspects of Risk**

The Social Construction of Risk: Decision-Making Among Factory Inspectors  
Keith Hawkins, Oxford University

Regulating Risk: Nasa and the Shuttle Challenger  
Diane Vaughan, Boston College

Tort Compensation and Risk Analysis: The Case of Asbestos in the U.S. and the U.K.  
William Felstiner and Peter Siegelman, American Bar Foundation

Managing Risk and Uncertainty in the Nuclear Installations Inspectorate  
Peter Manning, Michigan State University

### **New Perspectives on Legal and Social Change**

Courting Danger: The Rise of Injury Suits in N.Y.C., 1870-1910

Randolph Bergstrom, University of California, Santa Barbara

The Social Foundations of Litigation

Wayne V. McIntosh and Cynthia Colella, University of Maryland

The Joint Production of Fairness and Efficiency in the Formation of Property Rights

Richard O. Zerbe, University of Washington

Two Hundred Years at Old Bailey: The Changing Nature of Criminal Trials

Malcolm Feeley and Charles Lester, University of California, Berkeley

### **Pornography: How Do You Know It When You See It?**

Legal Debates in Pornography: What Social Science Can and Cannot Contribute

Neal Malamuth and Dan Linz, UCLA

Pornography as a Harm: An Essay in the Sociology of Psychology

Paul Chevigny, New York University

Analyzing Pornography: Feminist Issues

Carol Krafka, Federal Judicial Center

### **Field Experiments in Sociological Research: Current Problems and Prospects**

Implementing Randomized Field Experiments: An Analysis of Criminal and Civil Justice Research

Michael Dennis, Northwestern University

Experimenting with Civil Justice: Do's, Don'ts, and Whys

Jerry Goldman, Northwestern University

### **The Construction and Re-Construction of Torts**

Sociological Foundations of Constitutional Privacy

Jerome Skolnick, University of California, Berkeley

Sociological Foundations of Privacy Tort

Robert Post, University of California, Berkeley

The Sociological Construction of Duty: An Analysis of Torts

Joyce Sterling, Patricia Wellinger, and Nancy Reichman, Univ. of Denver

The Labor Movement and the Reconstruction of Tort Law in the Late 19th Century

Karen Orren, UCLA

### **Public Perspectives On Law**

Civil Liberties: Attitudes Among Israelis

Rita J. Simon, American University

Consensus and Dissensus on Crimes

David Rauma, University of Michigan

Discordant Images of Public Sentiments Toward Criminal Sanctions

Douglas Thompson, University of Illinois, Chicago

Attitudes Toward Recruitment for the US Supreme Court: The Case of the Vacant Seat

Gregory Casey, University of Missouri, and Barbara L. Graham, Univ. of Missouri-St. Louis

### **Enforcement and Compliance: Legislation Rules, and Enforcement of Legal Controls**

Legislating for Compliance

Edward Rubin, University of California, Berkeley

Social Costs of Uniform Standards

Carol Jones, University of Michigan, and Suzanne Scotchmer, University of California, Berkeley

The Prosecution of Corporate Crimes

William Maakestad, University of Western Illinois

Moving The Goalposts: Financial Regulation in Hong Kong and the Crash of October, 1987

Neil Cunningham, Australian National University

### **The Emergence and Transformation of Rights**

A Comparison of the Emergence of Religious and Civil Rights Norms

M. Herbert Danzger, CUNY Graduate Center

The Merging and Denigration of Rights

Neal Milner, University of Hawaii

Press Freedom in a Democratic South Korea

Kyu Ho Youm, Loras College



### **Critiquing Legal Ideologies**

The Fundamental Contradiction in Legal Indeterminacy  
Kenneth Kress, University of Iowa

Toward A Theory of Practice in Critical Legal Studies  
Rosemary Coombs, Stanford University

Rabulae Forenses: Genealogy of English Jurisprudence  
Peter Goodrich, University of Newcastle on Tyne

Indeterminacy in Constitutional Theory: A Critique of C.L.S. and Its Fellow-Travelers  
Leslie Friedman Goldstein, University of Delaware

### **Violence Over Time and Context**

Passion Murder—Righteous Slaughter  
Jack Katz, UCLA

Complexity of Homicide Classification: The Status Relationship of Victim and Offender  
Brian Wiersema, University of Maryland

Homicide in 19th Century New York: Victims and Offenders  
Eric Monkkonen, UCLA

### **Ethical Dimensions in Sociolegal Research**

Anonymity, Informed Consent, and Confidentiality in Compliance Research  
John Scholz, SUNY, Stony Brook

Privacy and Obtaining Data on Vulnerable Persons  
Robert F. Boruch, Northwestern University

Experimentation, Equality of Treatment, and Respect for the Person  
Joseph Cecil, Federal Judicial Center

Discussant  
June Louin Tapp, University of Minnesota

### **The Rationalization of Law and Legal Practice**

The Limitations of Weber's Concept of Legal Rationalization  
Janet Newton, Glassboro State College

Legal Ethics and the Search for Truth  
Harold F. See, University of Alabama

The Functions of Legal Fictions  
Kim Scheppelle, University of Michigan

### **Due Process and Individuals in the Administrative State**

Due Process Denied: Judicial Abdication in Immigration Policy, 1905-1924  
Lucy Salyer, University of California, Berkeley

Bureaucracy Trumps Rights: The Place of Individual Clients in Social Programs  
Jack Tweedie, SUNY, Binghamton

The Transformation of Criminal Due Process in the Administrative State  
Rosann Greenspan, University California, Berkeley

### **Accountability in Courts**

State Judicial Selection: A View From the Trial Judiciary  
James W. Riddlesperger, Texas Christian University

Prosecutors, Media and Accountability in the Criminal Courts  
David Pritchard, Indiana University

Dealing With Bad News; Trial Judges and Inaccurate Or Negative Publicity  
Robert E. Drechsel, University of Wisconsin

### **The Systemic Implications of Professionalism**

Paternalism, Professionalism, and Social Form  
Robert E. Rosen, University of Miami

Systemic Rationalization and Professional Work  
Michael Hartmann, Ruhr-Universitat Bochum

### **Public Choice Theories of Law**

Public Choice: Can It Become A Social Science?  
Jon Macey, Cornell University

The Legal Resources of Striking Miners: Notes for A Study of Class Conflict and Law  
Frank Munger, SUNY, Buffalo

What Can We Expect of Legislators and What Legislators Expect of Themselves: A Critique of the Public Choice Model  
Edward Rubin, University of California, Berkeley

### **Enforcement and Compliance: Legal Controls and Individual Behavior, Part 1**

Complexity, Opportunity, and Compliance  
Susan Long and Judith Swingen, Syracuse University

Tax Compliance: An Interdisciplinary Approach  
Betty Jackson, University of Colorado

The Effects of License Revocation on Drunk-Driving Offenders  
Phillip B. Gonzales, and Lawrence Ross, University of New Mexico

### **Enforcement and Compliance: Legal Controls and Individual Behavior, Part 2**

Norms, Self-Interest, and Tax Compliance  
Kathleen McGraw and John Scholz, SUNY, Stony Brook

Opportunity, Decision Frames and Tax Evasion: An Experimental Investigation  
Henry Robbins, Dick Hessing, and Hank Elffers, Erasmus University

Reporting Income and Paying Taxes: An In Vivo Study  
John Carroll, MIT

Tax Evasion From a Communication Perspective  
Laurie Mason, Stanford University, and Robert Mason, Oregon State University

### **Changing Patterns of Business Disputing**

The Rebirth of Contract Litigation  
Marc Galanter and Joel Rogers, University of Wisconsin

(TBA)  
Stephen Daniels, American Bar Foundation

Prestigious Ambulance Chasers: The Charmed Life of Corporate Litigation  
Ross E. Cheit, Brown University

The Emergence of Big Law Firms in Europe  
Yves Dezalay, Centre De Recherches Interdisc.

Business Litigation and the Elite Bar in New York City, 1960-1980  
William Nelson, New York University

### **Social Science and Law--Married or Just Living Together?**

The Modern Jury: Social Science and the Sixth Amendment  
Marianne Constable, University of California, Berkeley

Social Science and Legal Education: The Colorado Case  
Adolph J. Grundman, Metropolitan State College

Empirical Research On the Exclusionary Rule in the U.S. Supreme Court  
Thomas Y. Davies, University of Tennessee

The Impact of Social Science Experts in the Courtroom  
Regina A. Schuller, University of Western Ontario

The Role of Psychology in the Supreme Court's Jurisprudence of Trials  
Alexander Tanford, Indiana University

### **Studies of Incarceration in U.S.**

Conflict in Prison Medicine: Ideological vs. Situation Friction  
Shannon E. Griffiths, Hood College

Prison Overcrowding, the Hydraulic Theory and Michigan's Executive Power Act  
Albert C. Price, University of Michigan, Flint and Phyllis Z. Kilborn, Community Hospital

Toward a Compensatory Model of Incarceration Decision-Making  
Patricia M. Harris, Sam Houston University

Violence as Social Control: The Regulation of Disputes in a Maximum Security Prison  
Matthew Silberman, Bucknell University

The 1987 National Punishment Survey  
Joseph E. Jacoby, Bowling Green State University

### **Progressive Paradox: Special Treatment for Juveniles**

Children as Victims of Reported Crimes  
Joyce Plotnikoff, Oxford University

Some Paradoxical Effects of Deterrence Legislation in Juvenile Court  
Martha F. Schiff, Criminal Justice Agency

Judicial Responses to Juveniles: The Poor Fit Between Rational Legalism  
James Hackler, University of Alberta

Legal Archeology: Juvenile Court and Buried Treasures  
Patrick D. McAnany, University of Illinois, Chicago

Adult Prosecution of Juveniles in Illinois  
Thomas A. Regulus, University of Illinois, Chicago

### **A Younger Point of View: How Children View Fairness**

Moralities of Duty and Aspiration in Japanese and American Children  
V. Lee Hamilton, Wayne State University

Young Children's Concept of Contract  
J. Hook, University of Houston

Legal Socialization Patterns of U.S. and U.S.S.R. Delinquent and Non-Delinquent Youth: An American View  
James Finckenauer, Rutgers University, Newark, June Louin Tapp, University of Minnesota, and Alexandr Yakovlev, Institute of State and Law

A Cross-Cultural Study of Legal Socialization Among and Between American and Soviet Youth: A Russian View  
James Finckenauer, Rutgers University, Newark, June Louin Tapp, University of Minnesota, and Alexandr Yakovlev, Institute of State and Law

### **Constructing Legal Standards**

Labor Market Discrimination, Social Science, and the Law  
Paul Burstein, University of Washington

The Movement for Modification of Usury Law in New York  
Mary Ann Romano, New York University

Conceptualizing the History of Arson  
Victor Jew, University of Wisconsin

An Investigation of Ideological Dimensions of Status Offender Legislation  
Cheryl Maxson, Malcolm Klein, Linda Szymanski, University of Southern California, and Joseph E. Jacoby, Bowling Green State University

### **Alternative Perspectives on Procedural Justice**

Understandings of Justice: Public Perceptions of Procedural Aspects of Political Tolerance  
James L. Gibson, University of Houston

Perspectives on Procedure: Arbitration Hearings as Viewed by Plaintiffs, Defendants, and Their Attorneys  
Robert Maccoun, Rand Corporation

Maintaining Allegiance Toward Political Authorities: The Role of Prior Attitudes  
Tom Tyler, Bonnie Fisher, and Jonathan D. Casper, Northwestern University

### **Social Control and Deviance in the Public Sector**

Wayward Governance: Illegality and Its Control in the Australian Public Sector

Peter Grabosky, Australian Institute of Criminology

Police Abuses as a Strategy of Social Control

Paul Chevigny, New York University

Illegal Police Practices as Organization of Deviance

Setsuo Miyazawa, Kobe University

Strategies for Studying Criminal Practices Cross-Culturally

Erika S. Fairchild, North Carolina State University

### **Public Interest Law and Lawyers**

Recovering Attorney's Fees: An Incentive to Public Interest Litigation

Susan G. Mezey, Loyola University of Chicago

Toward a Theory of Public Interest Litigation

Susan Olson, University of Utah

Provision of Legal Services To Indigent Defendants: Problems in Building A Consensus

Charles Cappell, John Jarvis, Marian Borg, University of Virginia, and Lane Kneedler, Virginia Attorney General's Office

Lawyering, Community, and Power in Driefontein, South Africa

Lucie White, UCLA

### **Sentencing and Sentencing Reform**

The Impact of Federal Sentencing Guidelines

Ilene H. Nagel, U.S. Sentencing Commission

The Offenses vs. the Offender As the Basis for Crime Prevention and Cost-Control

Margaret Gordon and Daniel Glaser, University of Southern California

The Impact of Victim Support Groups and Programs on Sentencing

Vijay K. Bhardwaj, Provincial Court of Alberta, and Bernie E. Krewski, Government of Alberta

A Snapshot or a Panorama: Getting the Whole Picture in Sentencing Reform

Harry L. Wilson, Roanoke College

### **The Jury and Social Science Research**

Eligible Jurors' Perceptions of Liability for the Negligent Infliction of Emotional Distress

Mathew Bowen, CRS, Cortland

The Psychological and Legal Implications of Pre-Trial Instruction in the Law  
Vicki L. Smith Northwestern University

Jurors' Comprehension of Scientific Evidence  
Jane Goodman, University of Washington

Varying the Plaintiff: The Effect on Civil Juries  
Irwin A. Horowitz, University of Toledo and Kenneth S. Bordens,  
Indiana University

### **Public Exposure of Private Relations**

The Feminization of Poverty and Malenization of A.F.D.C.  
Joel Handler, UCLA

Law and the Symmetrical Family: Claims and Control of Women  
Klaus Ziegert, University of Sydney

Legal and Technological Constraints on Out-of-Hospital Birthing Alternatives  
Kathleen Doherty Turkel, University of Delaware

Decriminalization of Domestic Violence  
Rosemary Wearing, La Trobe University

### **Judicial Policy Makers: Learning What We Know**

Polity and Rights Values in the Constitutional Theories of Tribe, Ely, and Choper  
Ronald Kahn, Oberlin College

Clues and Cues in Off-Court Writing  
Susan E. Grogan, St. Mary's College of Maryland

The Role of the Dissenting Opinion in Cert Denial Cases  
Janis Judson, Hood College

A Neglected Man and Method: Studying John Marshall Harlan the Elder  
Linda C.A. Przbyszewski, Stanford University

### **What Litigants Want From Legal Authorities**

Procedural Justice in Traditional and Alternative Dispute Resolution  
Procedures

E. Alan Lind, Rand Corporation

Ethnographic Perspectives on Informal Justice: What Litigants Want  
William O'Barr, Duke University and John Conley, University of  
North Carolina

Formal vs. Informal Justice: Do Formal Legal Procedures Meet Litigants'  
Expectations?

Tom Tyler, Northwestern University

Choosing to Settle: Lessons About Disputant Expectations for Justice  
Craig McEwen, Bowdoin College

### **Deterrence and Criminal Rationality**

The Experience of Sanctions Under Criminal Law and Perceptions of  
Punishment

David A. Ford, Indiana University

Estimating a Criminal Calculus

Andy Anderson, University of Massachusetts, Amherst

The Social Meaning of Arrest

Kirk Williams and Richard Hawkins, University of New Hampshire

Crime Rates and Deterrence

Mitchell Chamlin, University of Oklahoma

### **Changing Dynamics of Court Reform**

The Transformation of Business Management Into Court Management  
David Rottman, National Center for State Courts

Linking Incentives to Appellate Court Management  
Joy Chapper, University of Baltimore

Reducing Delay in Urban Courts

Barry Mahoney, Institute for Court Management

Monetary Incentive and the Prosecutor's Role in Reducing Trial Court Delay  
Sally Hillsman, Vera Institute of Justice

### **The Supreme Court and Individual Rights**

The Law of Search and Seizure in the U.S. and Canada  
Priscilla H. Machado, University of Vermont



Socio-Legal Research, Unanimity and the U.S. Supreme Court The Burger Court Case

Rosemary S. Bannan, DePaul University

### **Reflections on Epistemological Issues in Socio-Legal Research**

Limitations for Empirical Studies of Law and Legal Process

Frances P. Bernat and John D. Wooldredge, New Mexico State University

The Archeology of Field Research in the Courtroom

Peter D. Blanck, Covington & Burling

Risk Taking in Civil Law Disputes

Peter J. van Koppen, Erasmus University

### **Enforcement and Compliance: Legal Controls and Intermediaries**

Professions, Clients, and Tasks: Does Who You Are Matter in Tax Practice?

Kent Smith, Loretta Stalens, and Mary Coyne, American Bar Foundation

An Analysis of Tax Preparer Exchanges with Taxpayers and the Agency

Valerie Milliron, Pennsylvania State University

Tax Practitioners and Tax Compliance: A Theoretical and Empirical Analysis

Daniel Nagin, Mark Mazur, and Steven Klepper, Carnegie Mellon

### **The Role of Stories in Legal Accounts**

The Ethnography of Storytelling: An Anthropological Perspective on Accounts in Legal Contexts

William O'Barr, Duke University

Cognitive Psychology, Jury Decision-Making, and the Story Model

Nancy Pennington, Microelectronics Computer, and Reid Hastie, American Bar Foundation

Frames and Legal Decision-Making

Peter Manning, Michigan State University and Keith Hawkins, Oxford University

### **Studying a Study: A Critique of Empirical Research on the Statutory Emancipation of Minors**

Studying a Study: A Critique of Empirical Research on Minors

Carol Sanger, University of Santa Clara

The Implications of Emancipating Minors: An Empirical Investigation  
Eleanor Willemsen, University of Santa Clara

**State Regulation of Labor Relations: Comparisons Across Time and Culture**

Japanese Labor Management  
Shiro Kashimura, Kobe University

The Legal Ordering of Work-Place Relations: Master-Servant Law in 19th Century  
Karen Orren, UCLA

The Continuing Effect of Federal Labor Regulation During World War II  
James B. Atleson, SUNY, Buffalo

Narrowing Labor's Role: The Impact of Taylorism and Managerialism on Labor Regulation  
Katherine Stone, Yeshiva University

Impact of Violence in Labor Jurisprudence: The Regulation of Picketing and Boycotts Under Anti-Trust Laws, 1890-1921  
Diane Avery, SUNY, Buffalo

**Deterrence and the Rational Choice Perspective**

The Rational Choice Perspective: Interdisciplinary Implications  
Ronald V. Clark, Rutgers University

Delinquency and the Rational Choice Perspective  
Ray Paternoster, University of Maryland

Opportunity to Evade Taxes: An Empirical Investigation of Tax Evasion  
Henry Robbins, Erasmus University

Taxpayer Behavior and Deterrence  
Karyl Kinsey and Kent Smith, American Bar Foundation

Deferring Collusive Price Setting: Some Experimental Evidence on the Relative Effectiveness of Changes in Detection and Sanction Levels  
Michael K. Block, United State Sentencing Commission

**Legal Consciousness and Consciousness of Self**

Individualism, Hierarchy, and Avoidance: Perspectives from U.S. Ethnography  
Carol Greenhouse, Cornell University

The Self and the Law in Turkey  
June Starr, SUNY, Stonybrook

The Homeowner as Self: The Discourse of Property and the Defense of  
Person in an American Town  
Sally Merry, Wellesley College

Contesting the Self: Negotiating Subjectivities in 19th Century Ontario  
Defamation Trials  
Rosemary Coombe, University of Toronto

Conceptions of Responsibility: Linguistic Analysis as a Tool for the Study of  
Legal Consciousness  
William O'Barr, Duke University and John Conley, University of  
North Carolina

"Becoming What You Own:" Questioning Assumptions about Self and Legal  
Consciousness  
Barbara Yngvesson, Hampshire College

### **Women in the Legal Profession**

Women Lawyers: Public Lawyers and Private Lives  
Virginia Drachman, Tufts University

A Report From the Michigan Law School Alumni Study  
David Chambers, University of Michigan

False Paradigms?  
Cynthia Fuchs Epstein, Queens College

Comparative Perspectives on Women in the Legal Profession  
Carrie Menkel-Meadow, UCLA

The Relationship of the Political Identity of Women Lawyers to Perceptions  
of Discrimination and Disparagement  
Janet Rosenberg, Weidner College, Harry Perlstadt, Michigan State  
University and William Phillips, Weidner College

The Gender Stratification of Income Inequality Among Lawyers  
John L. Hagan, University of Toronto

### **Interest Groups and the Invocation of Law**

Interest Group Litigation in U.S. District Courts  
Lee Epstein, Southern Methodist University and C.K. Rowland,  
University of Kansas

Water Policy and Interest Group Activity in the Federal Courts  
Peter Longo, Benedictine College

Interest Groups and the Court; A Re-examination  
Wayne V. McIntosh, University of Maryland

Amicus Curiae and Supreme Court Litigation  
Patrick J. Bruer, University of North Carolina

### **Law and Organizational Adaptability**

Procedural Fairness, and Employment-at-Will  
Jolene Galegher and Maureen O'Connor, University of Arizona

Monetary Incentives and Criminal Justice Reform  
Milton Heumann, Rutgers University and Thomas Church,  
SUNY, Albany

Organizational Response to Legal Intervention  
Lauren Edelman and Elizabeth Chambliss, University of Wisconsin

The U.S. Forest Service's Response to Public Interest Legislation  
Lawrence Ruth, University of California

The Federal Reserve Board as an Administrative Agency: Modes of Control  
Alfred Aman, Cornell University

### **Legal Impact**

Empirical Analysis of Trends in Federal Private Securities Fraud Litigation  
Thomas Y. Davies, University of Tennessee

Exploring Ordinary and Extraordinary Litigation by the Case Study Method  
Bradley S. Chilton, University of Southern Mississippi

Societal Reflections in Legal Thought: A Macro-Sociological Approach to  
Jurisprudence  
Larry D. Barnett, Widener University

An Empirical Examination of U.S. vs. Leon  
Craig Uchida and Tim Bynum, University of Maryland

### **Individualism and Community: The Social Ideology of Legal Values**

Reagan Administration's Policy on Using Family to Advance Capitalism  
Dennis R. Fox, University of Nebraska

Cultural Heterogeneity and the Law: Pornography, Blasphemy and the First  
Amendment  
Robert Post, University of California, Berkeley

Cultural Dimensions of the First Amendment  
David Kairys, Attorney at Law, Philadelphia

Demystifying Best Interests: A Critique of a Communitarian Ideology:  
Joanna K. Weinberg, University of California, Berkeley

### **New Tacks in Processing Cases**

Factors Affecting the Retention and Productivity of Mediators  
Susan Rogers, John Jay College

The Impact of Summary Jury Trials  
James J. Alfini, Florida State University

Early Neutral Evaluation: Is It Working?  
David I. Levine, Hastings College of Law

The Impact of Discovery Limitations of Pace, Cost, and Satisfaction in Court-Annexed Arbitration  
John Barkai, Gene Kassabaum, and David Chandler, University of Hawaii

### **Explaining Appeals**

Legality, Courts, and Administration in Britain  
Susan Sterett, SUNY, Binghamton

Flow of Cases in Appellate Courts  
Sue Davis, University of Delaware, and Donald R. Songer, University of South Carolina

Appellant Perspectives on Administrative Tribunals: Expectations and Experiences  
Yvette Genn, Queen Mary College

### **Theoretical Assumptions in Socio-Legal Studies**

The Philosophical Underpinnings of Silencing Political Questions in Social Research  
Thomas W. Simon, University of Florida

The Public/Private Distinction: Method and Substance in the Critique of Ideology  
Gerald Turkel, University of Delaware

Two Traditions of Legal Sociology: An Existential Analysis  
Mark Cooney, University of Virginia

How to Relate Normative and Empirical Inquiry in the Sociology of Law  
Klaus Eder, University of Dusseldorf

## AMERICAN POLITICAL SCIENCE ASSOCIATION (1988)

The following papers will be presented at the 1988 annual meeting of the American Political Science Association, September 1-4, in Washington, DC:

*N.B. Panels Marked "S" are sponsored by the Section, and were organized by the Section Chair, Marie Provine. Those marked "P" were organized by the Program Committee under R. Shep Melnick.*

### JUDICIAL RESTRAINT

S -- Thurs. Sept. 1 @ 10:45

Co-sponsored by the Conference Group on Jurisprudence and Public Law

Republican Government and Judicial Restraint  
Stanley Brubaker, Colgate University

Constitutional Interpretation: Limits of Nature and of Nature's God  
Gary L. McDowell, Center for Judicial Studies and  
Woodrow Wilson Center

In Defense of Sovereign Immunity  
Donald Brand, University of Pennsylvania

### A USER'S GUIDE TO THE SUPREME COURT DATA BASE

S -- Thurs. Sept. 1 @ 1:30

Harold Spaeth, Michigan State University  
James L. Gibson, University of Houston

Lawrence Baum, Ohio State University  
Robert A. Carp, University of Houston  
Beverly Blair Cook, University of Wisconsin, Milwaukee  
Lee Epstein, Southern Methodist University  
Joel Grossman, University of Wisconsin  
Charles A. Johnson, Texas A&M University  
Donald R. Songer, University of South Carolina  
S. Sidney Ulmer, University of Kentucky

### THE ROLE OF RIGHTS IN THE WELFARE STATE

P -- Thurs. Sept. 1 @ 1:30

Co-sponsored by the Committee on Health Politics

The Dilemma of Clients' Rights in Social Programs  
Jack Tweedie, SUNY at Binghamton

**The ACLU and a Crucial Thicket**

R. Christopher Perry, Indiana State University, Samuel Krislov,  
University of Minnesota, and Dennis Peterson, William Mitchell  
College of Law

**Legal Rights and Communicable Disease: AIDS, the Police Power and  
Individual Liberty**

Wendy Parmet, Northeastern University Law School

**From Rights to Needs: The Transformation of Welfare Discourse**

Susan Silbey, Wellesley College

**CONSTITUTIONAL INTERPRETATION: THE CONTINUING DEBATE**

P -- Thurs. Sept 1. @ 3:30

**Tribe, Ely, Rawls, Dworkin, and Modern Equality/Equal Protection Principles**

Ronald Kahn, Oberlin College

**Jurisprudence and History**

H.N. Hirsch, University of California, San Diego

**The Constitution in Context**

Gerald Rosenberg, University of Chicago

**Justices Jackson, Frankfurter, and Black: A Contrast of Constitutional Faiths**

Jeffrey Hockett, University of Tulsa

**UNDERSTANDING THE BORK NOMINATION**

S -- Thurs. Sept. 1 @ 3:30

**The Bork Affair: Politics as Usual or Constitutional Crisis?**

Frederick L. Morton, University of Calgary

**The Selling of Supreme Court Nominees**

John Anthony Maltese, Johns Hopkins University

**The Myth of Jurisprudence: Explanations and Outcomes in Judicial  
Decisionmaking**

Glenn A. Phelps, Northern Arizona University, and John B. Gates,  
University of California, Davis

**THE FUTURE OF PUBLIC LAW IN POLITICAL SCIENCE**

S -- Fri. Sept. 2 @ 8:45

**Co-Sponsored by the Conference Group on Jurisprudence and Public Law**

Sotirios A. Barber, University of Notre Dame

Rogers Smith, Yale University  
 Walter Murphy, Princeton University  
 Lief Carter, University of Georgia

## **ROUNDTABLE ON ADMINISTRATIVE LAW AND THE REAGAN ERA**

P -- Fri. Sept. 2 @ 8:45

R. Shep Melnick, Brandeis University

Martin Shapiro, University of California, Berkeley  
 Phillip Cooper, SUNY at Albany  
 Jeremy Rabkin, Cornell University  
 Theodore Lowi, Cornell University

## **COURTS, CORRECTIONS, AND THE CONSTITUTION: THE IMPACT OF JUDICIAL INTERVENTION ON PRISONS**

P -- Fri. Sept. 2 @ 10:45

Impact of Court Decisions on Prison Conditions

Malcolm Feeley, University of California, Berkeley, and Roger A. Hanson, National Center for State Courts, Virginia

Social Background and Federal District Court Judges' Policymaking Behavior in State Prison Cases

Robert Bradley, Illinois State University

The Politics of Constitutional Interpretation in Prison Reform Litigation

Bradley Chilton, University of Southern Mississippi, and Susette Talarico, University of Georgia

## **CULTURE, IDEOLOGY, AND THE INTEGRATIVE FUNCTIONS OF COURTS**

S -- Fri. Sept. 2 @ 10:45

The Patterns of Appellate Litigation from 1945-1985: Do National or Regional Politics Matter ?

Christine Harrington and Daniel Ward, New York University

Regional Culture, Socialization, and Ideological Appointments: Testing Alternative Models of Appeals Courts Decision-Making in the 1980s

Donald R. Songer, University of South Carolina, and Sue Davis, University of Delaware

Comparative Analysis of the Role of Culture in Judicial Decision-Making

Alison Rentein, University of Southern California



Integrative and Control Functions in English and American Appellate Courts  
Burton Atkins, Florida State University

### **THE (IM)PERTINENCE OF DISCOURSE ANALYSIS TO PUBLIC LAW**

PS -- Fri. Sept. 2 @ 3:30

Policing Constitutional Property: Credibility and Institution Power in the  
Language of Entitlement

John Brigham, University of Massachusetts

Law and Literature: Romantic Throwback or 'Scientific' Breakthrough?

Lief Carter, University of Georgia

McCulloch and the Dilemmas of Liberal Constitutionalism

Ira Strauber, Grinnell College

### **LAW AND INTERPRETATION**

S -- Sat. Sept. 3 @ 8:45

American Slavery and the Constitution: A Study in the Limits of  
Interpretation

Mark Brandon, Princeton University

The Constitutional Text' in Constitutional Interpretation

Dennis Goldford, Drake University

Facing Facts in Legal Interpretation

Kim Lane Scheppele, University of Michigan

### **INTEREST GROUPS AND LITIGATION**

P -- Sat. Sept. 3 @ 10:45

Organized Interests and Agenda-Setting on the Supreme Court: A Micro-  
Analysis

Gregory Caldeira, Ohio State University, and John R. Wright,  
University of Iowa

Classical Liberalism, Interest Groups, and Litigation: A Reevaluation

John B. Gates, University of California, Davis, and Wayne McIntosh,  
University of Maryland, College Park

Washington Interest Group Organizations and Modes of Legal Advocacy

Patrick Bruer, University of North Carolina, Chapel Hill

## COMPARATIVE CONSTITUTIONS

S -- Sat. Sept. 3 @ 10:45

West Germany

Hella Mandt, University of Trier

Great Britain

Patrick McAuslan, London School of Economics and Political Science

Canada

Pierre Papenau, University of Sherbrooke

## CONGRESS AND THE DRAFTING OF LEGISLATION

S -- Sat. Sept. 3 @ 1:30

Co-sponsored by the Conference Group on Jurisprudence and Public Law

Constitutional Concern in the Modern Congress

Susan L. Roberts, Winthrop College

Congress on the Constitution: The First Say

Phyllis Farley Rippey, University of Massachusetts, Amherst

A Theory of Legislation

Edward L. Rubin, University of California, Berkeley

## COURTS AND POLICYMAKING

P -- Sat. Sept. 3 @ 1:30

The 'Litigation Tax' in American Government: Interest Groups and the Legalization of Administration

Alan F. Westin, Columbia University

Judicial Activism: The Congressional Connection

Susan Gluck Mezey, Loyola University, Chicago

Controlling Police Bureaucracies: The Supreme Court and the Police

Kenneth Betsalel, Southwest Missouri State University

'Nobody is Above the Law': Legality, Courts, and Administration in Britain

Susan Sterett, SUNY at Binghamton

**BEYOND THE CELEBRATION: AN EVALUATION OF THE  
COMMITTEE ON THE CONSTITUTIONAL SYSTEM'S CALL FOR  
CONSTITUTIONAL REFORM**

P -- Sat. Sept. 3 @ 3:30

Co-sponsored by Conference Group on Jurisprudence and Public Law

Reforming the American Political Structure: Historical and Contemporary  
Commentary

Mark P. Petracca, University of California, Irvine

Title To Be Announced

James Sundquist, Brookings Institution

**THE POLITICS OF JUDICIAL INDEPENDENCE**

S -- Sun. Sept. 4 @ 8:45

Constituent Influence in State Supreme Courts Death Case Votes in Five  
Southern States

Melinda Hall, North Texas State University

Can State Judges Be Trusted to Defend Federal Constitutional Rights?  
Craig Ducat and Mike Wyckoff, Northern Illinois University, and  
Gene Flango, National Center for State Courts, Virginia

The Political Roles of Prosecutors: An Empirical Examination of  
Responsiveness to Local Demand"

Alissa Pollitz Worden, Michigan State University

**MOBILIZING LAW FOR EQUAL RIGHTS: LESSONS FROM THE FIELD**

S -- Sun. Sept. 4 @ 10:45

Minorities, Women, and the Mobilization of Equal Employment Opportunity  
Laws

Paul Burstein, University of Washington, Seattle

Comparable Worth in the Courts: A Study in the Uses of Law as a Resource  
for Change

Michael W. McCann, University of Washington, Seattle

Affirmative Action in the Lower Federal Courts: A Case Study of Adams v.  
Richardson

Grant B. Mindle and Kenyon D. Bunch, North Texas State University

Legal Mobilization and the Role of American Courts

Mark Kessler, Bates College

## ROUNDTABLE ON POLITICAL SCIENCE AND THE SUPREME COURT -- ARE THE JUSTICES LISTENING?

P --Sun. Sept. 4 @ 10:45

William Lasser, Clemson University

Louis Fisher, Congressional Research Service  
Henry J. Abraham, University of Virginia

### BIBLIOGRAPHIC INFORMATION

*For the third year, the Newsletter is providing a listing of newly published books in the field. This includes a number of volumes published in 1987 and early 1988. 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 and it is not included, we apologize for the omission. If you want it to be listed in the 1989 summer issue of the Newsletter, please contact Charles M. Lamb; Department of Political Science; SUNY at Buffalo; Buffalo, NY 14260.*

Abraham, Henry J. *The Judiciary: The Supreme Court in the Governmental Process*, 7th ed. (Boston: Allyn and Bacon, 1987), \$11.50, 264 pages.

Allen, Hilary. *Justice Unbalanced: Gender, Psychiatry and Judicial Decisions* (Philadelphia: Open University Press, 1987, 154 pages.

Anderson, Alan B. and George W. Pickering. *Confronting the Color Line: The Broken Promise of the Civil Rights Movement in Chicago* (Athens, GA: University of Georgia Press, 1987) \$40.00 (c), \$17.95 (p), 552 pages.

Bedau, Hugo Adam. *Death is Different: Studies in the Morality, Law, and Politics of Capital Punishment* (Boston: Northeastern University Press, 1987), \$25.00, 307 pages.

✓ Belknap, Michael R. *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South* (Athens, GA: University of Georgia Press, 1987) \$35.00, 392 pages.

Bell, Derrick. *And We Are Not Saved: The Elusive Quest for Racial Reform* (New York: Basic Books, 1987), \$19.95, 336 pages.

Bernstein, Richard B. *Are We to Be a Nation? The Making of the Constitution* (Cambridge, MA: Harvard University Press, 1987), \$35.00, 336 pages.

Bezanson, Randall P., Gilbert Cranberg, and John Soloski. *Libel Law and the Myth and Reality* (New York: Free Press, 1987) \$40.00. Press:

- Brigham, John. *The Cult of the Court* (Philadelphia: Temple University Press, 1987), \$34.95, 280 pages.
- Bryner, Gary C. and Noel B. Reynolds, eds. *Constitutionalism and Rights* (Albany, NY: SUNY Press, 1987) \$39.50 (c), \$12.95 (p), 163 pages.
- Bryner, Gary C. and Dennis L. Thompson, eds. *The Constitution and the Regulation of Society* (Albany, NY: SUNY Press, 1987), \$34.50 (c), \$10.95 (p).
- Bumiller, Kristin. *The Civil Rights Society: The Social Construction of Victims* (Baltimore: Johns Hopkins University Press, 1988), \$19.95, 176 pages.
- Cantor, Norman L. *Legal Frontiers of Death and Dying* (Bloomington, IN: Indiana University Press, 1987), \$24.95.
- Caplan, Lincoln. *The Tenth Justice: The Solicitor General and the Rule of Law* (New York: Knopf, 1987), \$19.95, 340 pages.
- Carter, Lief H. *Reason in Law*, 3d ed. (Boston: Little, Brown, 1988), 270 pages.
- Combs, Michael W. and John Gruhl, eds. *Affirmative Action: Theory, Analysis, and Prospects* (Jefferson, NC: McFarland & Co., 1986), \$19.95, 185 pages.
- Comisky, Marvin and Philip C. Patterson. *The Judiciary--Selection, Compensation, Ethics, and Discipline* (Westport, CT: Quorum, 1987) \$39.95, 272 pages.
- Cooper, Phillip J. *Hard Judicial Choices: Federal District Court Judges and State and Local Officials* (New York: Oxford University Press, 1988), \$24.95 (c), \$9.95 (p), 374 pages.
- Cox, Archibald. *The Court and the Constitution* (Boston: Houghton Mifflin, 1987), \$19.95, 434 pages.
- Craft, Christine. *Too Old, Too Ugly, and Not Deferential To Men: An Anchorwoman's Courageous Battle Against Sex Discrimination* (Rocklin, CA: Prima, 1988).
- Craig, Barbara Hinkson. *Chadha: The Story of an Epic Constitutional Struggle* (New York: Oxford University Press, 1988), \$24.95, 262 pages.
- Donnelly, Jack and Rhoda E. Howard, eds. *International Handbook on Human Rights* (Westport, CT: Greenwood, 1987), \$65.00, 505 pages.
- Dowty, Alan. *Closed Borders: The Contemporary Assault on Freedom of Movement* (New Haven, CT: Yale University Press, 1987), \$20.00, 272 pages.
- Ducat, Craig R. and Harold W. Chase. *Constitutional Interpretation*, 4th ed. (St. Paul, MN: West, 1988), 1612 pages.
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