

# LAW AND SOCIETY: A SELECTED BIBLIOGRAPHY

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## ARTICLES

### 1. RESPONSE TO JUDICIAL DECISIONS

FRMELIN, Ronald H., Robert E. FRANK and Jon D. PEVNA (1972) "A Positive Public Image of the Courts," 58 American Bar Association Journal (April).

The Court Studies Division of the National College of the State Judiciary is conducting a four-phase study in five major cities in the nation to learn the present image society has of the courts.

### 2. JUDICIAL ADMINISTRATION, SELECTION, AND EDUCATION

CAIRNS, Alan (1971) "The Judicial Committee and its Critics," 4 Canadian Journal of Political Science (September).

Explains what the Judicial Committee of Canada is, who its supporters are, the reason for it and its weaknesses.

GREENE, Harold H. (1972) "Court Reform: What Purpose?" 58 American Bar Association Journal (March).

Although the emphasis of court reform is on speed the objective of the judicial code is fairness; author discusses the obstacles to decision making and the need for more administrative efficiency.

"Judicial Selection in the United States" (1971) 38 Manitoba Bar News (September).

Explains the different ways American states select judges.

LEENHOUTS, Keith J. (1972) "Volunteers in the Lower Courts — The Weak Become Strong," 55 Judicature (January-February).

Gives examples of lower courts that could not adequately serve the public due to insufficient funding; looks at volunteers who helped and the success of volunteers where tried.

### 3. JUDICIAL PROCESS AND BEHAVIOR

CASPER, Gerhard, and Hans ZEISEL (1972) "Lay Judges in the German Criminal Courts," 1 Journal of Legal Studies (January).

Describes the use of lay judges in German criminal courts and traces their effect on criminal court outcomes.

KRAMER, Daniel C. (1972) "Courts, Legislatures, and Social Reform," 4 *Comparative Politics* (January).

Argues from examples (from India, Canada and Australia) that an independent judiciary can engage in serious conflict with the legislature and prevent needed social reform.

LEVIN, Martin A. (1972) "Urban Politics and Judicial Behavior," 1 *Journal of Legal Studies* (January).

Presents results of research into the consequences of differing urban political systems on the sentencing behavior of criminal court judges, using comparisons between Minneapolis and Pittsburgh.

#### 4. JURIMETRICS AND CONTROLLED EXPERIMENTS

BORUS, Michael E., and Charles G. BUNTZ (1972) "The Evaluation of Manpower Programs," 25 *Industrial and Labor Relations Review* (January).

Presents the major issues and problems in empirical research evaluation of manpower programs; authors provide an extensive bibliography.

MEEHL, Paul E. (1971) "Law and the Fireside Inductions: Some Reflections of a Clinical Psychologist," 27 *Journal of Social Issues* 4.

An extensive discussion of the application of experimental results to legal problems, where to be cautious and where to proceed, in light of the lawmen's tendency to accept intuitive or commonsense results.

TEPPERMAN, Lorne (1971) "Structure and Randomness in a Juvenile Legal System," 8 *Canadian Review of Sociology and Anthropology* 2.

Examines a Massachusetts juvenile court and questions whether the achievements of the court would be greater if it were randomly organized; author claims research should locate and examine random components of social events and the specific processes that produce randomness.

ZEISEL, Hans (1972) "The Waning of the American Jury," 58 *American Bar Association Journal* (April).

Discusses the consequences of a six-member jury and the constitutional right to unanimity of verdict.

**5. LAWYERS, LEGAL EDUCATION, LEGAL PROFESSION**

ARNOULD, Richard J., and Robert N. CORLEY (1971) "Fee Schedules Should Be Abolished," 57 American Bar Association Journal (July).

Argues that fee schedules are not in the interest of clients or lawyers and should be abandoned.

"Code of Ethics: Alabama State Bar Association" (1972) 33 The Alabama Lawyer (January).

Code of Ethics designed by the Alabama State Bar Association on December 14, 1887.

DOUGLAS, James (1971) "Organization, Ego and the Practice of Alternative Law," 2 Yale Review of Law and Social Action (Fall).

Describes the structure and objectives of Community Law Firm, a law commune in San Francisco.

FENDLER, Oscar (1971) "Utilization of Legal Manpower to Assist the Poor (Legal Aid)," 25 Arkansas Law Review (Fall).

Discusses the difference that exists between OEO (Office of Economic Opportunity) and lawyers who oppose certain programs sponsored by OEO.

McNEILL, John Henderson (1971) "Legal Education in England," 57 American Bar Association Journal (July).

Reviews the solicitor-barrister distinction in the English legal profession and describes the practical legal training conducted by the profession itself, as opposed to law school.

"No-fault Divorce Act and 'Nonarrest' Custody Bill Are Opposed by the House of Delegates in New Orleans" (1972) 58 American Bar Association Journal (April).

A summary of the important resolutions that were adopted by the American Bar Association House of Delegates at the meeting in New Orleans, February 7 and 8.

ORMROD, Sir Roger (1971) "Reforming Legal Education in England," 57 American Bar Association Journal (July).

The Lord Chancellor's Committee on Legal Education has reviewed legal education in England and has recommended radical reforms, urging an integration of academic and vocational legal education so that the law degree would become the normal mode of entry to the profession.

ROBERTS, Robert, Jr. (1971) "The Shreveport Plan for Prepaid Legal Services—A Unique Experiment," 32 *Louisiana Law Review* (December).

Explains the Shreveport plan, its history, why it has succeeded, and its future intentions.

RUUD, Millard H. (1972) "That Burgeoning Law School Enrollment," 58 *American Bar Association Journal* (February).

Notes that law schools are filled to capacity and the profession will have to face absorption of graduates.

#### **6. PENOLOGY, PREVENTION OF CRIME, DETERRENCE**

BROOKER, Frank (1972) "The Deterrent Effect of Punishment," 9 *Criminology* (February).

Focuses on the utilitarian aspects of punishment of criminals, with a consideration of the deterrent effects of punishment in the prevention of crime and in the rehabilitation of criminals.

CASTBERG, A. Didrick (1971) "The Ethnic Factor in Criminal Sentencing," 24 *The Western Political Quarterly* (September).

Finds a relationship between social distance, or ethnicity, and sentence, but cause-effect relationship has not been established.

FRETZ, Donald P. (1972) "Changing Community Opinion on Sentencing," 55 *Judicature* (January-February).

Author explains why communities' opinions on sentencing have changed toward more harsh treatments for criminals, and why they are so hasty in their judgments.

HABER, Laurence and Richard T. SMITH (1971) "Disability and Deviance: Normative Adoption of Role Behavior," 36 *American Sociological Review* (February).

Examines disability as a social process; presents a concept that suggests a more concentrated focus on the elaboration of behavioral alternatives within existing role relationships rather than the proliferation of specialized role repertoires.

SEAGRAVES, Roy W. (1972) "Is Punishment an Adequate Deterrent to Crime," 55 *Judicature* (January-February).

Suggests that punishment is a deterrent against some crimes for some people; contends that the rise in crime rate is due to insufficient punishment.

SHARP, E. Preston (1972) "Scope of Corrections," 34 *American Journal of Corrections* (January-February).

Discusses the definition of corrections and various aspects of correctional programs; gives statistics on the amount of money needed to maintain prisoners.

TEEVEN, James J., Jr. (1972) "Deterrent Effects of Punishment: The Canadian Case," 14 *Canadian Journal of Criminology and Corrections* (January).

Examines the initial effects of the abolition of capital punishment in Canada since December, 1967.

## 7. POLICE ADMINISTRATION AND CRIMINAL JUSTICE

BERMAN, David R. (1972) "Law and Order on Campus: An Analysis of the Role and Problems of the Security Police," 49 *Journal of Urban Law* 3.

Gives attention to the role of the security police, the problems they encounter and how they may best function within the university community.

COCHRAN, Peggy (1971) "A Situational Approach to the Study of Police-Negro Relations," 12 *The Sociological Quarterly* (Spring).

Emphasizes necessity of concentrating upon actual behavior exhibited by police and citizens, especially the less spectacular contacts between patrolmen and citizens.

DOWNES, David and Paul ROCK (1971) "Social Reaction to Deviance and its Effects on Crime and Criminal Careers," 22 *The British Journal of Sociology* (December).

Discusses theories of social control in the study of crime and criminal careers.

HEYMAN, Florence (1972) "Methadone Maintenance as Law and Order," 9 *Transaction* (June).

Argues that methadone programs won't rehabilitate drug addicts but may be used as a method of tranquilizing ghetto residents.

IGLEBURGER, Robert M. and Frank A. SCHUBERT (1972) "Policy Making for the Police," 58 *American Bar Association Journal* (March).

Examines the method by which police enforcement policies are determined in order to understand how to achieve fair and equal application of the law.

JOHNSON, Thomas A. (1972) "Police-Citizen Encounters and the Importance of Role Conceptualization for Police-Community Relations," 7 Issues in Criminology (Winter).

Deals with the problem of police-community relations, contrasting the policeman's conception of his role in the community with the community's conception of the policeman's role in the community.

KATKIN, Daniel (1971) "Habitual Offender Laws: A Reconsideration," 21 Buffalo Law Review (Fall).

Discusses the cruel, harsh treatment imposed on habitual offenders — even when the crime is trivial.

MORRIS, Richard B. and Gordon VAN KESSEL (1972) "San Francisco Criminal Justice Project," 58 American Bar Association Journal (March).

Describes the Lawyers' Committee for Urban Affairs project aimed at reform of the criminal justice system.

NEWBERG, Herbert B. (1972) "Building Local Citizen Alliances to Reduce Crime and Create a Fairer and More Effective Criminal Justice System," 49 Journal of Urban Law 3.

Article explains the history and the results of the National Alliance on Shaping Safer Cities.

ODELL, Brian Neal (1971) "America's New Anti-Police Sentiment," 19 Journal of Human Relations 3.

Looks at reasons why citizens feel the police are a powerful, potentially dangerous force which has yet to earn the confidence and trust of the general citizenry, and questions the role of a police force in a free society.

"Police Perjury in Narcotics 'Dropsy' Cases: A New Credibility Gap," 60 The Georgetown Law Journal (November).

Even though the Supreme Court ruled that evidence that was obtained by violating the individual's constitutional rights could not be used in court, many police continue to rely on unlawful searches and seizures as investigatory tools and give perjured testimony.

SAFER, Jay Gerald (1972) "Deadly Weapons in the Hands of Police Officers, On Duty and Off Duty," 49 *Journal of Urban Law* 3.

Suggest police be restricted in their power to use deadly weapons, and that when they are off duty they should not be allowed to carry their guns.

Special Issue (1971) 40 *The American Scholar* (Autumn).

CANE, M., "Law and Justice," editorial

CROCKETT, G. W. Jr., "Reflections of a Jurist on Civil Disobedience"

SYKES, G. M., "New Crimes for Old"

FURSTENBERG, F. F. Jr., "Public Reaction to Crime in the Streets"

WIDEMAN, J., "Fear in the Streets"

ZEISEL, H., "Crime and Law-and-Order"

BAY, C., "Violence as a Negation of Freedom"

SCHELLING, T. C., "Crime and Economics"

GLASER, D., "From Revenge to Resocialization: Changing Perspectives in Combating Crime"

BAYH, B., "Toward Juvenile Justice"

KESSLER, E., "Buzzards," poem

FARGASON, J. T. Jr., "Delta Prison"

BLAKE, J., "Riot in the Penitentiary"

NUSSBAUM, A. F., "The Rehabilitation Myth"

HORWITZ, H. R., "British Crime Prevention"

MURPHY, P. V., "Social Change and the Police"

TAYLOR, V. E., "Heroin and the Black Community"

SAMUELS, C. T., "Doing Violence"

"What Prisoners are Reading"

TROJANOWICZ, Robert C. (1972) "Police-Community Relations," 9 *Criminology* (February).

Identifies some of the difficulties and faulty assumptions that exist when police-community relations programs are initiated; also describes a procedure that will facilitate effective establishment of such programs.

UVILLER, H. Richard, *et al.* (1971) "Bail, Preventive Detention and Speedy Trials," 8 *Columbia Journal of Law and Social Problems* (Fall).

A report of a panel of lawyers on the criminal process between arrest and trial with suggestions for rectifying the problems.

ZIMRING, Franklin E. (1972) "The Medium is the Message: Firearm Caliber as a Determinant of Death From Assault," 1 *Journal of Legal Studies* (January).

Second report of research on violent assault; compares low- and high-caliber firearms attacks and suggests ways the find-

ings (of both reports) are useful to criminologists and criminal law scholars.

## 8. LAW AND THE DISADVANTAGED

BAROTZ, Morton S., and William G. GRIGSBY (1972) "Thoughts on Poverty and its Elimination," 1 *Journal of Social Policy* (April).

Examines different meanings of poverty and the policy implications that flow from them.

BOSELNAN, Fred (1971) "Ecology and Equality: The Sierra Club Meets the NAACP," 2 *Yale Review of Law and Social Action* (Fall).

Describes two law suits, one brought by poverty lawyers and one by environmental lawyers in Long Island, to illustrate an emerging conflict between conserving the environment and making room for the poor.

FINMAN, Ted (1971) "OEO Legal Services Programs and the Pursuit of Social Change: The Relationship Between Program Ideology and Program Performance," 1971 *Wisconsin Law Review* 4.

Study of the operation of five OEO Legal Services programs; concludes that ideology that comes to the program from persons and process that bring it into being determines whether the program will single-mindedly pursue social change.

GARRITY, Paul G. (1971) "Community Economic Development and Low-Income Housing Development," 36 *Law and Contemporary Problems* (Winter).

Discusses how low-income housing can hinder community development because low income housing does not increase business development.

KOTLER, Minton (1971) "The Politics of Community Economic Development," 36 *Law and Contemporary Problems* (Winter).

Explains how the mayors gained control of the Office of Equal Opportunity and why.

ORTEGA, Joe C. (1972) "Plight of the Mexican Wetback," 58 *American Bar Association Journal* (March).

Describes the inhumane treatment rendered to the Mexican who enters the U.S. illegally.

PERRY, Stewart E. (1971) "National Policy and the Community Development Corporation," 36 *Law and Contemporary Problems* (Spring).

Describes the recent history of Community Development Corporation, what it wants to do and why the federal government restricts it.

PIOUS, Richard M. (1971) "Policy and Public Administration: The Legal Services Program in the War on Poverty," 1 *Politics and Society* (May).

Traces the policy making process in the OEO Legal Services Program, revealing how national and local interest groups influence the program-funding and the policy-making process.

TABB, William K. (1972) "A Cost-Benefit Analysis of Location Subsidies for Ghetto Neighborhoods," 48 *Land Economics* (February).

Studies one method, tax incentives to private companies, to locate in the urban poverty areas.

## 9. JUVENILES AND THE LAW

CHANEY, D. C. (1970) "Television Dependency and Family Relationships Amongst Juvenile Delinquents in the United Kingdom," 18 *Sociological Review*.

Attempts to prove, through interviewing 334 delinquents, that one of the functions of television is to provide an escape from stressful social relationships; and that the type of program viewed will have different meanings.

COLE, P. J. E. (1969) "Family Courts — Their Nature and Function," 4 *Manitoba Law Journal* 2.

Discusses the history and development of special family courts, their failures, successes and reasons for each.

"The Courts, The Constitution and Juvenile Institutional Reform" (1972) 52 *Boston University Law Review* (Winter).

Points out the failures of the juvenile institutions and need for recognition and reform.

STAPLETON, Vaughn (1970) "A Social Scientist's View of Gault and a Plea for the Experimenting Society," 1 *Yale Review of Law and Social Action* (Winter).

Examines the social science material used by the court, argues

that the burden of *Gault* falls on defense counsel, and pleas for cooperative law-social science programs in delinquency prevention.

#### 10. LAW AND THE MEDICAL SCIENCES

BERKI, Sylvester E. (1972) "National Health Insurance: An Idea Whose Time Has Come?" 399 *The Annals* (January).

Discusses the different insurance plans proposed, explaining that the choice does not lie with the most economical plan but with the one that best satisfies medical needs.

ECKHARDT, William (1971) "Drugs, Peace, and Freedom," 19 *Journal of Human Relations* 3.

Examines statistics on the use of various drugs by U.S. students; discusses reasons for their use.

HERMAN, Mary W. (1972) "The Poor: Their Medical Needs and the Health Services Available to Them," 399 *The Annals* (January).

Discusses the high level of disease and mortality among the poor and the lack of publicly supported clinics in low-income areas; also discusses how the few public supported clinics are inadequate socially.

KLEIN, Rudolf (1972) "The Political Economy of National Health," 26 *The Public Interest* (Winter).

Discusses the faults of the British National Health Services and offers alternatives for a better national health service for countries who may be considering such for their citizens.

LINDEN, Allen M. (1972) "Rescuers and Good Samaritans," 10 *Alberta Law Review* 1.

Canadian and English governments have been reluctant to impose a duty to rescue, or compensate the rescuers injured during a rescue attempt, imposing liability on those rescuers who because of incompetence failed in their rescue attempt. Author suggests that in our modern society which espouses humanitarian ideals that the Good Samaritans should be encouraged and rewarded.

#### 11. CIVIL LIBERTIES, CIVIL RIGHTS, RACE RELATIONS

ALEXANDER, Elaine A., and Lawrence A. ALEXANDER (1972) "The New Racism: Analysis of the Use of Racial and Ethnic Criteria in Decision Making," 9 *San Diego Law Review* 2.

Discusses reverse racism—new uses of racial and ethnic criteria by government and private agencies.

ARRAJJ, David R. (1971) "The Right to Effective Counsel and New York City Legal Aid," 1 *New York University Review of Law and Social Change* (Spring).

Argues that people have a constitutional right to effective assistance of counsel.

"Arrest Records, Hiring Policies, and Racial Discrimination" (1971) 57 *Iowa Law Review* 2.

Discusses how an arrest record, even when there is no conviction, can bar an applicant from employment.

CHARLES, Alan, and Susan ALEXANDER (1971) "Abortions for Poor and Nonwhite Women: A Denial of Equal Protection?" 23 *The Hastings Law Journal* (November).

A discussion of the due process right to abortion and how many states because of their narrow laws show unequal treatment to poor and nonwhite women.

COULTER, Robert T. (1970-71) "Federal Law and Indian Tribal Law: The Right to Civil Counsel and the 1968 Indian Bill of Rights," 3 *Columbia Survey of Human Rights*.

Discusses the effects of the 1968 Indian Bill of Rights and how the American legal system can relate to it.

DITKOFF, James H. (1970-71) "State remedies for Racial Imbalance: Increasing Their Educational Impact," 3 *Columbia Survey of Human Rights Law*.

Shows that part of the reason for the failure to achieve racially balanced schools lies with the defects in state policy.

"Equal Educational Opportunity: A Case for the Children" (1971) 46 *St. John's Law Review* (December).

Discusses several California cases involving high school tax and poor families' opportunities for good public school education.

Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment (1971) 6 *Harvard Civil Rights-Civil Liberties Law Review* (March).

DORSEN, Norman, and Susan D. ROSS, "The Necessity of a Constitutional Amendment"

EMERSON, Thomas I., "In Support of the Equal Rights Amendment"

FREUND, Paul A., "The Equal Rights Amendment is Not the Way"  
KURLAND, Philip B., "The Equal Rights Amendment: Some Problems of Construction"

MURRAY, Pauli, "The Negro Woman's Stake in the Equal Rights Amendment"

Author unknown, "'A Little Dearer Than His Horse': Legal Stereotypes and the Feminine Personality"

FRASURE, Robert C. (1971) "Constituency Racial Composition and the Attitudes of British M.P.'s," 3 *Comparative Politics* (January).

Points out how members of Parliament appear to be liberal when the majority of the constituents are nonwhite and actively participate in political affairs; the M.P.'s tend to be conservative on racial matters when the majority of constituents are nonwhite and do not vote or participate in the political system.

GROSSMAN, Harry (1972) "Public Employment and Free Speech: Can They Be Reconciled?" 24 *Administrative Law Review* (Winter).

Examines some of the most recent decisions regarding a government employee and his rights under the Constitution, mainly the First Amendment.

HEUSSENSTAMM, F. K. (1971) "Bumper Stickers and the Cops," 8 *Transaction* (February).

Reports results of a field study of traffic citations by police on cars with Black Panther bumper stickers, where sex, race-ethnicity and other variables were controlled.

KENNEDY, Joseph P. (1972) "Sex Discrimination: State Protective Laws Since Title VII," 47 *Notre Dame Lawyer* (February).

Examines a specific aspect of sex discrimination: the validity of state protective laws.

LANDAU, Eliot A., and Kermit L. DUNAHOO (1971) "Women's Legal Employment Rights and Their Application in the Arbitral Process," 23 *The Hastings Law Journal* 1.

Discusses various cases involving discrimination by employers against females, and how under Title VII the courts are able to overrule.

NAGEL, Stuart, and Lenore J. WEITZMAN (1972) "Double Standard of American Justice," 9 *Transaction* (March).

Looks at male and female sentencing practices; finds that women as litigants are less often jailed, more often lack jury trial; lose more and are awarded less in personal injury trials; suggest findings are consistent with treatment of women in American society in general.

STONE, I. F. (1972) "Moving the Constitution to the Back of the Bus," 18 *New York Review of Books* (April).

Argues that the Nixon bussing moratorium bill and anti-bussing program raise fundamental constitutional issues and divert emotion and energy from integration to the false and peripheral problem of bussing.

VAN O'STEEN, Bernard, Jr. (1971) "State Denials of Unemployment Insurance Benefits to Persons Who Limit Their Employment Possibilities by Wearing Long Hair," 1971 *Law and Social Order* 2.

Discusses the constitutional right of men to wear their hair as they choose and suggests guidelines to insure a determination of unavailability for work.

WALKER, Colquitt M. (1971) "Sex Discrimination in Government Benefit Programs," 23 *The Hastings Law Journal* (November).

Discusses discriminatory practices by the federal government in areas as federal old age survivors, disability insurance, unemployment insurance and public assistance.

## 12. SOCIAL WELFARE AND RELATED COMMUNITY PROBLEMS

AREEN, Judith (1971) "Education Vouchers," 6 *Harvard Civil Rights-Civil Liberties Law Review* (May).

Examines the constitutional and public policy questions surrounding the major educational voucher plans.

COONS, John E., *et al.* (1971) "A First Appraisal of Serrano," 2 *Yale Review of Law and Social Action* (Winter).

The authors of *Private Wealth and Public Education* appraise the impact of *Serrano v. Priest*, and discuss alternative legislative remedies based on *Serrano*.

GOODWIN, Leonard (1972) "How Suburban Families View the Work Orientations of the Welfare Poor," 19 *Social Problems* (Winter).

Reports on a study in Baltimore which found that middle

class suburbanites view the poor as having a low work ethic and project upon the poor a strong tie between welfare income and quasi-illegal income; author concludes that middle class misperceptions encourage political leaders to support welfare reform that emphasizes work requirement and low base payments.

KAUPER, Paul G. (1972) "Public Aid for Parochial Schools and Church Colleges: The Lemon, Dicenso and Tilton Cases," 13 *Arizona Law Review* 3.

Discusses the constitutional and unconstitutional aid that can be given to parochial schools and why.

LIPSKY, Michael (1971) "Street-Level Bureaucracy and the Analysis of Urban Reform," 6 *Urban Affairs* (June).

Street level bureaucrats are policemen, social workers and teachers and are under criticism for their insensitivity, incompetency, racism, etc.; article explains why and gives an outlook for the future of street-level bureaucracies.

MARMOR, Theodore R., and Martin REIN (1972) "Flimflam Flop in Welfare," 9 *Transaction* (June).

Discusses Family Assistance Plan (FAP) and H.R. 1; argues that finding a formula for simultaneously relieving poverty, cutting welfare costs and increasing employment is very difficult, and has led to political stalemate and an ambiguous legislative process.

MOORE, Charles H., and Roy E. JOHNSON (1971) "School Decentralization, Community Control, and the Politics of Public Education," 6 *Urban Affairs* (June).

Reminds the reader that public education has always been political, points out the advantages of a decentralized school system, and notes that it is also a reorganization of political power.

PALLEY, Howard A., and Marian L. PALLEY [eds.] (1972) *Symposium on Prospects for Change in American Social Welfare Policy*. 15 *American Behavioral Scientist* (May-June).

PALLEY, Howard A., and Marian L. PALLEY, "Editors' Introduction"

SCHWARTZ, Joel J., and David TABB, "Social Welfare: Changing Policies and Changing Priorities"

HOLDEN, Gerald M., "The Nation's Income Maintenance Policies: Current Trends and Future Prospects"

- PALLEY, Marian L., and Howard A. PALLEY, "A Call for a National Welfare Policy"
- ROSENTHAL, Gerald, "Manpower Policy: The Role of the Federal Government"
- BURNS, Eveline M., "The Nation's Health Insurance and Health Services Policies: In Evolution Toward What?"
- THURSZ, Daniel, "Community Participation: Should the Past Be Prologue?"
- BARNEKOV, Timothy K. and Daniel RICH, "The Corporation as a Social Welfare Institution"

"Public Aid to Private Schools — Discriminatory by Reason of Race and Religion" (1971) 17 *Howard Law Journal* 1.

Discusses the case of *Lemon v. Kurtzman* where court allowed state aid to parochial schools in the form of bus transportation and textbooks.

STAPLES, John H. (1970) "Urban Renewal: A Comparative Study of Twenty-Two Cities — 1950-1960," 23 *Western Political Quarterly*.

Deals with the nature and complexity of urban renewal in the 1950's by examining selective projects in a comparative manner.

### 13. SOCIAL CONFLICT AND SOCIAL CONTROL

COSER, Lewis A. [ed.] (1972) *Symposium on Collective Violence and Civil Conflict*. 28 *Journal of Social Issues* 1.

- COSER, Lewis A., "Introduction"
- WILLIAMS, Robin M. Jr., "Conflict and Social Order: A Research Strategy for Complex Propositions"
- GURR, Ted Robert, "The Calculus of Civil Conflict"
- RULE, James and Charles TILLY, "1830 and the Unnatural History of Revolution"
- BERKOWITZ, Leonard, "Frustrations, Comparisons, and Other Sources of Emotion Arousal as Contributors to Social Unrest"
- LANG, Gladys E. and Kurt LANG, "Some Pertinent Questions on Collective Violence and the News Media"
- WARREN, Donald I., "Mass Media and Racial Crisis: A Study of the New Bethel Church Incident in Detroit"
- PRUITT, Dean G., "Methods for Resolving Differences of Interest: A Theoretical Analysis"
- KAHN, Robert L., "The Justification of Violence: Social Problems and Social Solutions"
- KELMAN, Herbert C. and Lee H. LAWRENCE, "Assignment of Responsibility in the Case of Lt. Calley: Preliminary Report on a National Survey"

DWORKIN, Anthony G. [ed.] (1971) *Symposium on Violent Confrontation*. 12 *The Sociological Quarterly* (Summer).

GALLIHER, John F., "Explanations of Police Behavior: A Critical Review and Analysis"

BENSON, J. Kenneth, "Militant Ideologies and Organizational Contexts: The War on Poverty and the Ideology of 'Black Power.'"

HILLERY, George A. Jr. (1971) "Freedom and Social Organization: A Comparative Analysis," 36 *American Sociological Review* (February).

Examines the differences between communal organizations, *e.g.*, Hutterites and Kibbutzim, and formal organizations, *e.g.*, Relocation Centers for Japanese in the United States during World War II; concludes that the greater the deprivation of freedom the greater the antagonism of those deprived.

McPHAIL, Clark (1971) "Civil Disorder Participation: A Critical Examination of Recent Research," 36 *American Sociological Review* (December).

Examines the literature on civil disorder for the extent to which deprivation-frustration-aggression explanations account for rioting behavior; advocates more focus on interactional environments of individuals prior and during disorders.

NAHRENDORF, Richard O. (1971) "Violence and Social Change," 56 *Sociology and Social Research* (October).

Discusses the various relationships of violence and change, and those groups in America who support the theory that violence causes social change and those who reject that theory.

O'NEILL, Conor (1971) "The Social Function of Physical Violence in an Irish Urban Area," 2 *The Economic and Social Review* (July).

Study centers around people who are usually unemployed, and discusses the norms and patterns structuring the use of violence; concludes that physical violence is a cultural trait.

#### **14. JURISPRUDENCE, LEGAL PROCESS, BEHAVIORAL SCIENCE THEORY**

BLAINE, Harry R., and David KETTLER (1971) "Law as Political Weapon," 1 *Politics and Society* (August).

Case study of the abuse of legal authority using aftermaths of demonstrations in 1969 at Ohio State University.

DWORKIN, Ronald (1972) "The Jurisprudence of Richard Nixon," 18 *New York Review of Books* (May).

Describes President Nixon's legal philosophy through a re-

view of his Court nominations and public utterances on "strict constructionism," bussing, etc. Concludes that Nixon's public statements about the Supreme Court establish principles that are inconsistent with a constitutional system of democracy, hence the President's jurisprudence is pretense, not genuine theory.

FURNER, Joanne F., and B. Robert OHLE (1972) "Fault or No-Fault Divorce for Alabama?" *The Alabama Lawyer* (January).

Discusses the arguments for and against the recent radical divorce terms (no-fault divorce) accepted by the Alabama legislature.

HAMPSHIRE, Stuart (1972) "A New Philosophy of the Just Society," *18 New York Review of Books* (February).

An extensive review essay of moral philosophy and jurisprudence in Rawl's theory of justice.

HORTON, Hon. Frank (1972) "The Public's Right to Know," *77 Case and Comment* 1.

Discusses the principle of democracy, an informed citizenry's right to take part in decision making, the government's supposed need for privacy, and the mass media's responsibility to the people.

MORROW, Mr. Justice W. G. (1972) "Law and the Thin Veneer of Civilization," *10 Alberta Law Review* 1.

Discusses the sudden change of Canadian law and society in the Northwest Territories; author argues that although uniformity of Canadian law is desirable, the arbitrary application of Canadian law to "time-honored native customs and cultures" is not only difficult but meaningless.

NADEL, Mark (1971) "Economic Power and Public Policy: The Case of Consumer Protection," *1 Politics and Society* (May).

The emergence of recent consumer protection legislation in Congress is studied; concludes that the legislation has not been successful in challenging prevailing patterns of economic and political power.

NORTHRUP, Herbert R. (1971) "The Railway Labor Act: A Critical Reappraisal," *25 Industrial and Labor Relations Review* (October).

Summarizes the development of the law and the process of dispute settlement under it; author raises serious doubt whether government can control collective bargaining without complete dominance of the process; points out that major disputes have never been settled within the Act's procedures.

POSNER, Richard A. (1972) "A Theory of Negligence," 1 *Journal of Legal Studies* (January).

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QUINNEY, Richard (1972) "The Ideology of Law: Notes for a Radical Alternative to Legal Oppression," 7 *Issues in Criminology* (Winter).

States that the ideal of law is a myth that has been perpetuated by a narrow Western intelligence and that radical social philosophies are needed to change our thinking on related issues to law, *i.e.*, natural law, civil disobedience, and morality.

RHEINSTEIN, Max (1971) "Leader Groups in American Law," 38 *University of Chicago Law Review* (Summer).

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SHAPIRO, Martin (1972) "Toward a Theory of *Stare Decisis*," 1 *Journal of Legal Studies* (January).

Proposes a theory of *stare decisis* in terms of communication (information) theory and the judicial decision making process (as developed primarily by political scientists).

WAHLKE, John C. (1971) "Policy Demands and System Support: The Role of the Represented," 1 *British Journal of Political Science* (July).

Suggests how and why we might begin to reformulate representation theory and to identify the critical questions which research must answer.

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ATKINSON, A. B. (1972) "Income Maintenance and Income Taxation," 1 *Journal of Social Policy* (February).

Examines the close relationship between income taxation and social security and the erosion of the tax base in England, and the policies that have followed.

BABBITT, Hattie (1971) "State Taxation of Indian Income," 1971 Law and Social Order 2.

Explains why states can not levy taxes on Indians on reservations.

BERNSTEIN, Marver H. [ed.] (1972) Symposium: The Government as Regulator. 400 The Annals (March).

BERNSTEIN, Marver H., "Introduction"

AUERBACH, Carl A., "Pluralism and the Administrative Process"

BERNSTEIN, Marver H., "Independent Regulatory Agencies: A Perspective on Their Reform"

ZWERDLING, Joseph, "The Role and Functions of Federal Hearing Examiners"

GARDNER, Warner W., "The Administrative Conference of the United States"

LEONE, Richard C., "Public Interest Advocacy and the Regulatory Process"

STEWART, Richard E., "Insurance Regulation: Current Issues and Problems"

SOMERS, Anne R., "Regulation of Hospitals"

SPIVAK, Jonathan M., "Regulation of Medical Devices"

CONAWAY, Orrin B., Jr., "Coal Mining: New Efforts in an Old Field"

CALDWELL, Lynton K., "Environmental Quality as an Administrative Problem"

GREEN, Harold P., "Nuclear Power Licensing and Regulation"

LEDUC, Don R., "The Cable Question: Evolution or Revolution in Electronic Mass Communications"

"Consumer Protection Legislation: Another Consumer Fraud?" (1971) 60 The Georgetown Law Journal (October).

Discusses how Congress has failed to protect the consumer because of pressures of vested interest who oppose the release of test results, brand names, etc.

EMERLING, Carol G. (1972) "The FTC Goes to the People," 58 American Bar Association Journal (February).

In September, 1969, the American Bar Association issued a report suggesting that the Federal Trade Commission should increase its attention to the poor, uneducated and elderly. The Cleveland office did evaluate its role with the urban low income consumer. This article discusses how the FTC has acted on its evaluation.

GINSBERG, Benjamin (1971) "Berman vs. Parker, Congress, the Courts, and the Public Purpose," 4 Polity (Fall).

Assesses the effects of various housing acts and the resultant projects in southwest Washington.

- GREEN, Justin J. (1970) "Influence of Administrative Reform on the Immigration and Naturalization Service," 15 *Administrative Science Quarterly* (September).

Case study shows the impact of statutes and regulation on standards in the administrative process.

- HOLMES, Kay Ann (1972) "Reflections by Gaslight: Prostitution in Another Age," 7 *Issues in Criminology* (Winter).

Examines United States' attitudes on prostitution and shows through historical data the motivation behind the anti-prostitution laws and organizations.

- HOPKINS, Bruce R. (1972) "Congressional Reform: Toward a Modern Congress," 47 *Notre Dame Lawyer* (February).

Suggests way Congress can obtain adequate and current information to competently deal with the policy questions confronting it.

- JURIS, Hervey A., and Kay B. HUTCHISON (1970) "Municipal Police Employee Organizations," 23 *Industrial and Labor Relations Review* (April).

Discusses the historical context of public policy on municipal police employee organizations, reviews the current legislation of public employee organizations and discusses alternative directions for public policy.

- MILLER, Abraham H. (1971) "Ethnicity and Political Behavior: A Review of Theories and an Attempt at Reformation," 24 *Western Political Quarterly* (September).

Reexamines the basis for Dahl's conclusions about the persistence of ethnic politics and the underpinnings of his theory of ethnic assimilation; reexamines the evidence for the theory of ethnic mobilization proposed by Wolfinger; reconciles these differences; and proposes a reformulation of Dahl's theory based on the reassessment of the evidence.

- ROSS, David B. (1969) "The Arbitration of Public Employee Wage Disputes," 23 *Industrial and Labor Relations Review* (October).

Develops an equitable standard in the arbitration of wage disputes; catalogues the difficulties and litigable issues.

Symposium on Values in Social Policy (1972). 1 *Journal of Social Policy* (January).

MYRDAL, Gunnar, "The Place of Values in Social Policy"

MARSHALL, T. H., "Value Problems of Welfare-Capitalism"

SCHORR, Alvin L., "Family Values and Public Policy"

McGREGOR, O. R., "Equality, Sexual Values and Permissive Legislation"

## 16. LAW, THE ECONOMY, AND TECHNOLOGY

DEMSETZ, Harold (1972) "When Does the Rule of Liability Matter?" 1 *Journal of Legal Studies* (January).

Considers whether and under what conditions a legal decision about liability affects the uses to which resources are put and the distribution of wealth between various owners of resources.

SCHWARTZ, Donald E. (1971) "Towards New Corporate Goals: Co-existence with Society," 60 *The Georgetown Law Journal* (October).

Discusses the future role corporations should be made to take on behalf of society. The author discusses how corporations can be made to be more responsible to society.

## 17. FOLK AND NATIVE LAW

## 18. INTERNATIONAL AND COMPARATIVE LAW

BEER, Lawrence W. (1971) "Freedom of Information and the Evidentiary Use of Film in Japan: Law and Sociopolitics in an East Asian Democracy," 65 *American Political Science Review* (December).

Analyzes interaction between sociopolitical thought and law in context of court-mass media relations in Japan.

"International Law of Treaties and United States Legalization of Marijuana," (1971) 10 *Columbia Journal of Transnational Law* (Fall).

Discusses the treaty signed by the United States in 1961 which imposed strict obligations on the parties and prevents domestic legalization of cannabis.

PUSIC, Eugene (1971) "Levels of Social and Economic Development as Limits to Welfare Policy," 45 *The Social Service Review* (December).

Presents a model for classifying organizations and uses it to

compare the welfare systems of the Soviet Union and the United States.

## 19. LAW AND THE ENVIRONMENT

AVINS, Alfred (1972) "Tax Incentives and Pollution: The Need for Hysteria Control," 58 American Bar Association Journal (January).

Argues that the Reitz brothers' solution for pollution (laws and penalties imposed on the culprit corporation) is not necessarily the best solution; author emphasizes that the tax incentive is a valid substitute.

JONES, William K., *et al.* (1971) "Regulation Under Fire: Consumers, The Environment, The Economy, and The Impact of Change," 8 Columbia Journal of Law and Social Problem (Fall).

A report of a panel, on the problems of the regulatory commissions. Established to protect the consumer against monopolies, they are now faced with complex problems concerning environment and economy.

KAUFMAN, Irving R. (1972) "Power For the People — And By the People: Utilities, the Environment and the Public Interest," 24 Administrative Law Review (Winter).

Discusses the administration and judicial process in the case of *Scenic Hudson Preservation Conference vs. Federal Power Commission*.

LUTZ, Robert E. II, and Stephen E. McCAFFREY (1971) "Standing on the Side of the Environment: A Statutory Prescription for Citizen Participation," 1 Ecology Law Quarterly (Summer).

Argues that citizens should be allowed to sue on behalf of the public's interest; discusses Congressional adoption of Senate Bill 1032 designed to expand the role of the citizen in solving environmental problems.

OSTROM, Vincent, and Elinor OSTROM (1972) "Legal and Political Conditions of Water and Resource Development," 48 Land Economics (February).

Points out that failure of the water utility companies lies with the community and the legislature.

"Protection of Environmental Quality in Non-metropolitan

Regions by Limiting Development" (1972) 57 Iowa Law Review 1.

Discusses the new migration syndrome — rich urban residents moving to non-metropolitan areas for vacations, and the pressures they put on the ecosystems of the regions.

PURO, Steven (1971) "Water Pollution Legislation and the Rivers and Harbors Act of 1899: The Environmentalist Point of View," 16 St. Louis University Law Journal (Fall).

Discusses the reasons why our anti-pollution laws have not cleared up our rivers and lakes; emphasis is on enforcement.

ROGERS, James P. (1972) "Isaiahs at the Bar: Environmentalists and the Judicial Processes," 7 Land and Water Law Review 1.

Explains how the environmentalist by bringing lawsuits against particular projects hinders the economic development of the project.

ROSENTHAL, Albert J. (1972) "The Federal Power to Protect the Environment: Available Devices to Compel or Induce Desired Conduct," 45 Southern California Law Review (Spring).

Studies various methods in which the Federal Government can enforce its many environmental standards.

STARR, Roger (1972) "Power and the People — the Case of Con Edison," 26 The Public Interest (Winter).

Claims that although the citizens of the City of New York have forced Con Edison to clean up its electrical power system and stop polluting, it also prevents Con Edison from expanding because the low-sulfur coal Con Edison now must use is more expensive than the prior system; so Con Edison's profit margin has been cut, with certain public consequences.

WILLIAMS, Jerre S. (1972) "An Evaluation of Public Participation," 24 Administrative Law Review (Winter).

Discusses in detail the difference between environmental issues that are judicial in nature and those that are in fact legislative, governmental policy decisions; suggests eight ways to enable citizens and interested groups to submit their views on environmental issues.

## 20. MISCELLANEOUS

ABRAMSON, Harold J., and Rosalio WENCES (1972) "Campus Dissent and Academic Punishment: The Response of College

Professors to Local Political Activism," 45 *Sociology of Education* (Winter).

Votes of college professors on three resolutions dealing with penalties for local campus unrest are analyzed on a scale of tolerance of political nonconformity.

ARJEN, Clayton (1972) "Legalism and Humanism: A Reply to the Schwendingers," 7 *Issues in Criminology* (Winter).

Brings to light errors of interpretations made by the Schwendingers in their 1970 article concerning humanity versus legality.

STIGLER, George J. (1972) "The Law and Economics of Public Policy: A Plea to the Scholars," 1 *Journal of Legal Studies* (January).

Proposes a partnership and division of labor for lawyer and economist in public policy research.

TURNER, Hon. Johns N. (1971) "Law for the Seventies: A Manifesto for Law Reform," 17 *McGill Law Journal* (March).

Suggests new philosophies for the new causes of the 70's, emphasizing a search for human values and relationships.

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