JOURNAL OF LAW AND SOCIETY

Edited by P. A. Thomas

The journal provides a platform for discussing law on an inter-disciplinary basis within the social sciences. It is widely read in law faculties and by sociologists, psychologists, social workers and everyone concerned with the rights of women, racial minorities and the disadvantaged.

Volume 11 Number 2 **Summer 1984**

Some Scepticism about Some Scepticisms – I	*William Twining*
Law and Language	*Peter Goodrich*
Childhood as a Social Problem	*R. Dingwall, J. M. Eekelaar & T. Murray*
Independent Prosecutions	*Steve Uglow*
Equal Pay	*Dominic Byrne*

Subscriptions to Volume 11 (March, July & November 1984)
Individuals: £15.00 (UK) £18.00 (Overseas) $33.00 (US) $40.00 (Canada)
Institutions: £32.00 (UK) £40.00 (Overseas) $70.00 (US) $88.00 (Canada)

Please send orders or sample copy requests to:
Sue Dommett, Basil Blackwell, 108 Cowley Road, Oxford, OX4 1JF

Basil Blackwell · Oxford

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

INSIDE PLEA BARGAINING

The Language of Negotiation

by **Douglas W. Maynard**

A systematic examination of the structural context and intrinsic patterns of the negotiation process, and the effect the task of criminal case disposition has on negotiating. The analysis is carried out on "real-time" phenomena—52 actual plea-bargaining sessions that were tape-recorded in a California municipal court.

0-306-41577-1/250 pp. + index/ill./1984
$29.50 ($35.40 outside US & Canada)
text adoption price on orders of six or more copies: $18.95

Critical Issues in Social Justice

JUSTICE AND THE CRITIQUE OF PURE PSYCHOLOGY

by **Edward E. Sampson**

Sampson, a noted social psychologist, demonstrates the enrichment a critical stance provides for the study and understanding of justice, and how a critical stance emerges from and may be built upon such a study.

0-306-41226-8/218 pp./ill./1983
$22.50 ($27.00 outside US & Canada)

THE SENSE OF INJUSTICE

Social Psychological Perspectives

edited by **Robert G. Folger**

Using critiques of the equity theory of social justice as a foundation, this collection of insightful essays builds toward future conceptual social-justice models by examining possible directions for theoretical research.

0-306-41459-7/294 pp./ill./1984
$29.50 ($35.40 outside US & Canada)

Perspectives in Law and Psychology

HANDBOOK OF SCALES FOR RESEARCH IN CRIME AND DELINQUENCY

by **Stanley L. Brodsky** and **H. O'Neal Smitherman**

Over 380 scales currently used in law, crime, corrections, and delinquency have been gathered together in this unique handbook—an essential reference for professionals who utilize scales in conducting program evaluations and in developing research plans.

0-306-40792-2/642 pp./ill./1983
$42.50 ($51.00 outside US & Canada)

MENTALLY DISORDERED OFFENDERS

Perspectives from Law and Social Science

edited by **John Monahan** and **Henry J. Steadman**

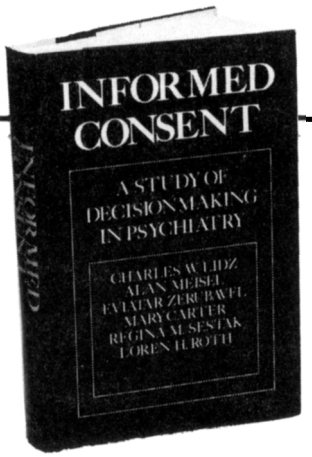
Striking a balance between the concerns of lawyers and those of social scientists, this volume offers a comprehensive analysis of four of the most controversial topics in criminal justice: the insanity defense, competence to stand trial, mentally disordered sex offenders, and prisoners transferred to mental hospitals.

0-306-41151-2/318 pp./ill./1983
$29.50 ($35.40 outside US & Canada)

PLENUM PUBLISHING CORPORATION
233 Spring Street, New York, N.Y. 10013
In United Kingdom:
88/90 Middlesex Street
London E1 7EZ, England



https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press



INFORMED CONSENT

A Study of Decisionmaking in Psychiatry

Charles W. Lidz, Alan Meisel, Eviatar Zerubavel,
Mary Carter, Regina M. Sestak,
and Loren H. Roth

"Through their pioneering investigation of decisionmaking in three different psychiatric settings and through thoughtful analysis of the implications of their findings, Charles Lidz and his collaborators have thrown open the door to the therapist–patient relationship and revealed much that will be of interest to anyone involved with health care, from practitioners and administrators to lawyers and judges. . . . This book is a milestone in our understanding of the effects of legal rules on medical practices." —Alexander M. Capron,
Professor of Law, Ethics, and Public Policy, Georgetown University Law Center; formerly Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

"This is one of those very rare instances of totally integrated interdisciplinary research. Every important aspect of informed consent receives comprehensive consideration. More important than the coverage, however, is the appreciation of the interrelated structures of legal, medico-psychiatric, administrative, and cultural constraint, impinging on the freedom of communication between health professionals and patients." —Egon Bittner,
Harry Coplan Professor in the Social Sciences, Brandeis University

"A real blockbuster. . . . Absolutely, positively the best thing ever done on the topic. The clinical sensitivity of this analysis of the process by which consent is informed sets the standard against which future works in the area will be judged." —John Monahan,
Professor of Law, Psychology, and Legal Medicine, University of Virginia School of Law

Release date: February 1984. 365 pages, ISBN #0-89862-275-1
Cat. #2275, $30.00

SPECIAL FIRST PRESS PRICE THROUGH 6/30/84: $24.00

ADDRESS ORDERS AND INQUIRIES TO:

THE GUILFORD PRESS • DEPT. Z
200 PARK AVENUE SOUTH • NEW YORK, N.Y. 10003
OR CALL 1-800-221-3966 • IN NEW YORK CALL 212-674-1900

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

Important titles from Academic Press . . .

Volumes in the STUDIES OF LAW AND SOCIAL CONTROL Series . . .

TOWARD A GENERAL THEORY OF SOCIAL CONTROL

Edited by DONALD BLACK

A comprehensive work, this collection of new essays extends the scientific study of the subject of social control beyond law. Presented in two volumes consisting of twenty-two contributions by prominent scholars from sociology, anthropology, law, political science, and economics, this collection provides a foundation for a theoretical understanding of social control as a dependent variable; that is, as a quantity to be predicted and explained.

The essays address an extremely broad range of normative phenomena, including vengeance, punishment, compensation, therapy, mediation, rebellion, self-destruction, and gossip. The first volume, **Fundamentals**, opens with programmatic statements about the subject matter and then offers a number of inquiries into the social conditions under which particular modes of social control occur. The second volume, **Selected Problems,** contains a number of investigations of social control in situations that may be especially interesting from a theoretical standpoint, including tribal and totalitarian societies, suburban neighborhoods, and illegal markets, as well as several essays on explanation and methodology.

Volume 1/FUNDAMENTALS
1984, 368 pp., $45.00*
ISBN: 0-12-102801-1

Volume 2/SELECTED PROBLEMS
1984, 320 pp., $39.50*
ISBN: 0-12-102802-X

***Set price for Volumes 1 and 2: $66.50** ($84.50, if purchased separately). Set prices are not valid in Australia or New Zealand.

THE SOCIAL CONTROL OF MENTAL ILLNESS

ALLAN V. HORWITZ

CONTENTS: Introduction. The Meaning of Mental Illness. The Recognition of Mental Illness. The Reaction to Mental Illness. The Nature of Therapeutic Social Control. Communal Styles of Therapeutic Social Control. Individualistic Styles of Therapeutic Social Control. References. Subject Index.

1981, 212 pp., $22.00
ISBN: 0-12-356180-9

LINGUISTIC EVIDENCE

Language, Power, and Strategy in the Courtroom

WILLIAM O'BARR

CONTENTS: Introduction. The Nature of Legal Language. Legal Assumptions about Language and Communication. Ethnography and Experimentation. Speech Styles in the Courtroom. Controlling the Effects of Presentational Style. Conclusions. Appendices: Transcripts of "Powerful" and "Powerless" Styles. Transcripts of Narrative and Fragmented Styles. Transcripts of Hypercorrect and Formal Styles. Transcripts of Overlapping and Nonoverlapping Speech. References. Index.

1982, 208 pp., $25.00
ISBN: 0-12-523520-8

A Volume in the QUANTITATIVE STUDIES IN SOCIAL RELATIONS Series . . .

RECIDIVISM

MICHAEL D. MALTZ

TENTATIVE CONTENTS: Introduction. Correctional Goals and Their Evaluation. Recidivism as a Measure of Correctional Effectiveness. What Works? Correctional Organization and Recidivism. Recidivism Definitions. Recidivism Measures and Models. Selection of a Recidivism Model. Using Model M_1 to Analyze Recidivism Data. Covariate and Nonparametric Methods. Conclusion. Appendix A: Parameter Estimation for Model M_1: The Incomplete Exponential. Appendix B: Confidence Statements for Model M_1. Appendix C: Tables for Estimating Sample Size and Length of Observation Period. Appendix D: Programs for Analyzing Recidivism Data and Examples of Their Use. References.

September/October 1984, 256 pp., $42.00
ISBN: 0-12-468980-9

Send payment with order and save postage and handling.

Prices are in U.S. dollars and are subject to change without notice.



ACADEMIC PRESS, INC.
(Harcourt Brace Jovanovich, Publishers)
Orlando • San Diego • New York •
London • Toronto • Montreal •
Sydney • Tokyo
ORLANDO, FLORIDA 32887

FOR FASTEST SERVICE CALL TOLL-FREE 1-800-321-5068. To Place An Order From Florida, Hawaii, Or Alaska call 1-305-345-4100. In The U.K. call (01) 300-0155. Credit Card Orders Only.
23084

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

Special Issue, Volume 4-1/3

TEXT

an interdisciplinary journal for the study of discourse

Editor:
Teun A. van Dijk
University of Amsterdam
Dept. of General Literary Studies
Spuistraat 210
1012 VT Amsterdam, Netherlands

Editorial Board:
John B. Black (Yale)
Aaron Cicourel (La Jolla)
Malcolm Coulthard (Birmingham)
János S. Petöfi (Bielefeld)
Deborah Tannen (Georgetown)

Studies of legal discourse

'The study of legal discourse had emerged as a topic of interdisciplinary research by linguists and social scientists in the last decade ... (and is a topic) of international interest. Four languages are represented—Swedish, English, German and Hebrew— ... written by researchers from Sweden, Finland, West Germany, the United States and Israel. ... papers included in this issue (not only) deal with aspects of legislative language, (but) many other kinds of legal language ... An ... important development is the emergence of an (analytical) approach (to legal discourse) which is essentially empirical ... in part a response to the call for greater accountability of social institutions vis-a-vis the individual in modern society ... that a citizen has a right to understand and to be understood. ... researchers are asking, what are the features of various genres of legal language—both written and spoken—and what functions do these features serve, for individuals and for society? Are there also significant ways in which the features of legal language are dysfunctional, for the individual, and ultimately, for social justice?'
Brenda Danet (editor of this special issue)

Articles in the special issue are:

BRENDA DANET Introduction
DONNA MAYO VARGAS Two types of legal discourse: Transitivity in American appelate opinions and casebooks
DENNIS KURZON Themes, hyperthemes and the discourse structure of British legal texts
MARGARETA WESTMAN On strategy in Swedish legal texts
BRITT-LOUISE GUNNARSSON Functional comprehensibility of legislative texts: Experiments with a Swedish act of parliament
RISTO HILTUNEN The type and structure of clausal embedding in legal English
MARITA GUSTAFSSON The syntactic features of binomial expressions in legal English
BRENDA DANET The magic flute: A prosodic analysis of binomial expressions in legal Hebrew
TAMAR LIEBES-PLESNER Rhetoric in the service of justice: The sociolinguistic construction of stereotypes in an Israeli rape trial
BEATRICE CAESAR-WOLF The construction of 'adjudicable' evidence in a West German civil hearing
SUSAN URMSTON PHILIPS The social organization of questions and answers in courtroom discourse: A study of changes of plea in an Arizona court
BRYNA BOGOCH and BRENDA DANET Challenge and control in lawyer-client interaction: A case study in an Israeli legal aid office

TEXT **subscription order form**

Please enter my subscription beginning with the Special Issue 1984 (1-3) of the Fourth Volume.

Please **print** your full mailing address, **including postal code:**

NAME .....

ADDRESS .....

.....

.....

.....

.....

Annual subscription—USA only
__ Libraries/Institutions $60.55 (incl. postage)
__ Individuals (prepaid) $30.20 (incl. postage)
__ Special Issue only $51.05 (incl. postage)

Elsewhere
__ Libraries/Institutions DM116.—
__ Individuals (prepaid) DM 55.—
__ Special Issue only DM 96.—

Add postage DM5.60 for Federal Republic of Germany; DM6.80 for all other destinations

DM prices are definitive. US dollar prices subject to exchange rate fluctuations

Mail this form to any bookseller or to MOUTON PUBLISHERS (Division of Walter de Gruyter) at one of the addresses below:

Walter de Gruyter & Co.
P.O.B. 110240
D-1000 Berlin 11, F.R.G.

Walter de Gruyter, Inc.
200 Saw Mill River Road
Hawthorne, NY 10532

mouton publishers
Berlin • New York • Amsterdam

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

CJS

The Canadian Journal of Sociology
Cahiers canadiens de sociologie

Editors:

Richard Ericson
Andrew Harrell
Lyle Larson
Nico Stehr

Subscriptions:

Students	$15.00 Canadian
CSAA, WSAA, AASA, ASA	$20.00 Canadian
Individuals	$25.00 Canadian
Institutions and Libraries	$45.00 Canadian
Booksellers and Agencies	$40.00 Canadian
Single Copies	$10.00 Canadian

The *Canadian Journal of Sociology/Cahiers canadiens de sociologie* is published four times a year at the University of Alberta. The *Journal* publishes scholarly material pertaining to Canadian society as well as articles of international sociological significance. Abstracts of all articles are printed in French and English; articles and book reviews in French and English are welcome. Each volume contains several articles of general and wide-ranging interest, with at least one issue in every volume devoted to a specific area of sociology.

The Canadian Journal of Sociology
Department of Sociology
University of Alberta
Edmonton, Alberta
T6G 2H4

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

JEI JOURNAL of ECONOMIC ISSUES

Recent contributions:

December, 1983

Philip A. Klein, "Neglected Institutionalism of W. C. Mitchell"; Stephen E. Barton, "Property Rights & Human Rights"; T. Baldwin Ranson, "The Unrecognized Revolution in the Theory of Capital Formation"; John R. Munkirs, "Centralized Private Sector Planning"; J. W. Ballantine, "Using Labor Market Information"; Richard D. Coe, "Nonparticipation in Welfare Programs."

March, 1984: National Economic Policy Issue

Jerry L. Petr, "Fundamentals of an Institutionalist Perspective"; Wallace C. Peterson, "Economic Stabilization & Inflation"; David Hamilton, "Income Maintenance and Welfare"; Harry Trebing, "Public Utility Regulation"; Ray Marshall, "Selective Employment Problems & Policy"; Wendell Gordon, "Implementation of Economic Development."

Annual membership dues are: $11.00 per year for three years, student; $22.00, individual; and $25.00, library. Add $5.00 per year for subscriptions outside North America. Inquiries to: AFEE/JEI Fiscal Office, Department of Economics, University of Nebraska, Lincoln, NE 68588-0400.

Published by the Association for Evolutionary Economics

Lon L. Fuller

Robert S. Summers. This is the first comprehensive assessment of the work of Lon Fuller (1902–1978), one of the most important legal philosophers of the 20th century: the standard-bearer of secular natural law, one of the greatest proceduralists in the history of legal theory, the leading American critic of legal positivism, the founder of an entire branch of jurisprudence devoted to the nature and limits of basic legal processes, and an eminent theorist of contract law. After a brief biography, the author examines Fuller's writings on law and morals, natural law, basic legal processes, legal method, contract jurisprudence, and legal education. Throughout, he explains Fuller's more difficult theories, and traces the main influences on Fuller's thought. The fourth volume in the series JURISTS: PROFILES IN LEGAL THEORY. $19.95

Stanford University Press

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

JOURNAL OF LAW AND SOCIETY

Edited by P. A. Thomas

The journal provides a platform for discussing law on an inter-disciplinary basis within the social sciences. It is widely read in law faculties and by sociologists, psychologists, social workers and everyone concerned with the rights of women, racial minorities and the disadvantaged.

Volume 10 Number 2 **Winter 1983**

THE BRITISH NATIONALITY ACT 1981 — D. Dixon
TEACHING THE SOCIOLOGY OF LAW — N. Fielding and J. Fielding
REGULATION AND THE FACTORY INSPECTORATE — P.W.J. Bartrip and P.T. Fenn
TRUANCY AND SCHOOL DEVIANCE — J.D. Pratt
THE SOCIOLOGICAL CONCEPT OF LAW — R. Cotterrell
THE JURY IN FRAUD CASES — M. Levi
PROSTITUTION AND THE LAW — E. McLeod

Subscriptions to Volume 10 (Summer and Winter 1983)
Individuals: £11.00 (UK) £13.20 (Overseas) $24.50 (US) $30.00 (Canada)
Institutions: £21.50 (UK) £25.80 (Overseas) $49.95 (US) £61.50 (Canada)

Remittances to:
Sue Dommett, Martin Robertson, 108 Cowley Road, Oxford, OX4 1JF

Martin Robertson

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

Law & Society Review

BASIC STYLE SHEET

All manuscripts should be typed double spaced on one side only. Rejected manuscripts cannot ordinarily be returned. While manuscripts need not conform to this style sheet at the time of submission, all manuscripts must include footnotes and a list of references, and all accepted manuscripts must be revised by the author to conform to the style of the *Review*. *The rules listed below supplement the manuscript information on the inside front cover of the* Review. Authors are urged to consult recent issues of this journal for further illustrations. A more detailed style sheet is available from the editorial office.

1. CITATIONS: All notes that consist merely of supporting citations should be placed in parentheses in the text. They should follow the statement they support and be in the following style:

(last name of author, year: page number or numbers to which you refer, if any)

EXAMPLE: . . . the opposition in Paris (Rudé, 1967: 167).

2. FOOTNOTES: All footnotes should be numbered sequentially and placed immediately after the text. They should contain only substantive comments and additional references not immediately relevant to the text.

3. REFERENCES: References are to be placed at the end of the manuscript. For more than one publication by the same author, list them in chronological order beginning with the oldest. For more than one publication in one year by the same author, use small letters to distinguish them (e.g., 1970a; 1970b).

a. BOOKS: LAST NAME, First name (year) *Title of book*. City: Publisher.

EXAMPLE: ARNOLD, Thurman W. (1935) *The Symbols of Government*. New York: Harcourt, Brace and World.

b. ARTICLES: LAST NAME, First name (year) "Title of article," volume number *Journal* initial page of article (month and day only if each issue is separately paginated).

EXAMPLE: STERN, Curt (1970) "The Continuity of Genetics," 99 *Daedalus* 882.

4. TABLES AND FIGURES: Tables should approximate the appearance of printed tables. Figures should be camera ready. Tables and/or figures should be placed at the end of the text, after footnotes and references. Their location within the text should be indicated as follows:

Table 1 about here

5. ABSTRACTS: All articles should include an abstract of between 50 and 100 words.

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

COMING IN THE

LAW & SOCIETY REVIEW

"Cops on Call: Summoning the Police to the Scene of Spousal Violence," by Richard A. Berk, Sarah Fenstermaker Berk, Phyllis J. Newton, and Donileen R. Loseke

"Voting Cues in Nonpartisan Trial Court Elections," by Philip L. Dubois

"The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community," by David M. Engel

"State Intervention and the Civil Offense," by Arie Freiberg and Pat O'Malley

"The Impact of Recent Changes in California Drinking-Driving Laws on Fatal Accident Levels During the First Postintervention Year: An Interrupted Time Series Analysis," by Michael E. Hilton

"The Routinization of Debt Collection: An Essay on Social Change and Conflict in the Court," by Robert A. Kagan

"The Negotiation of Involuntary Civil Commitment," by Dan A. Lewis, Edward Goetz, Mark Schoenfield, Andrew C. Gordon, and Gene Griffin

"The Foundations of Parole in California," by Sheldon L. Messinger, John E. Berecochea, David Rauma, and Richard A. Berk

"The Catalytic Effect of a Federal Court Decision on a State Legislature," by Kathryn Moss

"Prosecutorial Discretion in Selecting the Death Penalty: Some Evidence of a 'Caste Aspect of Law Enforcement'," by Raymond Paternoster

"Deterrence and Subjective Probabilities of Arrest: Modeling Individual Decisions to Drink and Drive in Sweden," by Perry Shapiro and Harold L. Votey, Jr.

"The Small Claims Court: A Reconceptualization of Disputes and an Empirical Investigation," by Neil Vidmar

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press

LAW AND SOCIETY ASSOCIATION

OFFICERS

PRESIDENT: Marc Galanter, Law, University of Wisconsin

PRESIDENT-ELECT: Stewart Macaulay, Law, University of Wisconsin

SECRETARY: Jonathan D. Casper, Political Science, University of Illinois

TREASURER: Lynn M. Mather, Political Science, Dartmouth College

EDITOR, *Law & Society Review*: **Richard O. Lempert,** Law, University of Michigan, Ann Arbor

EXECUTIVE OFFICER: Joyce S. Sterling, University of Denver College of Law

BOARD OF TRUSTEES

Class of 1984

Albert W. Alschuler, Law, University of Colorado, Boulder
Howard S. Erlanger, Law, University of Wisconsin, Madison
Joel F. Handler, Law, University of Wisconsin, Madison
Keith O. Hawkins, Centre for Socio-Legal Studies, Wolfson College, Oxford
Douglas Hay, Law, Warwick University, Coventry
Robert L. Kidder, Sociology, Temple University
Sally E. Merry, Anthropology, Wellesley College
Christopher D. Stone, Law, University of Southern California

Class of 1985

Richard A. Berk, Sociology, University of California, Santa Barbara
Robert W. Gordon, Law, Stanford University
Carol J. Greenhouse, Anthropology, Cornell University
Anne M. Heinz, Political Science, Northwestern University
Milton Heumann, Political Science, Rutgers University, New Brunswick
Albert J. Reiss, Jr., Sociology, Yale University
Austin T. Turk, Sociology, University of Toronto
Stanton Wheeler, Law and Sociology, Yale University

Class of 1986

Barbara A. Black, Law, Yale University
Maureen E. Cain, Institute of Criminology, Cambridge
Christine Harrington, Political Science, Rutgers Livingston College, New Brunswick
Jack Katz, Sociology, University of California, Los Angeles
Carrie Menkel-Meadow, Law, University of California, Los Angeles
Sheldon L. Messinger, Law, University of California, Berkeley
Susan Rose-Ackerman, Law, Columbia University
Barbara Yngvesson, Anthropology, Hampshire College

Ex Officio

Immediate Past Editor:
Joel B. Grossman, Political Science, University of Wisconsin, Madison

Past Presidents:
Harry Ball, Sociology, University of Hawaii
Lawrence M. Friedman, Law, Stanford University
Herbert Jacob, Political Science, Northwestern University
Charles D. Kelso, McGeorge School of Law, University of the Pacific
Samuel Krislov, Political Science, University of Minnesota
Victor G. Rosenblum, Law, Northwestern University
Richard D. Schwartz, Law, Syracuse University
Robert B. Yegge, Law, University of Denver

https://doi.org/10.1017/S0023921600017667 Published online by Cambridge University Press