## Law & Society Review Condensed Style Sheet

Type manuscripts **double-spaced** on one side of the paper only. While manuscripts need not conform to this style sheet at the time of submission, all manuscripts must include an abstract, footnotes, and a list of references, and all accepted manuscripts must be revised by the authors to conform to the *Review*'s style. **The rules listed below supplement the manuscript information on the inside front cover of the** *Review.* Authors are urged to consult *Review* issues in volume 26 or later for further illustrations. A detailed style sheet is available from the Editorial Office.

1. **Abstracts.** All manuscripts should include an abstract of not more than 100 words. No abstracts are required for review essays or comments.
2. **Footnotes.** Footnotes should be numbered sequentially (except for the author's footnote) and printed on pages immediately following the text (not at the foot of the page). They should contain only substantive comments and additional references not immediately relevant to the text.
3. **Tables and Figures.** Tables should approximate the appearance of printed tables. Figures should be camera ready; provide originals, not xerographic copies. Tables and/or figures should be placed at the end of the text, after footnotes, appendixes, and references. Their location within the text should be indicated as follows:

   Table 1 about here

4. **Citations.** All notes that consist merely of supporting citations should be placed in parentheses in the text. For example:

   In a thoughtful essay, Hayden (1991) . . .

   OR

   Media stories often portray the civil jury as generous (Daniels & Martin 1986:236; Hans 1989: Huber 1988).

The same general rules apply to footnote text.

5. **References.** References are placed at the end of the manuscript following the footnotes. The list should contain only those sources actually cited in text or notes. Give authors' names as they appear in the original source. For more than one publication by the same author, list them in chronological order, with the older item first. For more than one publication in one year by the same author, use small (lower-case) letters to distinguish them (e.g., 1970a, 1970b).

   BOOKS: Last Name, First Name (year) Title of Book. City: Publisher.

   Example: Lerner, Melvin J. (1980) Belief in a Just World. New York: Plenum.

   CHAPTER IN EDITED VOLUME:

   *Example*: Glazer, Nathan (1979) "The Judiciary and Social Policy," in L. Theberge, ed., The Judiciary in a Democratic Society. Lexington, MA: Lexington Books.

   ARTICLES: Last Name, First Name (Year) "Title of Article," volume number Journal page numbers of article. (Give month or issue number if each issue is separately paginated.)

   *Examples*: Padgett, John F. (1990) "Plea Bargaining in Prohibition," 24 Law & Society Rev. 413–50.

   Brill, Steven, & James Lyons ((1986) "The Not-So-Simple Crisis," American Lawyer 12–15 (May).

   UNPUBLISHED PAPERS:

   *Example:* Lofquist, William S. (1991) "The Development of Organizational Probation." Presented at American Society of Criminology annual meeting, San Francisco.

All cases cited in text are listed under "Cases Cited" following the References. All statutes cited are listed under "Statutes Cited." For style for cases and statutes, see *A Uniform System of Citation.*

https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

# NOTES

https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

# OXFORD UNIVERSITY PRESS

## HATE CRIMES
CRIMINAL LAW AND IDENTITY POLITICS
**JAMES B. JACOBS AND KIMBERLY POTTER**

"Hate Crimes shines with the authors' passion for justice, and its meticulously argued verdict ought to make even the staunchest supporters of hate-crimes laws think twice."—Jonathan Rauch, author of *Kindly Inquisitors: The New Attacks on Free Thought*

"This slim, well-written volume does the legal heavy lifting of many books five times its size...an essential guide to the origin, politics, and enforcement of hate crime laws."—*The New York Times Book Review*

The authors contend that hate crime as a socio-legal category represents the elaboration of an identity politics now manifesting itself in many areas of the law. They show how the recriminalization of hate crime has little (if any) value with respect to law enforcement or criminal justice and how it can actually impede racial and inter-group harmony.
*(Studies in Crime and Public Policy)*
1998 224 pp. $24.95

## BLOODY CONSTRAINT
CHIVALRY IN SHAKESPEARE
**THEODOR MERON**

Meron considers the ways in which law, chivalry, morality, conscience, and state necessity are deployed in Shakespeare to promote a society in which soldiers behave humanely and leaders are held to high standards of civilized behavior. In doing so, he illustrates the literary genealogy of such contemporary international humanitarian concerns as the treatment of prisoners and women and accountability for war crimes.
1998 240 pp. $29.95

## THE KILLING STATE
CAPITAL PUNISHMENT IN LAW, POLITICS, AND CULTURE
**EDITED BY AUSTIN SARAT**



Collecting work by several notable scholars, this book explains why the United States still clings to capital punishment long after other democratic nations have abandoned it. It also exhibits a new way of thinking about state killing that goes beyond abstract moral argument and narrow policy debate to assess its impact on our legal system, its powerful symbolic appeal, and its place in today's "culture wars."
1998 288 pp. $35.00

## THE BURGER COURT
COUNTER-REVOLUTION OR CONFIRMATION?
**EDITED BY THE LATE BERNARD SCHWARTZ**

"Bernard Schwartz leaves a legacy of fascinating essays, compiled and edited with intellect, honesty, and perceptiveness."—Nina Totenberg, *National Public Radio*

"This book represents the last major work edited by the late Bernard Schwartz, whom Anthony Lewis once termed 'the most committed, productive legal scholar of our time.' Following *The Warren Court: A Retrospective*, it is the second volume of a trilogy that proposes to cover our last three Supreme Courts. Schwartz selected scholars, journalists, historians, and judges to present a view that is both composite and unique. From Garrow to Graglia, from Brennan to Bell, this book offers to practitioners, scholars, and jurists an examination of that most intriguing Court that separates the conflicting models of the Warren and Rehnquist benches."—Robert Henry
1998 328 pp. $49.95

## THE LOST WORLD OF CLASSICAL LEGAL THOUGHT
LAW AND IDEOLOGY IN AMERICA, 1886-1937
**WILLIAM M. WIECEK**

"William Wiecek's *The Lost World of Classical Legal Thought* is a remarkable achievement. It has an extraordinary sweep, synthesizing with admirable clarity a transformation of enormous scope and importance."—Richard Friedman, Oxford University

Wiecek explores the outlook—often called "legal orthodoxy" or "classical legal thought"—which assumed that law was apolitical, determinate, objective, and neutral. It was at last abandoned in the "constitutional revolution of 1937," but, as Wiecek argues in this detailed analysis, nothing has arisen since to replace it as an explanation of what law is and why courts have such broad power in a democratic society.
1998 296 pp. $65.00

## AMERICAN YOUTH VIOLENCE
**FRANKLIN E. ZIMRING**




This is the definitive examination of adolescent violence in the United States as both a social phenomenon and a policy problem. The book sets forth comprehensive and dispassionate analyses of three key areas of youth violence policy: adolescent firearms possession and use, standards for transfer from juvenile to criminal court jurisdiction, and legal sanctions for adolescents who kill. Zimring also offers an appropriate set of responses to youth violence that are consistent with a positive future for the juvenile court and for America's children.
*(Studies in Crime and Public Policy)*
1998 256 pp. $29.95

**Prices are subject to change and apply only in the US. To order, or for more information, please call 1-800-451-7556. In Canada, call 1-800-387-8020. Visit our website at HTTP://WWW.OUP-USA.ORG**


https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

BLACKWELL Journals

# Journal of Law & Society

Edited by Professor Philip A. Thomas

An appreciation of the operation of law within society demands a critical awareness of the social forces that shape and are shaped by law. The *Journal of Law and Society* unravels the complexities of law and lays out the theory underpinning social change through law. The journal is committed to publishing challenging ideas and empirically based analysis for its international readership.

**ORDER FORM** **Journal of Law & Society**

Subscription Rates, Volume 25/1998 ISSN 0263-323X

Published in: March, June, September, December

Institutional Rates, £160.00 (UK-Europe), $324.00 (N. America), £195.00 (Rest of World)

Personal Rates, £41.00 (UK-Europe), $90.00 (N. America), £54.00 (Rest of World)

ASA Members, £35.00 (UK-Europe), $76.00 (N. America), £46.00 (Rest of World)

Law Students/Teachers, £15.00 (UK-Europe), $25.00 (N. America), £15.00 (Rest of World)

☐ Please enter my subscription/send me a sample copy

☐ I enclose a cheque/money order payable to Blackwell Publishers

☐ Please charge my American Express/Diners Club/Mastercard/Visa account

Card Number..... Expiry Date .....

Signature ..... Date.....

Name .....

Address.....

..... Postcode .....

email.....

Payment must accompany orders

Please return this form to:
Journals Marketing, Blackwell Publishers, 108 Cowley Road, Oxford, OX4 1JF, UK.
Tel: +44 (0)1865 244083 Or to:
Journals Marketing, JOLS, Blackwell Publishers, 350 Main Street, Malden, MA 02148, USA.
Tel: +1 781 388 8200

**SPECIAL OFFER for 1998**
Electronic access is included in the institutional subscription to the print edition.

BLACKWELL Publishers

For more information, or to order a free sample copy, visit our website

http://www.blackwellpublishers.co.uk

https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

# LANGUAGE AND LEGAL DISCOURSE

## Just Words

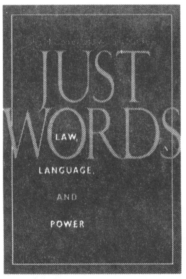
Law, Language, and Power

**John M. Conley and William M. O'Barr**

"From their careful analyses of discourse in legal settings as diverse as rape trials and divorce mediations, Conley and O'Barr demonstrate convincingly that power relationships pervade legal process. Just Words is both an engaging introduction to the study of legal anthropology, and a model for how such work should be done."—Lawrence M. Solan, Brooklyn Law School

**Paper $13.00**

Language and Legal Discourse




## The Common Place of Law

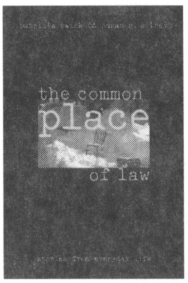
Stories from Everyday Life

**Patricia Ewick and Susan S. Silbey**

"*The Common Place of Law* will become a classic in socio-legal studies because it is as perceptive and subtle in its treatment of method as in its findings and insights of substance. Social scientists, scholars of literature, citizens interested in public affairs, civil rights advocates, and students will find this book fascinating and important."
—Martha Minow, Harvard Law School

**Paper $16.00**

Language and Legal Discourse




## Pronouncing and Persevering

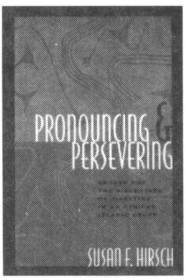
Gender and the Discourses of Disputing in an African Islamic Court

**Susan F. Hirsch**

*Pronouncing and Persevering* focuses closely on the language used in disputes, particularly how men and women narrate their claims and how their speech shapes and is shaped by gender hierarchy in postcolonial Swahili society. Based on field research and court testimony, Hirsch's book debunks the conventional view that women are powerless under Islamic law and challenges the dichotomies through which Islam and gender relations are currently understood.

**Paper $19.00**

Language and Legal Discourse



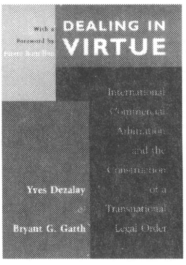

## Dealing in Virtue

International Commercial Arbitration and the Construction of a Transnational Legal Order

**Yves Dezalay and Bryant G. Garth**

"This book, which focuses on the great international arbitration centers such as Paris, London, Geneva, Stockholm, Vancouver, Hong Kong, and Cairo, should be in the office of every lawyer, legal academic, and social scientific scholar. It should be read by anyone interested in dispute resolution."—Robert D. Raven, former president of the American Bar Association and partner in Morrison & Foerster

**Paper $17.00**




**THE UNIVERSITY OF CHICAGO PRESS**

5801 SOUTH ELLIS AVENUE, CHICAGO, IL 60637 WWW.PRESS.UCHICAGO.EDU


https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

THE 1999 ANNUAL MEETING OF THE
LAW AND SOCIETY ASSOCIATION

THE LEGAL IMAGINATION:
TAKING ON CULTURAL STUDIES

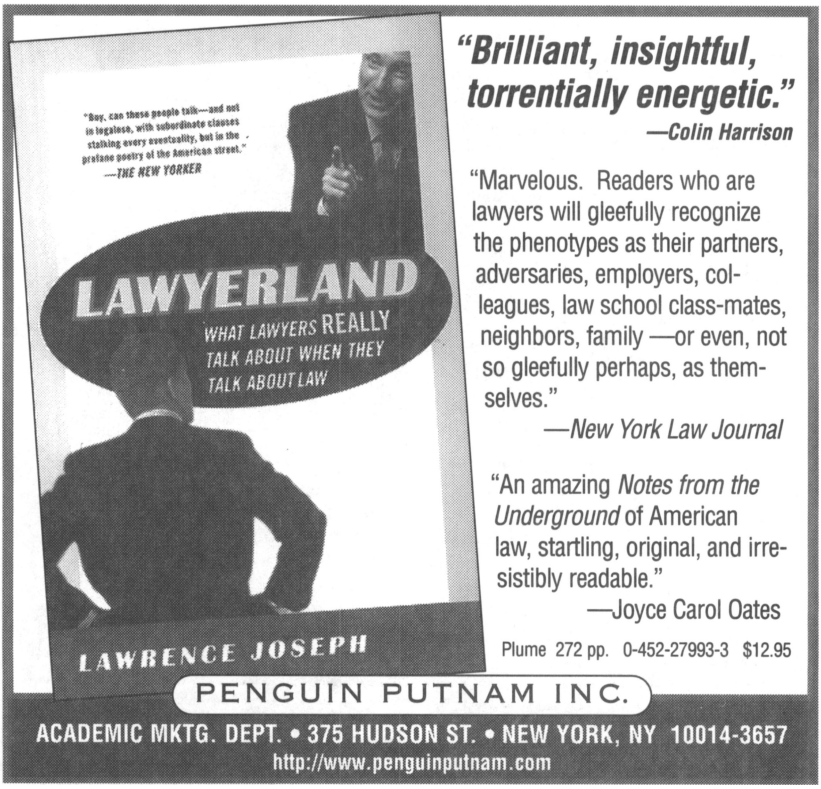
MAY 27 - 30

RENAISSANCE HOTEL, CHICAGO, ILLINOIS

PLEASE PLAN NOW TO ATTEND. TO RECEIVE THE
CALL FOR PAPERS, WRITE TO:
LSA EXECUTIVE OFFICE
HAMPSHIRE HOUSE BOX 33615
UNIVERSITY OF MASSACHUSETTS
AMHERST MA 01003-3615 USA

OR VISIT OUR WEBSITE:

WWW.LAWANDSOCIETY.ORG




https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

## From Savage to Negro

Anthropology and the Construction of Race, 1896-1954

**Lee D. Baker**

Baker explores what racial categories mean to the American public and how these meanings are reinforced by anthropology, popular culture, and the law.

$40.00 cloth, $17.95 paper, illustrated

## American Literary Realism and the Failed Promise of Contract

**Brook Thomas**

"A treasure trove of ideas and information, this erudite work crosses boundaries of law and literature as it traces the meaning and role of contracts in late 19th- and early 20th-century American culture."

—*New York Law Journal*

$18.95 paper

## Strategic Bankruptcy

How Corporations and Creditors Use Chapter 11 to Their Advantage

**Kevin J. Delaney**

*New in paper with a new preface*—"As a study in corporate greed, the uses and cynical misuses of the law for political ends, and the inextricable intertwining of law with history, sociology, economics, and politics, particularly the latter, the book has few equals."

—*Law and Politics Book Review*

$16.95 paper

**Winner, Willard J. Hurst Prize**
*Law and Society Association*

## When Abortion Was a Crime

Women, Medicine, and Law in the United States, 1867–1973

**Leslie J. Reagan**

*New in paper*—"Rich, thought-provoking, and revelatory. . . . Reagan . . . is the first to span the whole period of criminalization and to cover the subject in such depth."—*The Atlantic Monthly*

*Winner, President's Book Award, Social Science History Association; Choice Outstanding Book,* $17.95 paper, illustrated

## Liberty and Sexuality

The Right to Privacy and the Making of *Roe v. Wade*

**David J. Garrow**

*Updated, with a New Epilogue*

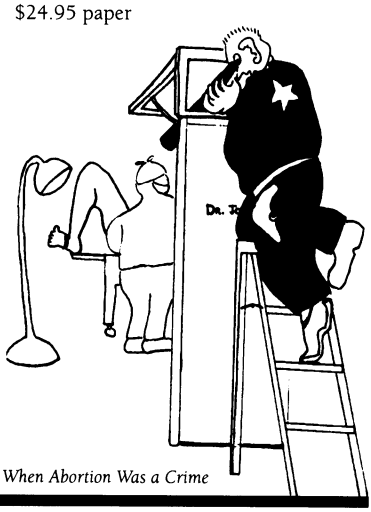
"Monumental . . . insightful . . . the definitive account. . . . [a] landmark book."

—*New York Times Book Review*

"Riveting. . . . A fascinating account of the inner workings of the Court."

—*Journal of American History*

$24.95 paper



Art from *When Abortion Was a Crime*

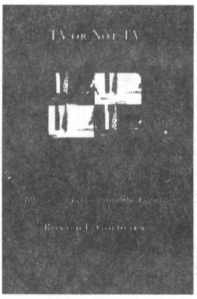
At bookstores or order 1-800-822-6657.

## University of California Press

**www.ucpress.edu**

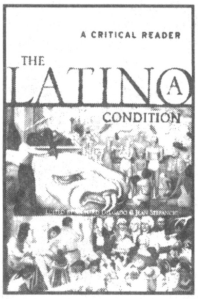

https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

**TV or Not TV**
*Television, Justice, and the Courts*
RONALD GOLDFARB
0-8147-3112-0 / $24.95 CLOTH



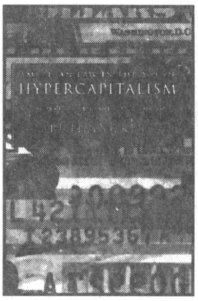
**The Latino/a Condition**
*A Critical Reader*
EDITED BY RICHARD DELGADO
& JEAN STEFANCIC
0-8147-1895-7 / $24.95 PAPER

**The Gender Line**
*Men, Women, and the Law*
NANCY LEVIT
0-8147-5121-0 / $35.00 CLOTH



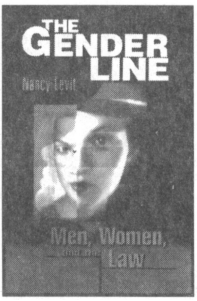

**American Law in the Age of Hypercapitalism**
*The Worker, the Family, and the State*
RUTH COLKER
0-8147-1563-X / $17.50 PAPER

**Heretics in the Temple**
*Americans Who Reject the Nation's Legal Faith*
DAVID RAY PAPKE
0-8147-6632-3 / $35.00 CLOTH




**Constitutional Stupidities, Constitutional Tragedies**
EDITED BY WILLIAM N. ESKRIDGE, JR.,
& SANFORD V. LEVINSON
0-8147-5132-6 / $21.00 PAPER

**Speech Stories**
*How Free Can Speech Be?*
RANDY BEZANSON
0-8147-1321-1 / $17.50 PAPER




**Vichy Law and the Holocaust in France**
RICHARD H. WEISBERG
WITH A FOREWORD
BY MICHAEL R. MARRUS
0-8147-9336-3 / $25.00 PAPER

N Y U P R E S S
1-800-996-6987 www.nyupress.nyu.edu
NYU


https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press

# Law and Society Association

## Officers

**President: David M. Engel**, Law, State University of New York, Buffalo

**President-Elect: Austin Sarat**, Law, Jurisprudence and Social Thought, Amherst College

**Immediate Past President: Carol J. Greenhouse**, Anthropology, Indiana University

**Secretary: Lauren Edelman**, Jurisprudence and Social Policy, University of California, Berkeley

**Treasurer: D. Marie Provine**, Political Science, Syracuse University

**Editors:** *Law & Society Review:* **Susan S. Silbey,** Sociology, Wellesley College; *Book Reviews:* **Nancy Reichman,** Sociology, University of Denver

**Executive Officer: Ronald M. Pipkin,** Legal Studies, University of Massachusetts–Amherst

## Board of Trustees

**Class of 1998**

**Jonathan D. Casper,** Political Science, Northwestern University & American Bar Foundation
**Elizabeth S. Chambliss,** Law, University of Texas–Austin
**Sanford Levinson,** Law, University of Texas–Austin
**Elizabeth Mertz,** Anthropology/Law, Northwestern University & American Bar Foundation
**Michael W. McCann,** Political Science, University of Washington
**Takao Tanase,** Law, Kyoto University
**Louise G. Trubek,** Law, University of Wisconsin–Madison
**Lucie White,** Law, Harvard University

**Class of 1999**

**Roger Cotterrell,** Sociology/Law, QMW, University of London
**Patricia Ewick,** Sociology, Clark University
**Laura Gómez,** Law, University of California, Los Angeles
**Carol A. Heimer,** Sociology, Northwestern University & American Bar Foundation
**Elaine Botelho Junqueira,** Law, Pontificia Universidade Católica do Rio de Janeiro
**Harry N. Scheiber,** History/Law, University of California, Berkeley
**Ronen Shamir,** Sociology, Tel-Aviv University
**Marjorie S. Zatz,** Sociology, Arizona State University

**Class of 2000**

**John Brigham,** Political Science, University of Massachusetts, Amherst
**Kitty Calavita,** Sociology, University of California, Irvine
**Bryant Garth,** Law, American Bar Foundation
**Tracy Meares,** Law, University of Chicago
**Alfonso Morales,** Sociology, University of Arizona
**Robert Nelson,** Law and Sociology, Northwestern University, and American Bar Foundation
**Stuart Scheingold,** Political Science, University of Washington
**Alison Young, Criminology**, University of Melbourne

**Ex officio Trustee**

**Immediate Past Editor:**
**William M. O'Barr,** Cultural Anthropology, Duke University

**Past Presidents:**
**Richard L. Abel,** Law, University of California, Los Angeles
**Harry Ball,** Sociology, University of Hawaii
**Lawrence M. Friedman,** Law, Stanford University
**Marc Galanter,** Law, University of Wisconsin–Madison
**Joel Handler,** Law, University of California, Los Angeles
**Herbert Jacob,** Political Science, Northwestern University
**Charles D. Kelso,** Law, University of the Pacific
**Samuel Krislov,** Political Science, University of Minnesota
**Felice J. Levine,** Sociolegal Studies, American Sociological Association
**Stewart Macaulay,** Law, University of Wisconsin–Madison
**Sally Engle Merry,** Anthropology, Wellesley College
**Victor G. Rosenblum,** Law, Northwestern University
**Richard D. Schwartz,** Law, Syracuse University
**Susan S. Silbey,** Sociology, Wellesley College
**Robert B. Yegge,** Law, University of Denver

https://doi.org/10.1017/S0023921600025433 Published online by Cambridge University Press