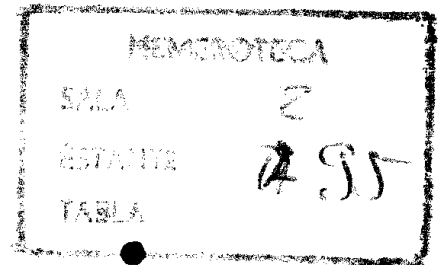


Michigan Law Review



1981 SURVEY OF BOOKS RELATING TO THE LAW

FOREWORD

In Praise of Book Reviews

Francis A. Allen

RESPONSES TO REVIEWS

*Stephen B. Goldberg, Julius G. Getman &
Jeanne M. Brett
G. Edward White*

REVIEWS

Stephen Arons

Merrick Bell

Barbara A. Black

Carol S. Bruch

George C. Christie

William L.F. Felstiner

Henry J. Friendly

David F. Greenberg

Boyd Hawke

Francis G. Jacobs

Alfred S. Konefsky

Wallace D. Loh

Carl McGowan

Alden D. Miller

Norval Morris

William V. O'Brien

Edward Powell

James A. Rahl

Simon Roberts

Stephen J. Schulhofer

Robert A. Sedler

Peter Steinhart

Christina B. Whitman

Sidney Willhelm

Mark G. Yudof

Michigan Law Review

Vol. 79, No. 4

March 1981

CONTENTS

FOREWORD: IN PRAISE OF BOOK REVIEWS *Francis A. Allen* 557

RESPONSES TO REVIEWS

*UNION REPRESENTATION ELECTIONS: LAW AND REALITY: THE
AUTHORS RESPOND TO THE CRITICS* *Stephen B. Goldberg,* 564
Julius G. Getman, and Jeanne M. Brett

TRUTH AND INTERPRETATION IN
LEGAL HISTORY *G. Edward White* 594

BOOK REVIEWS

I. THE JUDICIAL PROCESS

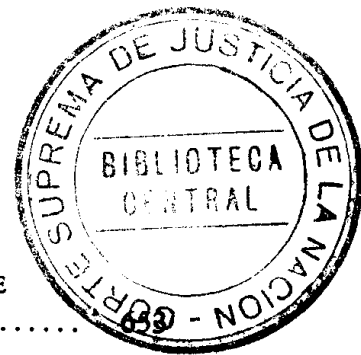
CHOPER: JUDICIAL REVIEW AND THE NATIONAL POLITICAL
PROCESS: A FUNCTIONAL RECONSIDERATION OF THE ROLE OF
THE SUPREME COURT *Carl McGowan* 616

DEVLIN: THE JUDGE *Henry J. Friendly* 634

FRANKEL: PARTISAN JUSTICE *Norval Morris* 642

HALL: THE POLITICS OF JUSTICE: LOWER FEDERAL JUDICIAL
SELECTION AND THE SECOND PARTY SYSTEM, 1829-1861

TACHAU: FEDERAL COURTS IN THE EARLY REPUBLIC: KENTUCKY
1789-1816 *Alfred S. Konefsky* 645



PROVINE: CASE SELECTION IN THE UNITED STATES SUPREME COURT

STEVENS: LAW AND POLITICS: THE HOUSE OF LORDS AS A JUDICIAL BODY, 1800-1976 656

II. LAW, PSYCHOLOGY & ANTHROPOLOGY

YARMEY: THE PSYCHOLOGY OF EYEWITNESS TESTIMONY

LOFTUS: EYEWITNESS TESTIMONY

SAKS & HASTIE: SOCIAL PSYCHOLOGY IN COURT

COHN & UDOLF: THE CRIMINAL JUSTICE SYSTEM AND ITS PSYCHOLOGY *Wallace D. Loh* 659

WALLERSTEIN & KELLY: SURVIVING THE BREAKUP: HOW CHILDREN AND PARENTS COPE WITH DIVORCE . *Carol S. Bruch* 708

BALDWIN & MCCONVILLE: JURY TRIALS *Reid Hastie* 728

GULLIVER: DISPUTES AND NEGOTIATIONS: A CROSS-CULTURAL PERSPECTIVE

NADER & TODD: THE DISPUTING PROCESS — LAW IN TEN SOCIETIES

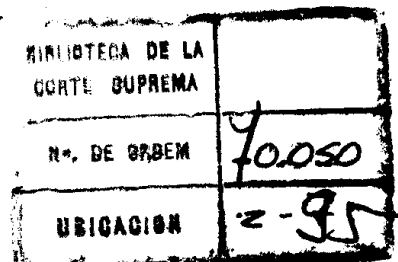
BURMAN & HARRELL-BOND: THE IMPOSITION OF LAW.....*Simon Roberts* 737

GULLIVER: DISPUTES AND NEGOTIATIONS: A CROSS-CULTURAL PERSPECTIVE.....*William L.F. Felstiner* 748

FINGARETTE & HASSE: MENTAL DISABILITIES AND CRIMINAL RESPONSIBILITY 754

STEADMAN: BEATING A RAP? DEFENDANTS FOUND INCOMPETENT TO STAND TRIAL 756

BROMBERG: THE USES OF PSYCHIATRY IN THE LAW: A CLINICAL VIEW OF FORENSIC PSYCHIATRY..... 759

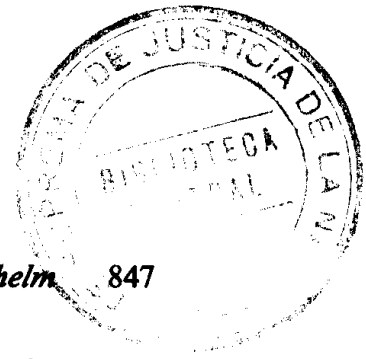


III. LAW, GOVERNMENT & SOCIETY

SHAPO: THE DUTY TO ACT: TORT LAW, POWER & PUBLIC POLICY	
SHAPO: A NATION OF GUINEA PIGS: THE UNKNOWN RISKS OF CHEMICAL TECHNOLOGY	<i>Christina B. Whitman</i> 762
WISE: LEGISLATED LEARNING: THE BUREAUCRATIZATION OF THE AMERICAN CLASSROOM	<i>Mark G. Yudof</i> 774
COONS & SUGARMAN: EDUCATION BY CHOICE: THE CASE FOR FAMILY CONTROL.....	<i>Stephen Arons</i> 792
SAX: MOUNTAINS WITHOUT HANDRAILS: REFLECTIONS ON THE NATIONAL PARKS	<i>Peter Steinhart</i> 802
BREAK: FINANCING GOVERNMENT IN A FEDERAL SYSTEM	809
LIPSKY: STREET-LEVEL BUREAUCRACY: DILEMMAS OF THE INDIVIDUAL IN PUBLIC SERVICES	811
HANDLER, HOLLINGSWORTH & ERLANGER: LAWYERS AND THE PURSUIT OF LEGAL RIGHTS	814
COOK: NUCLEAR POWER AND LEGAL ADVOCACY.....	817
A STUDY GROUP SPONSORED BY THE FORD FOUNDATION AND ADMINISTERED BY RESOURCES FOR THE FUTURE: ENERGY: THE NEXT TWENTY YEARS	820
WEAVER & BABCOCK: CITY ZONING: THE ONCE AND FUTURE FRONTIER	823
MACNEIL: THE NEW SOCIAL CONTRACT: AN INQUIRY INTO MODERN CONTRACTUAL RELATIONS.....	827
BRANDT: A THEORY OF THE GOOD AND THE RIGHT.....	830

IV. DISCRIMINATION

KIRP: DOING GOOD BY DOING LITTLE: RACE AND SCHOOLING IN BRITAIN	<i>Derrick Bell</i> 835
--	-------------------------



BELL: RACE, RACISM AND AMERICAN LAW..... *Sidney Willhelm* 847

KUSHNER: APARTHEID IN AMERICA: A HISTORICAL AND LEGAL ANALYSIS OF CONTEMPORARY RACIAL SEGREGATION IN THE UNITED STATES..... 856

WOLGAST: EQUALITY AND THE RIGHTS OF WOMEN..... 859

HARWELL: A TRUE DELIVERANCE: THE JOAN LITTLE CASE..... 861

V. CRIME & PUNISHMENT

KAMISAR: POLICE INTERROGATION AND CONFESSIONS: ESSAYS IN LAW AND POLICY *Stephen J. Schulhofer* 865

MORRIS & TONRY: CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH, Vol. 1

BITTNER & MESSINGER: CRIMINOLOGY REVIEW YEARBOOK, Vol. 2 *David F. Greenberg* 894

GORECKI: A THEORY OF CRIMINAL JUSTICE

GROSS: A THEORY OF CRIMINAL JUSTICE *Alden D. Miller* 904

ROTHMAN: CONSCIENCE AND CONVENIENCE: THE ASYLUM AND ITS ALTERNATIVES IN PROGRESSIVE AMERICA..... 916

JACOBY: THE AMERICAN PROSECUTOR: A SEARCH FOR IDENTITY..... 919

WALKER: POPULAR JUSTICE: A HISTORY OF AMERICAN CRIMINAL JUSTICE..... 921

KWITNEY: VICIOUS CIRCLES: THE MAFIA IN THE MARKETPLACE 925

VI. LEGAL HISTORY

ATIYAH: THE RISE AND FALL OF FREEDOM OF CONTRACT *Barbara A. Black* 929

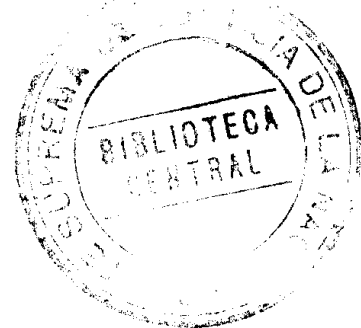
WHITE: TORT LAW IN AMERICA: AN INTELLECTUAL HISTORY.....	<i>George C. Christie</i>	947
GIVEN: SOCIETY AND HOMICIDE IN THIRTEENTH-CENTURY ENGLAND		
HANAWALT: CRIME AND CONFLICT IN ENGLISH COMMUNITIES, 1300-1348.....	<i>Edward Powell</i>	967
NIEMAN: TO SET THE LAW IN MOTION: THE FREEDMAN'S BUREAU AND THE LEGAL RIGHTS OF BLACKS, 1865-1868.....		979

VII. INTERNATIONAL & FOREIGN LAW

HAWK: UNITED STATES, COMMON MARKET AND INTERNATIONAL ANTITRUST: A COMPARATIVE GUIDE	<i>James A. Rahl</i>	982
HOWARD: RESTRAINTS ON WAR: STUDIES IN THE LIMITATION OF ARMED CONFLICT		
FORSYTHE: HUMANITARIAN POLITICS: THE INTERNATIONAL COMMITTEE OF THE RED CROSS.....	<i>William V. O'Brien</i>	991
TAYLOR: WHEN EUROPE SPEAKS WITH ONE VOICE: THE EXTERNAL RELATIONS OF THE EUROPEAN COMMUNITY	<i>Francis G. Jacobs</i>	1010
INGRAHAM: POLITICAL CRIME IN EUROPE: A COMPARATIVE STUDY OF FRANCE, GERMANY, AND ENGLAND		1017

VIII. CASEBOOKS

BARRETT: CONSTITUTIONAL LAW: CASES AND MATERIALS		
BARRON & DIENES: CONSTITUTIONAL LAW: PRINCIPLES AND POLICY		
BREST: THE PROCESS OF CONSTITUTIONAL DECISIONMAKING		
FREUND, SUTHERLAND, HOWE & BROWN: CONSTITUTIONAL LAW — CASES AND OTHER PROBLEMS		
GUNTHER: CONSTITUTIONAL LAW: CASES AND MATERIALS		



KAUPER & BEYTAGH: CONSTITUTIONAL LAW: CASES AND MATERIALS

LOCKHART, KAMISAR & CHOPER: CONSTITUTIONAL LAW: CASES — COMMENTS — QUESTIONS.....*Robert A. Sedler* 1020

INDEX TO BOOK REVIEWS

INDEX TO BOOK REVIEWS IN LEADING LAW REVIEWS..... 1030

The design on the cover is taken from an etching of The University of Michigan Legal Research Building.

Published monthly November, December, January, March, April, May, June, and August at Lincoln, Nebraska. Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521. Second-class postage paid at Ann Arbor, Michigan, and additional mailing offices. (ISSN 0026-2234).

Subscriptions: United States, \$20 per year in advance, eight numbers; Foreign, \$22.

Current Volume: Single Issues, \$3.50 (March 1981 issue \$8.00), postpaid, at Editorial and Business Offices.

Back issues and volumes (before Nov. 1980) available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. It is therefore necessary to ask that subscribers report the nonreceipt of copies within six months of the mailing date.

Editorial and Business Offices:

Michigan Law Review
Hutchins Hall
Ann Arbor, Michigan 48109

We gladly consider unsolicited manuscripts for publication. We regret that we can return only those manuscripts for which we receive postage and handling fees of \$3 for first-class and \$1 for special fourth-class mail.