

**For incisive research on law, legal institutions, and related issues, look to**



## ***The Journal of Legal Studies***

*The Journal of Legal Studies* presents theoretical and empirical research on law and legal institutions. The *Journal* emphasizes the use of social science research techniques to obtain new information about the actual functioning of legal systems. In addition to legal scholars, contributors to *JLS* include political scientists, economists, and sociologists. Because of its broad coverage and range of approaches, *JLS* represents a meeting ground for scholars of different disciplines to examine the full impact of legal institutions. Since its establishment in 1972, the *Journal* has published the work of such notable authors as

Gary Becker  
Jules Coleman  
Robert Cooter  
Patricia Danzon  
Robert Ellickson

Richard Posner  
Alan Schwartz  
Steven Shavell  
Franklin Zimring

Edited by  
Richard A. Epstein and Geoffrey P. Miller

Published semiannually in January and June  
for the University of Chicago Law School  
by The University of Chicago Press

### **Regular One-Year Rates**

Individuals \$25.00; institutions \$37.00; students (with copy of ID) \$15.00. Outside USA add \$5.00 for postage. Two-year subscriptions, as well as a combination subscription to *JLS* and *The Journal of Law & Economics* also available; please write for more information. MasterCard and Visa accepted. To order, send check, purchase order, or complete credit card information to The University of Chicago Press, Dept. S80SA, Journals Division, P.O. Box 37005, Chicago, IL 60637.

# **The Journal of Law & Economics**

*Sharpening your understanding of the relations  
between law, economics, and political science*



Ronald Coase  
Paul Joskow  
Theodore Keeler  
Benjamin Klein  
Frank Mathewson  
Peter Pashigian  
Sam Peltzman  
George Stigler  
Kip Viscusi

*The Journal of Law & Economics* focuses on the influence of regulation and legal institutions on the operation of economic systems. Although typically varied, articles are most often concerned with the behavior of markets and the impact of governmental institutions on markets. As such, the *Journal* provides a basis for an informed discussion of public policy. For more than thirty years, scholars in law, economics, business, and political science have relied on *JLE* for rigorous research results in a wealth of related areas. Over the years, the *Journal* has presented the work of distinguished scholars such as those listed at left.

*Edited by  
William M. Landes, Dennis W. Carlton, Frank H. Easterbrook, and  
Sam Peltzman*

*Published semiannually in April and October  
for the University of Chicago Law School  
by The University of Chicago Press*

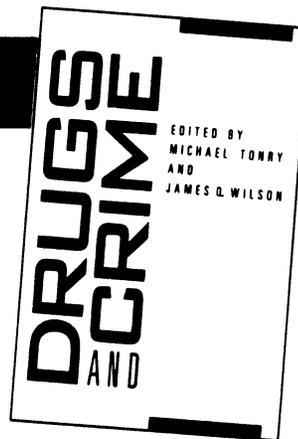
## **Regular One-Year Rates**

Individuals \$25.00; institutions \$37.00; students (with copy of ID) \$15.00. Outside USA add \$5.00 for postage. Two-year subscriptions, as well as a combination subscription to *JLE* and *The Journal of Legal Studies* are also available; please write for more information. MasterCard and Visa accepted. To order, send check, purchase order, or complete credit card information to The University of Chicago Press, Dept. SSOSA, Journals Division, P.O. Box 37005, Chicago, IL 60637.

Paper Edition  
Available May '91

# Drugs and Crime

Edited by Michael Tonry  
and James Q. Wilson



*Drugs and Crime* illuminates the complex relations between drug use and crime and the formidable challenges they pose. Evaluating various public policies of prevention, treatment, and law enforcement, the contributors offer dynamic analyses of what are traditionally (and sometimes ambiguously) seen as supply-reducing and demand-reducing strategies. The authors of these ten commissioned essays show why some popular remedies (such as certain kinds of drug education and efforts to curtail international smuggling) may not be effective. Without proposing magical solutions, they describe the most promising approaches to one of America's worst social problems.

Because of the far-reaching impact of this difficult problem, *Drugs and Crime* will be a welcome review of current research for scholars of public policy, sociology, psychology, criminology, and legal studies.

Research on Drugs and Crime, *Michael Tonry*  
Drug Abuse in the Inner City: Impact on Hard-Drug Users and the Community, *Bruce D. Johnson, Terry Williams, Kojo A. Dei, and Harry Sanabria*  
State and Local Drug Enforcement: In Search of a Strategy, *Mark A. R. Kleiman and Kerry D. Smith*  
Supply Reduction and Drug Law Enforcement, *Mark H. Moore*  
Drugs and Consensual Crimes: Drug Dealing and Prostitution, *Dana E. Hunt*  
Drugs and Predatory Crime, *Jan M. Chaiken and Marcia R. Chaiken*  
Intoxication and Aggression, *Jeffrey Fagan*  
Drug Testing and the Criminal Justice System: Methods, Research, and Applications, *Eric D. Wish and Bernard A. Gropper*  
Treatment of Drug Abuse, *M. Douglas Anglin and Yih-Ing Hser*  
Substance Abuse Prevention: Theory, Practice, and Effectiveness, *Gilbert J. Botvin*  
Drugs and Crime, *James Q. Wilson*

1990 584 pages  
Cloth 0-226-80810-6 \$39.95  
Paper 0-226-80811-4 \$19.95 (Available May 1991)

*Drugs and Crime* is Volume 13 of the *Crime and Justice* series.

Order through your bookstore or directly from  
**The University of Chicago Press**

11030 South Langley Avenue  
Chicago, Illinois 60628

Or call: 1-800-621-2736 In Illinois call: 312-568-1550

11/90

Entering its second century of publication

## *Ethics*

makes you part of a remarkable forum

### with its interdisciplinary approach

An international journal of social, political, and legal philosophy, *Ethics* is devoted to the study of ideas and principles that form the basis for individual and collective action. In each issue, you'll find works from a range of disciplines and intellectual perspectives, focusing on topics in

moral philosophy  
social philosophy  
public policy  
religious ethics

political theory  
philosophy of law  
normative economics  
social and rational choice theory

### with its influential contributors

Continuing a tradition of quality are the *Ethics* contributors whose thought-provoking essays and commentary can stimulate your own research. Recent examples include

Simon Blackburn  
Richard Brandt  
David Braybrooke  
Jon Elster

William Frankena  
Christine M. Korsgaard

David Lyons  
Martha Nussbaum  
Onora O'Neil  
Derek Parfit  
Carole Pateman  
Bernard Williams

### with its thorough coverage

In each volume (approx. 900 pages), *Ethics* brings you the largest reviewing service in the field, with about 200 review essays, survey articles, book reviews, and book notes. Subscribers also receive frequent symposia and special issues with in-depth exploration of such topics as "Norms in Moral and Social Theory," "The Welfare State," "Rawlsian Theory of Justice," and "Feminism and Political Theory."

Enjoy the enduring vitality that marks *Ethics'* second century: subscribe today.

**Edited by Gerald Dworkin**

**Published quarterly by  
The University of Chicago Press**

Regular one-year subscription rates: Institutions \$54.00; Individuals \$28.00; APA Individual Members \$22.50; Students (with copy of ID) \$20.00. Outside USA, please add \$5.00 for postage. Visa and MasterCard payments accepted. To order send check, purchase order, or complete charge card information to The University of Chicago Press, Journals Division, Dept. SS1SA, P.O. Box 37005, Chicago, IL 60637.

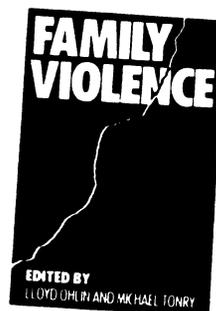
2/91

# Family Violence

Volume 11 of the Crime and Justice series

Volume editors: Lloyd Ohlin and Michael Tonry

Series editors: Michael Tonry and Norval Morris



Increasingly drawing the attention of legislators, sociologists, criminologists, policymakers, and the public at large, family violence is a far-ranging problem that was once tolerated in relative silence. In this climate of increased awareness, just how much do we really know about the actual causes and effective control of violence within families?

**Family Violence** presents a review of current research on the legal, social, and criminological issues surrounding family violence. Providing a comprehensive approach to all areas of family violence (including domestic assault and homicide, marital rape, child abuse, and reprisal), this collection of commissioned essays includes

Family Violence as Crime

*Lloyd Ohlin and Michael Tonry*

Criminal Approaches to Family Violence, 1640 to 1890

*Elizabeth Pleck*

The Explanation of Family Violence: The Role of Biological, Behavioral, and Cultural Selection

*Robert L. Burgess and Patricia Draper*

Family Violence Research Methodology and Design

*Joseph G. Weis*

The Incidence and Prevalence of Violence in Marriage

*Irene Hanson Frieze and Angela Browne*

The Incidence and Prevalence of Child Maltreatment

*James Garbarino*

The Incidence and Prevalence of Criminal Abuse of Other Family Members

*Mildred Daley Pagelow*

Intra-family Violence, and Crime and Violence Outside the Family

*Gerald T. Hotaling, Murray A. Straus, with Alan J. Lincoln*

Cessation of Family Violence: Deterrence and Dissuasion

*Jeffrey Fagan*

Criminal Justice Procedures in Family Violence Crimes

*Delbert S. Elliott*

Treatment Programs for Family Violence

*Daniel G. Saunders and Sandra T. Azar*

Toward a Jurisprudence of Family Violence

*Franklin E. Zimring*

1989 Cloth 595 pp. \$37.50 ISBN: 0-226-80806-8

Paper \$19.95 ISBN: 0-226-80807-6

**The University of Chicago Press**

11030 S. Langley Ave., Chicago, IL 60628

**NEW FROM  
CHICAGO**

## **Law and Public Choice**

*A Critical Introduction*

**Daniel A. Farber and Philip P. Frickey**

The authors present a remarkably rich and accessible introduction to the central principles of public choice and of the implications for the American legal system. They also critique arguments based on public choice for the "new conservative judicial activism."

"A most valuable contribution to a burgeoning literature."—Cass R. Sunstein

**Paper \$13.95 176 pages**  
**10 figures, tables throughout**  
**Library cloth edition \$34.95**

## **Tournament of Lawyers**

*The Transformation of the Big Law Firm*

**Marc Galanter and Thomas Palay**

Galanter and Palay explore how the "promotion-to-partner tournament" has spurred the exponential growth of large law firms and analyze the dangerous turning point to which that very success has inexorably led the profession.

"This is a book whose analysis and conclusion all lawyers—practitioners, teachers, and students alike—have a duty to confront."—Anthony Kronman

**Cloth \$27.50 208 pages**  
**56 graphs, 9 tables**

## **The Scale of Imprisonment**

**Franklin E. Zimring and  
Gordon Hawkins**

Two of the nation's foremost criminal justice scholars offer a comprehensive assessment of the factors behind the overcrowding of American prisons. Their remarkable findings reveal that the growth of prison population has no direct relationship with the factors usually deemed responsible.

"If not crime rates, what has filled our prisons and jails to bursting point? . . . Zimring and Hawkins offer by far the best presently available answer."  
—Norval Morris

**Cloth \$29.95 264 pages**  
**13 tables, 14 figures**  
**Studies in Crime and Justice**

**The University of  
Chicago Press**

5801 South Ellis  
Chicago, IL 60637

# American Bar Foundation

---

## BOARD OF DIRECTORS

---

*President*, Wm. Reece Smith, Jr., of the Florida Bar • *Vice-President*, Robert W. Bennett, Northwestern University School of Law • *Secretary*, Martha L. Minow, Harvard University Law School • *Treasurer*, John L. Carey, of the Indiana Bar

Brooksley Born, of the D.C. Bar • Kenneth J. Burns, Jr., of the Illinois Bar • John C. Deacon, of the Arkansas Bar • Hon. Jerome Farris, United States Court of Appeals, Ninth Circuit • Daniel Gourash, of the Ohio Bar • Harry E. Groves, University of North Carolina School of Law • Robert MacCrate, of the New York Bar • Robert A. Stein, University of Minnesota Law School • Cathy S. Wright, of the Alabama Bar

*ex officio*:

John J. Curtin, Jr., President, American Bar Association • Talbot D'Alemberte, President-Elect, American Bar Association • N. Lee Cooper, Chairman, House of Delegates, American Bar Association • John L. Carey, Treasurer, American Bar Association • Herbert D. Sledd, President, American Bar Endowment • William G. Paul, Chairman, The Fellows of the American Bar Foundation • Charles M. Thompson, Vice-Chairman, The Fellows of the American Bar Foundation • Daniel L. Golden, Secretary, The Fellows of the American Bar Foundation

---

## OFFICERS

---

Bryant G. Garth, *Director*  
Joanne Martin, *Assistant Director*

Anne Tatalovich, *Assistant Director*  
Hayden C. Flor, Jr., *Financial Officer*

---

## RESEARCH FELLOWS

---

Lori B. Andrews, J.D. Yale University  
Ian Ayres, J.D. Yale University; Ph.D. M.I.T.  
Jonathan D. Casper, Ph.D. Yale University  
Stephen Daniels, Ph.D. University of Wisconsin  
Shari S. Diamond, Ph.D. Northwestern University;  
J.D. University of Chicago  
John J. Donohue, J.D. Harvard University;  
Ph.D. Yale University  
William L. F. Felstiner, J.D. Yale University  
Bryant G. Garth, J.D. Stanford University; Ph.D.  
European University Institute  
Janet A. Gilboy, Ph.D. Northwestern University  
Terence C. Halliday, Ph.D. University of Chicago  
John P. Heinz, LL.B. Yale University  
Keith N. Hylton, J.D. Harvard University; Ph.D.  
Massachusetts Institute of Technology

Wayne A. Kerstetter, J.D. University of Chicago  
Karyl A. Kinsey, Ph.D. University of Chicago  
E. Allan Lind, Ph.D. University of North  
Carolina at Chapel Hill  
Arthur F. McEvoy, J.D. Stanford University;  
Ph.D. University of California, San Diego  
Elizabeth Mertz, J.D. Northwestern University;  
Ph.D. Duke University  
Robert L. Nelson, J.D., Ph.D. Northwestern  
University  
Susan P. Shapiro, Ph.D. Yale University  
Peter Siegelman, Ph.D. Yale University  
Kent W. Smith, Ph.D. Harvard University  
Tom Tyler, Ph.D. University of California,  
Los Angeles

---

## VISITING RESEARCH FELLOWS

---

John Braithwaite, Professorial Fellow, Research School of Social Sciences, Australian National University  
John L. Comaroff, Professor of Anthropology and Sociology, University of Chicago  
Sandra Garcia, Professor of Psychology, University of South Florida  
Anne M. O. Griffiths, Lecturer in Scots Law, University of Edinburgh  
Carol A. Heimer, Associate Professor of Sociology, Northwestern University

---

## LIAISON RESEARCH SERVICES PROGRAM

---

Joanne Martin, M.M. Northwestern University, J.D. Loyola University  
Barbara A. Curran, LL.B. University of Connecticut, LL.M. Yale University

# Law & Social Inquiry

Volume 16, Number 2, Spring 1991

## ARTICLES

**An Interpretation of Max Weber's Theory of Law: Metaphysics, Economics, and the Iron Cage of Constitutional Law**

STEPHEN M. FELDMAN

**Legal Rights and Political Realities: Governmental Responses to Homelessness in Britain**

IAN LOVELAND

## REVIEW SECTION SYMPOSIUM

*The Twenty-Fifth Anniversary of *The American Jury**

***The American Jury at Twenty-Five Years***

VALERIE P. HANS and NEIL VIDMAR

**What Books about Juries Reveal about Social Science and Law**

MARIANNE CONSTABLE

## REVIEW ESSAYS

**Feminist Lawyering and Legal Method**

KATHRYN ABRAMS

**Filtering the Study of the Legal Profession through the Lens of Bar Associations**

SAMUEL KRISLOV

## BOOK REVIEW

**Courting Social Science: Chesler, Sanders, and Kalmuss**

PETER W. SPERLICH

## BOOK NOTES