

Volume 25 No. 4 1991

# LAW & SOCIETY REVIEW

The Journal of the Law and Society Association

## ARTICLES

**Malcolm M. Feeley  
& Deborah L. Little**

The Vanishing Female: The Decline of Women in the Criminal Process, 1687–1912

**Robert D. Cooter**

Inventing Market Property: The Land Courts of Papua New Guinea

**Peter J. van Koppen  
& Marijke Malsch**

Defendants and One-Shotters Win After All: Compliance with Court Decisions in Civil Cases

**Jeff T. Casey  
& John T. Scholz**

Beyond Deterrence: Behavioral Decision Theory and Tax Compliance

**Karyl A. Kinsey,  
Harold G. Grasmick,  
& Kent W. Smith**

Framing Justice: Taxpayer Evaluations of Personal Tax Burdens

## RESEARCH NOTE

**Herbert M. Kritzer,  
Neil Vidmar,  
& W. A. Bogart**

To Confront or Not to Confront: Measuring Claiming Rates in Discrimination Grievances

## REVIEW ESSAYS

**Sally Engle Merry**

Law and Colonialism

**Roger Cotterrell**

The Durkheimian Tradition in the Sociology of Law

# LAW & SOCIETY REVIEW

---

## POLICY

The *Law & Society Review* is a peer-reviewed publication for work bearing on the relationship between society and the legal process, including articles or notes of interest to the research community in general, new theoretical developments, results of empirical studies, and comments on the field or its methods of inquiry. The *Review* is broadly interdisciplinary and welcomes work from any tradition of scholarship concerned with the cultural, economic, political, psychological, or social aspects of law and legal systems.

---

## MANUSCRIPT SUBMISSION

**What to submit:** Five copies of the manuscript and an abstract of about 100 words, together with a brief biographical description of the author(s). Manuscripts submitted to the *Review* must not be under consideration by another publication. Manuscripts cannot be returned to authors.

**Manuscript format:** Delete all identifying references from four of the five copies of your manuscript. Text, including footnotes and references, should be double spaced with 1-inch margins. Footnotes, references, tables, and figures should be placed at the end. An abridged style sheet is published from time to time in the *Review*; a full style sheet is available on request.

**Send manuscripts to:**

Frank Munger, General Editor  
Faculty of Law, State University of New York at Buffalo  
Buffalo, NY 14260

**Direct inquiries about book reviews and review essays to:**

Joseph Sanders  
School of Law, University of Houston  
4800 Calhoun, Houston, TX 77204

---

## 1991 FREQUENCY AND SUBSCRIPTIONS

The *Law & Society Review* (ISSN 0023-9216) is published quarterly by the Law and Society Association, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003. Second class postage is paid at Amherst, MA, and additional mailing offices. POSTMASTER: Send address change form 3579 to: *Law & Society Review*, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003.

**Subscriptions** are entered on a volume/calendar year basis. Each volume consists of about 1000 pages (plus index). Nonmember and institutional rates for 1991 one-year subscriptions are \$86.00 (\$91.00 outside USA). For two- and three-year subscription rates or prices of *single copies* of the current and back issues, call or write the Executive Office.

---

## LAW AND SOCIETY ASSOCIATION MEMBERSHIP

Membership in the Association is open to individuals and includes a subscription to the *Review*. Members have the right to reprint articles from the *Review* without charge for classroom use. Annual dues beginning 1992 (*Review* Volume 26) are:

Student (nonvoting)	\$20.00	Contributing	\$ 75.00
Regular	\$60.00	Sustaining	\$150.00

Contributions to the Law and Society Association are tax exempt.

**Direct communications about membership, subscription, back issues, reprint permission, or advertising to:** Executive Office, Hampshire House, University of Massachusetts at Amherst, Amherst, MA 01003. Telephone (413) 545-4617; FAX (413) 545-1640.

---

The *Law & Society Review* gratefully acknowledges the generous assistance of University of Illinois-Chicago and American Bar Foundation in supporting its editorial office.

---

The *Law & Society Review*, its editors, editorial board, and publisher, and the Law and Society Association disclaim responsibility and liability for any statements of fact or opinion made by contributors.

© The Law and Society Association 1991  
All Rights Reserved

# LAW & SOCIETY REVIEW

VOLUME 25, NUMBER 4 / 1991

---

---

## CONTENTS

About the Authors	711
From the Editor	715
<i>Articles</i>	
<b>MALCOLM M. FEELEY and DEBORAH L. LITTLE</b> The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912	719
<b>ROBERT D. COOTER</b> Inventing Market Property: The Land Courts of Papua New Guinea	759
<b>PETER J. VAN KOPPEN and MARIJKE MALSCH</b> Defendants and One-Shotters Win After All: Compliance with Court Decisions in Civil Cases	803
<b>JEFF T. CASEY and JOHN T. SCHOLZ</b> Beyond Deterrence: Behavioral Decision Theory and Tax Compliance	821
<b>KARYL A. KINSEY, HAROLD G. GRASMICK, and KENT W. SMITH</b> Framing Justice: Taxpayer Evaluations of Personal Tax Burdens	845
<i>Research Note</i>	
<b>HERBERT M. KRITZER, NEIL VIDMAR, and W. A. BOGART</b> To Confront or Not to Confront: Measuring Claiming Rates in Discrimination Grievances	875
<i>Review Essays</i>	
<b>SALLY ENGLE MERRY</b> , Law and Colonialism	889
Martin Chanock, <i>Law, Custom, and Social Order</i>	
Sally Falk Moore, <i>Social Facts and Fabrications</i>	
Joan Vincent, <i>Anthropology and Politics</i>	
Peter James Nelligan, "Social Change and Rape Law in Hawaii"	
Robert J. Gordon and Mervyn J. Meggitt, <i>Law and Order in the New Guinea Highlands</i>	
Yash Ghai et al. (eds.), <i>The Political Economy of Law</i>	
Timothy Mitchell, <i>Colonizing Egypt</i>	
Brinkley Messick, <i>The Calligraphic State</i>	
Bernard S. Cohn, "Law and the Colonial State in India" and "The Command of Language and the Language of Command"	

<b>ROGER COTTERRELL, The Durkheimian Tradition in the Sociology of Law</b>	<b>923</b>
<b>Donald Black, <i>Sociological Justice</i></b>	
<b>Frank Pearce, <i>The Radical Durkheim</i></b>	
<b>Jeffrey C. Alexander (ed.), <i>Durkheimian Sociology</i></b>	
<b>Steven Lukes and Andrew Scull (eds.), <i>Durkheim and the Law</i></b>	
<b>Acknowledgments</b>	<b>947</b>
<b>Index to Volume 25</b>	<b>949</b>

# LAW & SOCIETY REVIEW

---

<b>Editor:</b>	Shari Seidman Diamond
<b>Associate Editor:</b>	Jonathan D. Casper
<b>Review Essays Editor:</b>	Joseph Sanders
<b>Editorial Assistant:</b>	Fred Meyer
<b>Production Editor:</b>	Bette H. Sikes

## EDITORIAL ADVISORY BOARD

Richard Berk, University of California, Los Angeles  
Gregory A. Caldeira, Ohio State University  
Bliss C. Cartwright, Pelavin Associates, Washington, DC  
Joe Shelby Cecil, Federal Judicial Center  
Jacqueline Cohen, Carnegie Mellon University  
Jane Collier, Stanford University  
Ellen S. Cohn, University of New Hampshire  
John L. Comaroff, University of Chicago  
James Eisenstein, Pennsylvania State University  
David M. Engel, State University of New York, Buffalo  
William L. F. Felstiner, American Bar Foundation  
Vincenzo Ferrari, University of Bologna  
Marc Galanter, University of Wisconsin, Madison  
James L. Gibson, University of Houston  
Michael R. Gottfredson, University of Arizona  
Carol J. Greenhouse, Cornell University  
Kermit Hall, University of Florida  
V. Lee Hamilton, University of Maryland  
Christine B. Harrington, New York University  
Keith Hawkins, Oxford University  
John P. Heinz, Northwestern University  
Heleen Ietswaart, Erasmus University  
Ronald Kahn, Oberlin College  
Steven Klepper, Carnegie-Mellon University  
Lewis A. Kornhauser, New York University  
Colin Loftin, University of Maryland  
Bruce H. Mann, University of Pennsylvania  
Inga Markovits, University of Texas  
Lynn M. Mather, Dartmouth College  
Joan McCord, Temple University  
Carrie Menkel-Meadow, University of California, Los Angeles  
Sally Engle Merry, Wellesley College  
Setsuo Miyazawa, Kobe University  
Eric H. Monkkonen, University of California, Los Angeles  
Frank Munger, State University of New York, Buffalo  
John F. Padgett, University of Chicago  
Raymond Paternoster, University of Maryland  
Daniel Rubinfeld, University of California, Berkeley  
Takao Tanase, Kyoto University  
Tom R. Tyler, Northwestern University  
Barbara Yngvesson, Hampshire College  
Franklin E. Zimring, University of California, Berkeley