

# LAW AND SOCIETY: A Selected Bibliography

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\* The compiling editors wish to express their gratitude to Mary H. Grossman and Frederick Kramer for aid in compiling the bibliography.

**EDITOR'S NOTE:** *Beginning with this issue, the Law and Society Review presents a selected bibliography of materials relevant to the relationship*

I. ARTICLES

(1) RESPONSE TO JUDICIAL DECISIONS

BIRKBY, ROBERT H. "The Supreme Court and the Bible Belt: Tennessee Reaction to the 'Schempp' Decision," *Mdwst J of Pol Sci*, Vol. 10, No. 3 (August, 1966).

Questionnaires to school boards in Tennessee. Differences in changing and non-changing school districts not related to degree of urbanization, religious pluralism, articulate opposition of differences in socio-economic composition of boards. Suggests may be due to differences in perceptions of court and willingness to accept procedural change to save substance.

DOLBEARE, KENNETH M. "The Public Views the Supreme Court," in Jacob, Herbert (ed.), *Law, Politics and the Federal Courts* (1967).

Uses survey data from Wisconsin, Michigan Survey Research Center and Gallup polls to analyze the public's view of the nature and function of the Supreme Court.

JOHNSON, RICHARD M. "Compliance and Supreme Court Decision-Making," *Wis L R*, Vol. 1967, No. 1 (Winter, 1967).

Exploration of the impact of the Supreme Court's ban on prayers in the public schools in a small midwestern city. Through interviews and questionnaires, the author describes why the school superintendent's decision to comply with the ban was effective.

NAGEL, STUART, and ERIKSON, ROBERT. "Editorial Reaction to Supreme Court Decisions on Church and State," *Pub Opin Q*, Vol. 30 (Winter, 1966-1967).

The article presents and analyzes data on the reactions of newspaper editorials to the Supreme Court's prayer, Bible-reading, and religious released time decisions. The data consist of editorials in twenty-four large city newspapers relating to each of the decisions analyzed.

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*of law and the social sciences. The bibliography will appear twice each year, in the summer and winter issues. The editors invite comments on the style or substance of the bibliography, and particularly urge that readers bring to their attention books or articles which have not been cited or journals which have not been checked. A list of journals included in the compilation appears at the conclusion of the bibliography.*

(2) JUDICIAL ADMINISTRATION

LORCH, ROBERT S. "The Administrative Court Idea Before Congress," *Wstrn Pol Q*, Vol. 20 (March, 1967).

Historical review of legislation for administrative court system. Shows need for it by review of specialized courts and concludes it will come about through evolutionary process rather than all at once.

MILLER, RICHARD. "A Program for the Elimination of the Hardships of Litigation Delay," *Ohio St L J*, Vol. 27, No. 3 (Summer, 1966).

Discusses inability of litigants to obtain swift justice, causes and effects of court delay. Suggests program of specific reform.

SUTTON, R. J. "The English Law Commission: A New Philosophy of Law Reform," *Vndrblt L R*, Vol. 20, No. 5 (October, 1967).

Discusses English Law Commission in effort to present constructive suggestions for effective law revision programs for older jurisdictions.

(3) JUDICIAL SELECTION AND EDUCATION

CHASE, HAROLD. "Federal Judges: The Appointing Process," *Minn L R*, Vol. 51, No. 2 (December, 1966).

Examines the various factors which interact in the process of appointing federal judges. After exploring the background of law and custom underlying the process, he presents examples of various pressures at work and examines the interplay of forces.

GOLDMAN, SHELDON. "Judicial Appointments to the United States Courts of Appeals," *Wis L R*, Vol. 1967, No. 1 (Winter, 1967).

Utilizing interviews with members of the Department of Justice and files of that Department, the author describes the process by which judges of the courts of appeals are selected. He concludes that the appointment process is a highly complex series of negotiations which usually results in the selection of politically active judges and lawyers.

JACOB, HERBERT. "Judicial Insulation—Elections, Direct Participation, and Public Attention to the Courts in Wisconsin," *Wis L R*, Vol. 1966, No. 3 (Summer, 1966).

Examines competition, tenure and selected background characteristics of Wisconsin's elective judges and district attorneys for the period 1940-

1963 and the degree of public participation in these elections and in the litigation process—the latter, using survey data from a 1963 state-wide sample. Finds electoral defeat is infrequent for judges and DA's and that direct public participation is generally ineffective.

KARLEN, DELMAR. "Judicial Education," *Amer Bar Assoc J*, Vol. 52, No. 11 (November, 1966).

During the last ten years, various programs have been designed for the continuing education of judges. Mr. Karlen describes these programs, national and local, and emphasizes the need for their further development, particularly for judges of lower courts.

LADINSKY, JACK, and GROSSMAN, JOEL B. "Organizational Consequences of Professional Consensus: Lawyers and Selection of Judges," *Adm Sci Q*, Vol. 2, No. 1 (June, 1966).

Examines the organizational conditions that legitimate the public policy actions of a professional association in the eyes of its members. Concludes that neither functional nor process models of the profession are adequate to explain the internal foundation for the development of professional policy.

LADINSKY, JACK, and SILVER, ALLAN. "Popular Democracy and Judicial Independence: Electorate and Elite Reactions to Two Wisconsin Supreme Court Elections," *Wis L R*, Vol. 1967, No. 1 (Winter, 1967).

First report of a study of two state supreme court elections, based on interviews with all participants and a sample survey of the Wisconsin electorate. The data underscore the apathy of the electorate and its relationship to the idea of judicial independence.

WATSON, RICHARD A. "Lawyers' Attitudes on Judicial Selection," *Amer J of Soc*, Vol. 72, No. 4 (January, 1967).

Studies of attitudes of Kansas City and St. Louis lawyers toward non-partisan judicial selection.

WATSON, RICHARD A., DOWNING, RONALD G., and SPIEGEL, FREDERICK C. "Bar Politics, Judicial Selection and the Representation of Social Interests," *Amer Pol Sci R*, Vol. 61, No. 1 (March, 1967).

Describes the "Missouri Plan" of judicial selection in operation. Finds that far from "taking judicial selection out of politics," the Missouri Plan merely spawned a party subsystem similar in the interests represented to the general party system.

(4) JUDICIAL BEHAVIOR

BARKER, LUCIUS J. "Third Parties in Litigation: A Systemic View of the Judicial Function," *J of Pol*, Vol. 29, No. 1 (February, 1967).

A study of the ways in which third parties sponsor litigation before the United States Supreme Court. Third parties include not only private interest groups, but the Solicitor General and other governmental agencies as well.

BECKER, THEODORE L. "A Survey Study of Hawaiian Judges: The Effect on Decisions of Judicial Role Variations," *Amer Pol Sci R*, Vol. 60, No. 3 (September, 1966).

The author argues that survey techniques and interviews are appropriate and possible with judges. Using those techniques, he reports interviews with Hawaiian judges on their role perceptions and orientations.

———. "Judicial Structure and Its Political Functioning in Society: New Approaches to Teaching and Research in Public Law," *J of Pol*, Vol. 29, No. 2 (May, 1967).

An exploration of the use of structural-functional concepts in the analysis of judicial behavior.

BECKJORD, WALTER E. "Judges and Policy Making," *Amer Bar Assoc J*, Vol. 52, No. 9 (September, 1966).

Federal judges have served in various extrajudicial roles in policy-making. Mr. Beckjord points out some have been advisers to the executive branch, and some have been members of boards and commissions while retaining judicial office. The author contends that these roles violate the principles of separation and balance of powers and involve the principle of a fair hearing.

DANELSKI, DAVID J. "Conflict and Its Resolution in the Supreme Court," *J of Confl Res*, Vol. 11, No. 1 (March, 1967).

Presents hypotheses for future study of conflict in the court. Contends that a large degree of conflict is based on the type of cases that come to the court. He also sees as sources of disparity the justices' values, role conceptions and personalities.

FAIR, DARYL R. "An Experimental Application of Scalogram Analysis to State Supreme Court Decisions," *Wis L R*, Vol. 1967, No. 2 (Spring, 1967).

Application of scalogram analysis to Pennsylvania Supreme Court. Concludes scalogram can be used as effectively in states as in Supreme Court.

GROSSMAN, JOEL B. "Social Backgrounds and Judicial Decisions: Notes for a Theory," *J of Pol*, Vol. 29, No. 2 (May, 1967).

A critique of judicial backgrounds studies. The author suggests new ways of handling the concepts of "conversion, consensus, and rationality" in hypothesizing relationships between background experiences and decisional behavior.

HAKMAN, NATHAN. "Lobbying the Supreme Court—An Appraisal of Political Science Folklore," *Fordham L R*, Vol. 35, No. 1 (October, 1966).

Contends that the actual judicial process appears to be a close approximation of the traditional legal model in which judicial policy-making emerges through ad hoc private controversies. He contends that organized interests play little if any part in Supreme Court decision-making.

HARRIS, ALLEN. "Judicial Decision-Making and Computers," *Villanova L R*, Vol. 12, No. 2 (Winter, 1967).

A summary of various computer projects designed to retrieve legal data for the purpose of studying judicial decision-making. The author analyzes and criticizes several contemporary decision-making studies.

KOMMERS, DONALD P. "Professor Kurland, the Supreme Court, and Political Science," *J of Pub L*, Vol. 15, No. 2 (1967).

Deplores recent attacks on the Supreme Court because of its allegedly undemocratic features. Calls for a new theoretical framework which would clarify the Court's role in the political system, and suggests that "functionalism" offers the best chance of understanding why particular interests gain access to the Court.

MASON, ALPHEUS THOMAS. "Understanding the Warren Court: Judicial Self-Restraint and Judicial Duty," *Pol Sci Q*, Vol. 81, No. 4 (December, 1966).

The author compares the Marshall and Warren courts as creative forces in American life. He contends that two basic issues divide the Warren court: (1) the relative claims of the Bill of Rights, and (2) federalism and separation of powers.

LAW AND SOCIETY: A SELECTED BIBLIOGRAPHY

SCHUBERT, GLENDON A. "Academic Ideology and the Study of Adjudication," *Amer Pol Sci R*, Vol. 61, No. 1 (March, 1967).

A study of the attitudinal relationships and approaches of thirty-two political science professors who teach and write in the area of Public Law. The study finds that there are three ideological groupings—"behavioral," "conventional," and "traditional"—and that there was a close correspondence between persons' self-perceptions and their perceptions of the ideological perceptions of their brethren.

———. "Ideologies and Attitudes, Academic and Judicial," *J of Pol*, Vol. 29, No. 1 (February, 1967).

The author responds to numerous criticisms of his studies of judicial decision-making, and observes that such criticism seems to be a function of the academic ideology of the critic—traditional, conventional, or behavioral. He calls for continued interchange of ideas across ideological boundaries.

SMITH, ALEXANDER B., and BLUMBERG, ABRAHAM S. "The Problem of Objectivity in Judicial Decision-Making," *Soc For*, Vol. 46, No. 1 (September 1967).

Suggests studying judicial decision-maker in context of organizational environments. Discerns six judicial role patterns: intellectual-scholar, routineer-hack, political adventurer-careerist, judicial pensioner, hatchet man, tyrant-showboat-benevolent despot.

Symposium: "Social Science Approaches to the Judicial Process," *Har L R*, Vol. 79, No. 8 (June, 1966).

Explication and critiques of different methods and theories of analyzing judicial behavior, including analysis of social backgrounds, small group theory, cumulative scaling, and attempts at predicting judicial behavior.

GROSSMAN, JOEL B. "Social Backgrounds and Judicial Decision-Making."

MURPHY, WALTER F. "Courts as Small Groups."

TANENHAUS, JOSEPH. "The Cumulative Scaling of Judicial Decisions."

KRISLOV, SAMUEL. "Theoretical Attempts at Predicting Judicial Behavior."

KORT, FRED. "Quantitative Analysis of Fact-Patterns in Cases and Their Impact on Judicial Decisions."

ULMER, S. SIDNEY. "Pairwise Association of Judges and Legislators: Further Reflections," *Mdwst J of Pol Sci*, Vol. 11, No. 1 (February, 1967).

Discussion of the virtues of two methods and "theories" of measuring agreement among judges or legislators.

———. "Sub-group Formation in the Constitutional Convention," *Mdwst J of Pol Sci*, Vol. 10, No. 3 (August, 1966).

Focuses on voting patterns of the Constitutional Convention in an attempt to determine whether voting blocs existed, and if they did, their composition. By the use of factor analysis and 421 roll call votes taken at the convention, the voting blocs that appear are seen to be the result of geographical factors. Concludes that while geographical contiguousness was not the sole determinant, that it definitely was a primary factor and should be considered when other variables are explored.

WELLS, RICHARD S., and GROSSMAN, JOEL B. "The Concept of Judicial Policy-Making: A Critique," *J of Pub L*, Vol. 15, No. 2 (Winter, 1966-1967).

The authors argue that current operating conceptions of judicial policy-making are confusing and inadequate, and that behavioral research in the judicial process must expand to include policy dimensions.

##### (5) COMPUTERS, MATH MODELS AND THE LAW

KAYTON, IRVING. "Retrieving Case Law by Computer: Fact, Fiction and Future," *Geo Wash L R*, Vol. 35, No. 1 (October, 1966).

An essay on the problems of programming computers to understand legal language and terminology. The author urges greater care by lawyers to ensure that computers will serve—and not dominate and distort—the law.

KLEIN, WILLIAM A. "The Incidence of the Corporation Income Tax: A Lawyer's View of a Problem in Economics," *Wis L R*, Vol. 1965, No. 3 (Summer, 1965).

Review and evaluation of the more important concepts and writings on the subject. Concludes that modern computer techniques offer some hope of solution to the problem of corporate tax incidence, but that up to the present time, divergencies between reality and a conceptually manageable model have been so great as to require the conclusion that the tax's incidence is wholly uncertain.



## LAW AND SOCIETY: A SELECTED BIBLIOGRAPHY

LANDES, MICHAEL S. "Project: Automated Legal Research," *Amer Bar Assoc J*, Vol. 52, No. 9 (September, 1966).

Electronic data retrieval machines can work, and work at incredible speed, Mr. Landes points out, but they can only accomplish that which human beings have programmed them to do. The author describes how data retrieval machines may help the lawyer, and outlines programming systems.

MERMIN, SAMUEL. "Computers, Law and Justice: An Introductory Lecture," *Wis L R*, Vol. 1967, No. 1 (Winter, 1967).

Discusses several areas in which computers will and are presently affecting the legal profession and the study of judicial decision-making. The article recognizes the importance of prediction to the practicing lawyer, but doubts that the complexities of the judicial process could ever be reduced to computer language.

WOLFGANG, MARVIN, and SMITH, HARVEY A. "Mathematical Methods in Criminology," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

Utilizing interdisciplinary teams of operations analysts working with mathematical techniques, including mathematical modeling, mathematical programming, game theory, etc., may help to improve the operations of various crime control activities. Some illustrations from these techniques applied to criminological problems are provided.

### (6) LAWYERS, LEGAL EDUCATION, LEGAL PROFESSION

CANTOR, DANIEL J. "Economic Targets for Lawyers," *Amer Bar Assoc J*, Vol. 52, No. 9 (September, 1966).

Recent surveys of the economic status of lawyers suggest that the attention the bar associations and individual lawyers have given to improving the profession's office practices and management have borne fruit. Mr. Cantor, while noting that there is still a long way to go in basic improvements in income, poses the next challenge—specific economic targets of income.

COHEN, HARRY. "Pluralism in the American Legal Profession," *Ala L R*, Vol. 19, No. 2 (Spring, 1967).

Discussion of three problems of the legal profession: (a) the offering of legal-type services by laymen, (b) determination of adherence to and

enforcement of meaningful ethical norms, and (c) education of law students and lawyers as to professional values and standards.

GARRATY, RAYMOND F. "Recruiting Attorneys," *Amer Bar Assoc J*, Vol. 53, No. 2 (February, 1967).

The highly competitive recruitment procedures of large law firms and corporations result in a "mad scramble for legal talent" that too often favors the elite of law schools' graduating classes, unfairly ignoring the majority of capable, average students. Mr. Garraty deplors this practice and calls for individual action by lawyers to correct it.

HURST, WILLARD. "The Legal Profession," *Wis L R*, Vol. 1966, No. 4 (Fall, 1966).

An essay on the development of lawyers' roles in the economic and social systems.

LADINSKY, JACK. "Higher Education and Work Achievement Among Lawyers," *Sociol Q*, Vol. 8, No. 2 (Spring, 1967).

Probes into cause and effect relationships of advanced education to other more ascriptive social factors. Studies professional and preprofessional education in work life of urban lawyers.

———. "Occupational Determinants of Geographic Mobility Among Professional Workers," *Amer Soc R*, Vol. 32, No. 2 (April, 1967).

Based on 1960 census, concludes (1) professions that require heavy investments in capital equipment and close cultivation of clientele have low migration rates; (2) salaried professionals in short organizational hierarchies, low ratios of managers to managed, and decentralized work units have high migration rates; (3) salaried professionals with unstandardized work conditions, no state licensing and strong occupational community network have high long-distance migration rates; and (4) salaried workers in highly professional occupations move in national and regional rather than local labor markets.

Legal Ethics: A Symposium. *Ala L R*, Vol. 19, No. 2 (Spring, 1967).

COLEMAN, WILLIAM D. "Advertising by Bar Associations, Standards, Beneficial Results."

RANKIN, ALLEN C. III. "The Ethical Duty of the Lawyer to an Unpopular Client."

WALTHALL, ROBERT C. "The Propriety of the Lawyer's Independent Business Practice and, in Particular, as a CPA."

NEWMAN, RAYMOND F. "Privacy and the Privilege to Practice Law."

NUTTING, CHARLES B. "The Emerging Lawyer and Legal Education," *Amer U L R*, Vol. 16, No. 1 (December, 1966).

To meet the needs of a changing society and profession, the author urges that legal education include the experimental programs encouraged by the Association of American Law Schools. Feels graduate courses in law school should be included, as well as interdisciplinary research programs. Care should be taken to ensure that only "experts" conduct this type of program.

PINCUS, WILLIAM. "Reforming Legal Education," *Amer Bar Assoc J*, Vol. 53, No. 5 (May, 1967).

The author proposes revisions in the traditional legal education system that will reflect the complex needs of modern society. He states that legal education is so concerned with "professionalism" that it disregards the basic responsibility of a profession—service to the people.

RUCHELMAN, LEONARD. "Lawyers in the New York State Legislature: The Urban Factor," *Mdwst J of Pol Sci*, Vol. 11, No. 4 (November, 1966).

Study of the backgrounds of lawyer and non-lawyer members of the New York State legislature. Finds that the cultural and political features of urban life promote the political careers of lawyers more than other occupational groups.

SMITH, CULLEN, and CLIFTON, N.S. "Income of Lawyers, 1962-1963," *Amer Bar Assoc J*, Vol. 52, No. 11 (November, 1966).

In this article the authors present the latest statistics on the income of lawyers in the United States, based on figures assembled by the Internal Revenue Service.

Symposium on Jurisprudence. Focus: The Lawyer. *U of Fla L R*, Vol. 19, No. 3 (1967).

STONE, JULIUS. "Introduction."

JENKINS, IREDELL. "Theory and Practice in Law."

COWAN, THOMAS A. "A Working Model for Jurisprudential Investigation: On the Lawyer as an Emerging Force in Modern Jurisprudence."

PROBERT, WALTER, and BROWN, LOUIS M. "Theories and Practices in the Legal Profession."

LASSWELL, HAROLD M., and BROWN, LOUIS M. "Jurisprudence in Policy-Oriented Perspective."

MILLER, ARTHUR S. "Public Law and the Obsolescence of the Lawyer."

LOEVINGER, LEE. "Law and Science as Rival Systems."

KELSO, CHARLES D. "Steps Toward a Lawyer-Oriented Jurisprudence."

WILENSKY, HAROLD L., and LADINSKY, JACK. "From Religious Community to Occupational Group: Structural Assimilation Among Professors, Lawyers and Engineers," *Amer Soc R*, Vol. 32, No. 4 (August, 1967).

Analyzes relative strength of occupational, corporate and religious "communities" and relations to one another. Reinforces classical theories that modernization fosters secularism.

YEGGE, ROBERT B. "American Lawyer, 1976: A Clouded Crystal Ball," *Amer Bar Assoc J*, Vol. 52, No. 8 (August, 1966).

Because of the advance of technology, certain inevitable changes are taking place in our traditional legal system, resulting in an increase in specialization. Mr. Yegge draws a new pattern for the professional lives of lawyers by projecting the effects of these changes in the year 1976.

ZELAN, JOSEPH. "Social Origins and the Recruitment of American Lawyers," *Br J of Soc*, Vol. 18, No. 1 (March, 1967).

NORC sample of United States seniors planning a legal career shows relationships between social background and stages of career choice—"original," "retention" and "recruitment." Concludes only parental occupation has predictive value.

## (7) PENOLOGY AND CRIME PREVENTION

CHAMBLISS, WILLIAM J. "Types of Deviance and the Effectiveness of Legal Sanctions," *Wis L R*, Vol. 1967, No. 3 (Summer, 1967).

Concludes legal system punishes most severely those least deterrable and least those most deterrable.

CHRISTIE, NILS. "Research Methods in Crime Prevention," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

Distinguishes between USA and Europe. Identifies major problems as research design, stimuli, and criteria for effect. Concludes with section on social forces behind preventive research.

FERDINAND, THEODORE N. "The Criminal Patterns of Boston Since 1849," *Amer J of Soc*, Vol. 73, No. 1 (July, 1967).

Shows downward tendency in six out of seven major crimes. Three factors affect: (1) attitude and policy of police, (2) national events like wars and economic depressions, and (3) structural changes accompanying urbanization.

GIALLOMBARDO, ROSE. "Interviewing in the Prison Community," *J of Crim L, Criminol & Police Sci*, Vol. 57, No. 3 (September, 1966).

Discussion of specific methods and techniques of obtaining data in prison community where caste system poses problems. Success depends on extent to which inmates and staff develop confidence in researcher, and inmates' perception of researcher's interaction with staff members.

ROBIN, GERALD D. "The Corporate and Judicial Disposition of Employee Thieves," *Wis L R*, Vol. 1967, No. 3 (Summer, 1967).

Study of department store dispositions of employees who violated a financial trust by committing a crime. Concludes with observations upon integration of private and official conceptions of justice.

WELLFORD, CHARLES. "Factors Associated with Adoption of the Inmate Code: A Study of Normative Socialization," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 2 (June, 1967).

Describes interrelationships between prisonization, length of sentence, and criminal social type. Concludes linear and deprivational models not adequate and more integrative approach needed.

WILKINS, LESLIE. "Persistent Offenders and Preventive Detention," *J of Crim L, Criminol & Police Sci*, Vol. 57, No. 3 (September, 1966).

Consideration of English experience with habitual offenders with emphasis on 1948 legislature change. Suggests preventive detention used for persistent nuisances and dangerous offenders, and former might better be dealt with by new form of practical workshop.

WILLIAMS, J. E. HALL. "Evaluating Penal Methods," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

Describes efforts of penal administrators and research workers to assess methods of treatment of offenders after convictions under six headings: bare reconstructions, follow-up method, particular types of offense or offenders, particular types of disposition, comparative types of disposition, and experimental research studies.

(8) POLICE ADMINISTRATION AND CRIMINAL JUSTICE

BARKER, B. M. "Police Discretion and the Principle of Legality," *Crim L Q*, Vol. 8, No. 4 (July, 1966).

The author discusses two forms of police discretion: failure to initiate the process of criminal law and the imposition of a form of punishment and/or treatment for which there is no legal sanction. Pointing out that the complete elimination of such discretion is impossible, he contends that at the very least, methods must be devised to hold the two forms of discretion up to public scrutiny.

BAZELON, DAVID. "The Relation between Criminal and Social Justice," *Israel L R*, Vol. 1, No. 4 (October, 1966).

Feels that rules of procedure should be structured to combat alienation of deprived groups because rules of procedure are important means of giving self-respect and positive sense of social identity to these groups, and are important means of guiding the attitude of the rest of society toward these groups.

BITTNER, EGON. "Police Discretion in Emergency Apprehension of Mentally Ill Persons," *Soc Prob*, Vol. 14, No. 3 (Winter, 1967).

Contends that the decision to invoke the law governing the emergency apprehension is not based on an appraisal of objective features of cases, but rather that the decision is a residual resource, the use of which is determined largely by the absence of other alternatives. The domain of alternatives is found in normal peace-keeping activities in which considerations of legality play a decidedly subordinate role.

BORDUA, DAVID J., and REISS, ALBERT J., JR. "Command, Control and Charisma: Reflections on Police Bureaucracy," *Amer J of Soc*, Vol. 72, No. 1 (July, 1966).

Examines several features of American police systems that account for some variation and change in command structures and the personal charisma of the chief. Ways that the bureaucratization of the police have

served to commit officers to an occupational organization, to an occupational community and the norms of subordination and service in such a way that these commitments take precedence over extra-occupational ones are also examined. The significance of status, honor, and occupational prestige for the American police is described in this context.

CAPLAN, GERALD M. "The Police Legal Advisor," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 3 (September, 1967).

Discusses duties, responsibilities and uses of legal advisers by police departments.

GOLDSTEIN, HERMAN. "Administrative Problems in Controlling the Exercise of Police Authority," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 2 (June, 1967).

Concludes that improved control over police conduct is primarily dependent upon willingness of a police administrator to exert tighter and more effective controls over his personnel.

HOOVER, JOHN EDGAR. "Law Enforcement States Its Views," *Villanova L R*, Vol. 12, No. 3 (Spring, 1966).

A critique of court-imposed limitations on the police, and a plea for greater freedom and respect for law enforcement authorities. The author emphasizes the growing crime rate, and castigates those who practice "civil disobedience" for showing a basic disrespect for the law.

HOTZ, HARTMAN. "The Burden of Proof of Insanity as a Defense in Arkansas," *Ark L R*, Vol. 20, No. 2 (Summer, 1966).

Arkansas employs the "preponderance of evidence rule" in sanity cases which requires the defendant to establish his incapacity to the judge or jury. The author pleads for research and thought by scholars in order to establish an equitable method of deriving an adequate test for the problem.

"Illinois Criminal Procedure: A Symposium," *Ill L For*, Vol. 1966, No. 3 (Fall, 1966).

A symposium on the roles of the prosecutor in plea bargaining and charging suspects, the role of the judge in sentencing, the problem of post-conviction remedies, and difficulties in providing for the needs of indigent accused.

KUH, RICHARD A. "Plea Copping," *Bar Bull*, Vol. 24, No. 4 (1967).

Discussion of effect of permitting those arrested to plead guilty to lesser charges than those on which they were arrested.

LIVERMORE, JOSEPH M., and MEEHL, PAUL E. "The Virtues of M'Naghten," *Minn L R*, Vol. 51, No. 5 (April, 1967).

Examines utility of M'Naghten rule through case studies. Concludes that it is sounder than newer tests.

LUKOWSKY, ROBERT O. "The Constitutional Rights of Litigants to Have the State Trial Judge Comment Upon Evidence," *Ky L J*, Vol. 55, No. 1 (1967).

Criticizes the rule prohibiting the judge from commenting on the evidence and refers to arguments supporting this position. After tracing the evolution of the restriction in Kentucky, he urges the court of appeals to recognize a constitutional right of litigants to have such comment by the judge.

MCDONALD, BRUCE C. "Use of Force by Police to Effect Lawful Arrest," *Crim L Q*, Vol. 9, No. 4 (July, 1967).

Discusses Canadian case law concerning use of force by police in making arrests.

MORRISSEY, FRANCIS B. "Escobedo's European Ancestors," *Amer Bar Assoc J*, Vol. 52, No. 9 (September, 1966).

Mr. Morrissey considers the requirements of the *Escobedo* case against the background of the French Ordinance of 1670 and the illustration of the inquisitorial system of criminal procedure afforded by three celebrated murder trials—two Italian and one French. The Continental system focuses on making the criminal trial efficient, while the ancestry of our procedure emphasizes protections and safeguards for the accused.

NELSON, HAROLD A. "The Defenders: A Case Study of an Informal Police Organization," *Soc Prob*, Vol. 15, No. 2 (Fall, 1967).

Concerned with efforts of Negroes in southern community to establish informal police organization to provide services to Negroes and challenge mores.

PACKER, HERBERT L. "The Courts, the Police and the Rest of Us," *J of Crim L, Criminol & Police Sci*, Vol. 57, No. 3 (September, 1966).

Contends that it is within the self-interest of the police to accept the idea of civilian review boards. This strategy will benefit the police by



improving image, relaxing suspicion, and perhaps assuring the courts that police discretion is acceptable.

———. "Who Can Police the Police?" *N Y Rev of Books*, Vol. 7, No. 3 (September 8, 1966).

Discusses the many-faceted problem of making the police responsive to the demands of libertarian values while preserving their authority of investigation and control in the light of the *Miranda* decisions.

PENEGAR, KENNETH L. "The Emerging 'Right to Treatment'—Elaborating the Processes of Decision in Sanctioning Systems of the Criminal Law," *Den L J*, Vol. 44, No. 2 (Spring, 1967).

Points out shift from deterrence and punishment to rehabilitation. Suggests more judicial involvement for appraising system to meet goal of protection of society and promotion of human dignity.

Police and the Community. *Issues in Crim*, Vol. 3, No. 1 (Summer, 1967).

WEBSTER, JOHN A. "Whose Side Are You On?"

NAEGELE, TIMOTHY D. "Civilian Complaints Against the Police in Los Angeles."

MISNER, GORDON E. "The Urban Police Mission."

DODD, DAVID J. "Police Mentality and Behavior."

TAUBER, RONALD K. "Danger and the Police: A Theoretical Analysis."

ROTENBERG, DANIEL L. "The Police Detection Practice of Encouragement: *Lewis v. United States* and Beyond," *Houston L R*, Vol. 4, No. 4 (Spring, 1967).

Discusses and analyzes constitutional limitations on use of encouragement by police.

ROTHBLATT, HENREY, and PELTER, ROBERT. "Police Interrogation: Warnings and Waivers—Where Do We Go from Here?" *Notre Dame Lwyr*, Vol. 42, No. 4 (April, 1967).

The authors present a strong defense of *Miranda* arguing that a guilty criminal will not gain much of an advantage from the decision. They contend that full compliance will enhance respect of the police and will not diminish their effectiveness.

LAW AND SOCIETY REVIEW

SHULMAN, HARRY. "The Measurement of Crime in the U.S.," *J of Crim L, Criminol & Police Sci*, Vol. 57, No. 4 (December, 1966).

Reviews the practice of depending on police statistics as national measures of crime. Urges extension of crime measurement to full volume of sanctionable offenses dealt with by administrative and regulatory agencies. Recommends establishment of central federal facility for gathering such statistics.

TANS, MARY DEE, and CHAFFEE, STEVEN H. "Pretrial Publicity and Juror Prejudice," *Journ Q*, Vol. 43, No. 4 (Winter, 1966).

Survey of sample of potential jurors indicates that prejudice does not result from exposure to news stories describing the crime and the criminal, especially if original confession is repudiated.

TAYLOR, E. HUNTER, JR. "The Supreme Court, the Individual and the Criminal Process," *Ga L R*, Vol. 1, No. 3 (Spring, 1967).

Describes scope and relative degree of importance given to aims of protecting innocent against conviction and preventing governmental infringement of individual liberty and dignity by courts.

TRAYNOR, ROGER J. "Conflict of Laws in Time: The Sweep of New Rules in Criminal Law," *Duke L J*, Vol. 1967, No. 4 (August, 1967).

Analysis of recent Supreme Court cases and problem of retroactivity.

YOUNGER, EVELLE J. "Results of a Survey Conducted in the District Attorney's Office of Los Angeles County Regarding the Effect of the Miranda Decision upon the Prosecution of Felony Cases," *Amer Crim L Q*, Vol. 5, No. 1 (Fall, 1966).

The survey was based on a three-week sample of cases in Los Angeles County. At the complaint, preliminary and trial stage little difference appeared with previous surveys as to rate of confession and conviction after applying the *Miranda* ruling. The author concludes that *Miranda* will create few problems for the DA's office.

(9) LEGAL SERVICES FOR DISADVANTAGED AND UNPOPULAR CLIENTS

AARON, RICHARD. "Utah Ombudsman: The American Proposals," *Utah L R*, Vol. 1967, No. 1 (March, 1967).

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A survey of proposals in various states to adopt an ombudsman system of handling personal grievances against the government.

BURRUS, BERNIE R., and FESSLER, DANIEL. "Constitutional Due Process Hearing Requirements in the Administration of Public Assistance: The District of Columbia Experience," *Amer U L R*, Vol. 16, No. 2 (March, 1967).

Focuses on "right to a hearing" as a means of challenging an adverse determination by the welfare agency.

CARL, EARL L. "The Shortage of Negro Lawyers: Pluralistic Legal Education and Legal Services for the Poor," *J of Leg Ed*, Vol. 20, No. 1 (1967).

Deplores the lack of Negro lawyers and suggests programs to increase their number.

"Competition in Legal Services under the War on Poverty," *Stan L R*, Vol. 19, No. 3 (February, 1967).

A note on the problems of providing legal aid to the poor, and a description of the OEO project in San Francisco.

ELSON, ALEX. "Accreditation of Legal Service," *Amer Bar Assoc J*, Vol. 53, No. 5 (May, 1967).

Criticizes the standards of service rendered by legal aid offices, proposes that their standards be raised and maintained by an effective accrediting agency. This would take the form of a national council composed of representatives of the associations most closely involved with legal aid for the poor.

JOLIFFE, EDWARD B. "The Inevitability of the Ombudsman," *Adm L R*, Vol. 19, No. 1 (November, 1966).

The author argues the case for the adoption of an ombudsman system. His main premise is that in an urbanized society the office is indispensable.

KRIER, JAMES E. "The Rent Supplement Program of 1965: Out of the Ghetto into the . . . ?" *Stan L R*, Vol. 19, No. 3 (February, 1967).

An historical analysis of rent supplement ideas and programs in post-war America, and a description and analysis of the rent supplement provisions of the Housing and Urban Development Act of 1965.

LAW AND SOCIETY REVIEW

MACLEOD, INNIS G. "The Ombudsman," *Adm L R*, Vol. 19, No. 1 (November, 1966).

The author criticizes the considerations now going on in Canada regarding the establishment of an ombudsman.

MATTHEWS, ARTHUR R., JR., and WEISS, JONATHAN A. "What Can Be Done: A Neighborhood Lawyer's Credo," *Bos Univ L R*, Vol. 47, No. 2 (Spring, 1967).

Analysis of neighborhood lawyer and his relation to people he serves.

O'BRIEN, FRANCIS. "Why Not Appointed Counsel in Civil Cases? The Swiss Approach," *Ohio St L J*, Vol. 28, No. 1 (April, 1967).

The author points out that the Swiss constitution, unlike its American counterpart, guarantees the right to counsel in civil, but not criminal cases. His analysis of the Swiss approach challenges basic assumptions underlying recent Supreme Court cases like *Miranda*. He also suggests lines of future development in the American concept of the right to counsel.

ORFIELD, LESTER B. "The Scandinavian Ombudsman," *Adm L R*, Vol. 19, No. 1 (November, 1966).

A study of the ombudsman at the local, state, and federal level. Traces the development from Sweden in 1713 to appointment of English Ombudsman in 1966.

PELLITIER, GEORGE A., JR. "Legal Aid in France," *Notre Dame Lwyr*, Vol. 42, No. 5 (June, 1967).

Describes current legal aid practices in France.

SILVERSTEIN, LEE. "Thoughts on the Legal Aid Movement," *Soc Ser R*, Vol. 40, No. 2 (June, 1966).

Reviews process of legal aid in civil and criminal cases, and sets out three-step approach to problem: educate and reform the bar and interested public about the legal needs of the poor, establish an effective system of communication and coordination, and have research and evaluation.

"Symposium: Justice and the Poor," *Notre Dame Lwyr*, Vol. 41, No. 6 (June, 1966).

Symposium on legal services for the poor.

MARDEN, ORISON S. "Introduction."

LAW AND SOCIETY: A SELECTED BIBLIOGRAPHY

BAMBERGER, E. CLINTON, JR. "The Legal Services Program of the Office of Education."

BAYH, HON. BIRCH. "Poverty and Justice."

PYE, A. KENNETH, and GARRATY, RAYMOND F. JR. "The Involvement of the Bar in the War Against Poverty."

PINCUS, WILLIAM. "Programs to Supplement Law Offices for the Poor."

BRODEN, THOMAS F., JR. "A Role for Law Schools in OEO's Legal Services Program."

NOTRE DAME CONFERENCE ON FEDERAL CIVIL RIGHTS LEGISLATION AND ADMINISTRATION. "A Report."

CAHN, EDGAR S., and CAMPER, JEAN. "What Price Justice: The Civilian Perspective Revisited."

VILES, ROBERT M. "The War on Poverty: What Can Lawyers (Being Human) Do?" *Iowa L R*, Vol. 53, No. 1 (April, 1967).

Focuses on poverty and legal problems in small cities and rural areas and consumers in general.

VOORHEES, THEODORE. "The OEO Legal Services Program: Should the Bar Support It?" *Amer Bar Assoc J*, Vol. 53, No. 1 (January, 1967).

With the entry of the federal government into the financing of agencies to supply legal services for the indigent, legal aid can now place its primary emphasis on providing the best legal services rather than on securing funds. Mr. Voorhees points out the potential and the success of the OEO Legal Services Program during its existence, and he warns that the interest of the poor in receiving the best legal services must remain predominant over the profession's self-interest.

WESTWOOD, HOWARD C. "Legal Aid's Economic Opportunity," *Amer Bar Assoc J*, reprinted *Case and Comment*, Vol. 71, No. 6 (November-December, 1966).

Argues that the usual type of legal aid operation does not meet the existing needs for legal services to the poor; discusses the potentials of OEO's Legal Services Programs to meet the needs.

ZIMROTH, PETER L. "Group Legal Services and the Constitution," *Yale L J*, Vol. 76, No. 5 (April, 1967).

Discusses legality of group legal services.

(10) JUVENILES AND THE LAW

AKMAN, D. D., NORMANDEAU, A., and TURNER, S. "The Measurement of Delinquency in Canada," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 3 (September, 1967).

Replicates study in United States by Thorsten Sellin and Marvin Wolfgang testing reliability of index of crime and delinquency. Found reliable.

ALLEN, DONALD E., and SANDHER, H. S. "Alienation, Hedonism and Life-Vision of Delinquents," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 3 (September, 1967).

Questionnaires submitted to delinquents in Florida confirmed hypothesis that delinquents are higher in alienation, more impulsively hedonistic, and poorer in vision of goals than non-delinquents.

ALTMAN, MICHAEL L. "The Effect of the Miranda Case on Confessions in Juvenile Court," *Amer Crim L Q*, Vol. 5, No. 2 (Winter, 1967).

Argues that the *Miranda* decision can be applied and should be applied to juvenile cases. Contends that it is erroneous to state that the fifth amendment doesn't apply to juveniles.

CHAITIN, M., and DUNK AM, W. H. "The Juvenile Court in Its Relationship to Adult Criminality: A Replicated Study," *Soc For*, Vol. 45, No. 1 (September, 1966).

Replication of study by Mary E. Knauer, who predicted (1) the time required to mold a skillful criminal, (2) a relatively constant crime rate, and (3) an absence of successful therapy in the juvenile court, and who predicted that the constancy of the rate of juvenile offenders who entered adult crime would continue.

EMPEY, LA MAR T., and ERICKSON, MAYNARD L. "Hidden Delinquency and Social Status," *Soc For*, Vol. 44, No. 4 (June, 1966).

Utilizing self-reported data, this article is concerned with a number of basic issues relevant to social status and delinquency. Its findings were these: (1) respondents, overall, reported a large number of undetected violations; (2) the number of violations differed little from one status level to another, although there was a tendency for upper-level respondents to be less delinquent; but (3) there were distinct differences between status levels with respect to kinds of delinquency.

GARDNER, ROBERT. "The Kent Case and the Juvenile Court: A Challenge to Lawyers," *Amer Bar Assoc J*, Vol. 52, No. 10 (October, 1966).

Opinion of Justice Fortas in *Kent* displays an uneasiness about the procedures of juvenile courts. Judge Gardner argues that it is time for a new look at our juvenile courts and that the legal profession ought to take the lead in this examination.

GIFFIN, P. J. "The Revolving Door: A Functional Interpretation," *Can R of Soc & Anthro*, Vol. 3, No. 4 (November, 1966).

Discusses the cycle of the public intoxicant—arrest, trial, incarceration, and release. Suggests that interaction of police, courts, jail, and skid row society perpetuates behavior.

GLASER, DANIEL. "National Goals and Indicators for the Reduction of Crime and Delinquency," *Annals*, Vol. 371 (May, 1967).

Recommends national agency to gather long-term data on criminal careers as step toward crime and delinquency reduction.

GORDON, ROBERT A. "Social Level, Social Disability and Gang Interaction," *Amer J of Soc*, Vol. 73, No. 1 (July, 1967).

Study of social-life satisfaction of lower-class gang, lower-class non-gang and middle-class respondents. Suggests latent function of gang activity may be to sustain group life under otherwise unfavorable psychological conditions.

HALL, PETER M. "Identification with the Delinquent Subculture and Level of Self-Evaluation," *Sociometry*, Vol. 29, No. 2 (June, 1966).

The process of identification was studied in an attempt to utilize both psychological and sociological explanations of juvenile delinquency to examine the career of the individual delinquent.

HANDLER, JOEL F., and ROSENHEIM, MARGARET K. "Privacy in Welfare: Public Assistance and Juvenile Justice," *Law & Contemp Prob*, Vol. 31, No. 2 (Spring, 1966).

An exploration of government regulations of family and personal life as the result of the expansion of social service ideology and programs.

HOLDEN, JAMES S. "The Juvenile and the Judicial Function," *Alb L R*, Vol. 31, No. 2 (June, 1967).

State supreme court justice discusses changing attitudes toward juveniles in court.

JANSYN, LEON R., JR. "Solidarity and Delinquency in a Street Corner Group," *Amer Soc R*, Vol. 31, No. 5 (October, 1966).

Observation of a severely delinquent street corner group shows that two-thirds of the membership is relatively constant. Level of group organization varies widely from time to time, and follows trends parallel to those observed in daily man-hours.

KETCHMAN, ORMAN. "The Juvenile Court for 1975," *Soc Ser R*, Vol. 40, No. 3 (September, 1966).

The author points out the need for juvenile court reform by exploring its inadequacies. Suggests (1) a family court with five divisions—neglect, children, youth offender, family offenses, and domestic relations; (2) a single court with neighborhood branches; (3) functional departments such as legal, behavioral science, rehabilitation, and staff training.

LEMERT, EDWIN M. "Legislating Change in the Juvenile Court," *Wis L R*, Vol. 1967, No. 2 (Spring, 1967).

Study of comprehensive change in California Juvenile Court law enacted in 1961.

LENTZ, WILLIAM P. "Delinquency as a Stable Role," *Soc Work*, Vol. 11, No. 4 (October, 1966).

Suggests that the disappointing results obtained in evaluative studies of case work methods with delinquents may be explained partially because delinquency has been viewed as a social role. The present structure for intervention—including the police, courts, and social agencies—possesses functions that tend to create a stable delinquent role. The result has been an unfavorable climate for case work.

LERMAN, PAUL. "Argot, Symbolic Deviance, and Subcultural Delinquency," *Amer Soc R*, Vol. 32, No. 2 (April, 1967).

Studies subcultural delinquency with stress on symbolic (particularly verbal) deviance rather than behavioral deviance.

———. "Gangs, Networks and Subcultural Delinquency," *Amer J of Soc*, Vol. 73, No. 1 (July, 1967).

Differentiates peer-based and gang delinquency through measures of shared symbolic deviance and interaction patterns. Social unit of subculture described as network of pairs, triads, groups with names and groups without names.



LOWE, JAY. "Prediction of Delinquency with an Attitudinal Configuration Model," *Soc For*, Vol. 45, No. 1 (September, 1966).

Attitudinal data concerning high school students' perceptions of parental and filial expectations for delinquency are analyzed in a cognitive dissonance model by a configuration technique.

MCLEAN, DANIELS W. "An Answer to the Challenge of Kent," *Amer Bar Assoc J*, Vol. 53, No. 5 (May, 1967).

If juvenile courts are to remain free of federally imposed standards, states must heed the warnings of the *Kent* case by establishing rules of procedure that both safeguard the rights of juveniles and provide for regenerative treatment.

PARKER, GRAHAM E. "Some Historical Observations on the Juvenile Court," *Crim L Q*, Vol. 9, No. 4 (July, 1967).

Emphasis on South Australian juvenile court.

PAULSEN, MONRAD. "Children's Court—Gateway or Last Resort," *Case and Comment* (November-December, 1967).

Discussion of *Gault* case and its impact on the future treatment of juveniles.

POLOW, BERTRAM. "The Juvenile Court: Effective Justice or Benevolent Despotism?" *Amer Bar Assoc J*, Vol. 53, No. 1 (January, 1967).

The juvenile court system has recently come under attack on two fronts: (1) juvenile courts endanger the public by "unleashing young terrorists," and (2) the constitutional rights of minors are not adequately safeguarded. Judge Polow argues that the problem is to provide adequate safeguards and to ensure that the courts have the facilities to perform adequately.

———. "Rights and Rehabilitation in the Juvenile Courts," *Col L R*, Vol. 67, No. 2 (February, 1967).

The New York Model is proposed as an ideal juvenile court structure. The features of this model are (1) an intake service, able to adjust all cases (veiled) from judicial cognizance; (2) a requirement that at hearing the judge find as a jurisdictional fact that the offender requires treatment, confinement, or supervision; and (3) authorizations for retroactive qualification of petitions at the dispositional hearings.

ROBINS, LEE, and HILL, SHIRLEY. "Assessing the Contributions of Family Structure and Peer Groups to Juvenile Delinquency," *J of Crim L, Criminol & Police Sci*, Vol. 57, No. 3 (September, 1966).

Points out difficulties of case-history techniques and census tract analysis in trying to evaluate contributions of family patterns, class position, and pressure groups to occurrence of juvenile delinquency. Discusses use of a cohort of school entrants and collection of social history data for delinquents and non-delinquents prior to first official delinquent act.

ROSEN, LAWRENCE, and TURNER, STANLEY. "An Evaluation of the Lander Approach to Ecology of Delinquency," *Soc Prob*, Vol. 15, No. 2 (Fall, 1967).

Ecological study of delinquency in Philadelphia.

RUBIN, TED, and SHAFFER, RICHARD S. "Constitutional Protection for the Juvenile," *Den L J*, Vol. 44, No. 1 (Winter, 1967).

Discusses the lack of safeguards vis-à-vis the juvenile in modern-day court systems. Concludes that protective devices must be adopted and that the rewards from them would greatly outweigh the practical difficulties that would be encountered in their adoption.

SHANLEY, FRED J. "Middle-Class Delinquency as a Social Problem," *Sociol & Soc Res*, Vol. 51, No. 2 (January, 1967).

This article points to the need for additional research regarding the aetiology of middle-class delinquency. Findings of existing studies in the field are reviewed and then summarized in terms of eight aetiological dimensions. Suggestions are made regarding important research objectives that should be pursued in the future.

SHANNON, LYLE W. "The Distribution of Juvenile Delinquency in a Middle-Sized City," *Sociol Q* (Summer, 1967).

Describes spatial and temporal distribution of delinquency in Madison, Wisconsin, with emphasis on first contacts of Madison juveniles with police.

SIMPSON, JON E., and VAN ARSDOE, MAURICE, JR. "Residential History and Educational Status of Delinquents and Non-Delinquents," *Soc Prob*, Vol. 15, No. 1 (Summer, 1967).

Examines feasibility of records matching approach with data pertaining to interrelations of residential mobility, educational status and juvenile delinquency.

SZABO, DENIS. "The Socio-Cultural Approach to the Aetiology of Delinquent Behavior," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

The efforts of the school of empirical sociologists (Ferri, etc.), Durkheim's approach to crime as a pathological social phenomenon, Sutherland's theory of criminality as a socio-cultural process and the importance of psychological factors are described. Some recent aetiological explanations are considered: anomie, subcultures, social classes and delinquent alternatives, delinquency and socio-cultural incapacity, delinquency and social structure.

TANGRI, SANDRA S., and SCHWARTZ, MICHAEL. "Delinquency Research and the Self-Concept Variable," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 2 (June, 1967).

Study of self-concept variable in delinquency research. Concludes there is high probability of utility of variable but needs more refined and sophisticated studies.

TERRY, ROBERT M. "The Screening of Juvenile Offenders," *J of Crim L, Criminol & Police Sci*, Vol. 58, No. 2 (June, 1967).

Attempts to specify criteria utilized by control agencies in sanctioning of juvenile offenders. Legalistic variables found most significant.

TIFFANY, LAWRENCE P. "Field Interrogation: Administrative, Judicial and Legislative Approaches," *Den L J*, Vol. 43, No. 4 (Fall, 1966).

Encompassing the responses of police, the courts and legislatures to field interrogation, the author discusses police interrogation problems in the context of on-the-street stopping and questioning of suspects who may not be arrested because the police lack sufficient evidence to arrest. Author feels that courts will be forced to resolve problem on arrest or nothing approach.

VERMES, MIKLOS, and SZALO, A. "Socio-Therapy for Delinquents," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

This article deals with the relation between punishment and its imposition, detention and corrective re-education labor. Emphasis is laid on the basic contradiction of training for a life of liberty under conditions of non-liberty. Among problems reviewed: possibilities and limits of community education, aim and content of prison labor, education and general culture in prisons, maintaining liaison with the former employment and establishing liaisons with the new, after care, responsibilities and duties of state agencies and society at large.

WEINSTEIN, NOAH, and GOODMAN, CORINNE R. "A Constructive Response for Juvenile Courts," *Amer Bar Assoc J*, Vol. 53, No. 3 (March, 1967).

Discusses response to *Kent v. United States*. Suggests that instead of juvenile court becoming criminal court, should preserve both unique qualities of juvenile court and the substantive rights of juveniles.

(11) CIVIL LIBERTIES, CIVIL RIGHTS, RACE RELATIONS

FINMAN, TED, and MACAULAY, STEWART. "Freedom to Dissent: The Viet Nam Protests and the Words of Public Officials," *Wis L R*, Vol. 1966, No. 3 (Summer, 1966).

A detailed examination of official reports, speeches and public comments of governmental officials on the Viet Nam protests in the context of constitutional rights to dissent. The authors conclude that many of the public utterances have been irresponsible and tend to subvert constitutional values.

HARVITH, BERNARD EVANS. "Federal Equal Protection and Welfare Assistance," *Alb L R*, Vol. 31, No. 2 (June, 1967).

Discussion of Title VI of the Civil Rights Act of 1964 and the expansion of the doctrine of federal equal protection.

JUVIGNY, P. "The Legal Protection of Human Rights at the International Level," *Int'l Soc Sci J*, Vol. 18, No. 1 (1966).

Surveys international actions for human rights before and since the League of Nations. Discusses legal definition and safeguard of human rights and the draft covenants drawn up by the United Nations Commission on Human Rights.

MARBURY, WILLIAM L. "New Responsibilities for the Bar," *Amer Bar Assoc J*, Vol. 53, No. 4 (April, 1967).

Criticizes the legal profession for failure to meet its responsibilities to a changing society, especially in the area of civil rights. States that this is a problem for the organized bar to solve by devising methods whereby individual lawyers can discharge their obligations to the public without risking social or professional ostracism.

MIREL, LAWRENCE H. "The Limits of Governmental Inquiry into the Private Lives of Governmental Officials," *Bos Univ L R*, Vol. 46, No. 1 (Winter, 1966).

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Discusses the impact of recent congressional hearings on the right of privacy. Contends that an ethical framework in which to place personality tests should be created and offers propositions for government to adopt when using personality tests.

RABIN, ROBERT L. "Do You Believe in a Supreme Being—The Administration of the Conscientious Objector Exemption," *Wis L R*, Vol. 1967, No. 3 (Summer, 1967).

Looks at administration of conscientious objector provision of Universal Military Training Service Act. Proposes some improvements.

RICHARDSON, ELLIOT L. "Judicial Intervention in the Civil Rights Movement," *Bos Univ L R*, Vol. 46, No. 1 (Winter, 1966).

Remarks on the essential and vital role the courts have played in integration. Points to the directive role played by lower courts, as well as the educative effect they have had upon the nation. Concludes that individual citizens must participate to keep movement alive.

SCOTT, ALAN. "Twenty-Five Years of Opinion on Integration in Texas," *Sthwstrn Soc Sci Q*, Vol. 48, No. 2 (September, 1967).

Report on "Texas Poll" on opinion concerning integration.

Symposium on Current Constitutional Issues. *Wm & Mary L R*, Vol. 9, No. 1 (Fall, 1967).

WARREN, EARL. "Foreword."

ANTILAV, CHESTER J. "Paul's Perverted Privileges or the True Meaning of the Privileges and Immunities Clause of Article Four."

DORSEN, NORMAN. "Social Discrimination in 'Private' Schools."

SENGSTOCK, FRANK S., and SENGSTOCK, MARY C. "Discrimination: A Constitutional Dilemma."

HAIMBAUGH, GEORGE C., JR. "The Second Front: Free Expression versus Individual Dignity."

GILKEY, ROYAL C. "The Problem of Church and State in Terms of the Nonestablishment and Free Exercise of Religion."

SWINDLER, WILLIAM F. "State Constitutional Law: Some Representative Decisions."

WESTIN, ALAN F. "Science, Privacy and Freedom," *Col L R*, Vol. 67, No. 2 (February, 1967).

Analyzes functions of privacy, disclosure and surveillance in the United States and further describes the effects of new surveillance technology. Describes the private, legislative and judicial remedies that can attain desired balance between law and social intervention.

WIENER, FREDERICE BERNAYS. "Helping to Cool the Long Hot Summer," *Amer B Assoc J*, Vol. 53, No. 8 (August, 1967).

Suggests constitutional authority for temporary detention of riot leaders by military authorities.

## (12) FAMILY WELFARE AND RELATED PROBLEMS

ARONOWITZ, DENNIS S. "Civil Commitment of Narcotic Addicts," *Col L R*, Vol. 67, No. 3 (March, 1967).

The author contends that civil commitment has been used excessively. He states that in many cases it could be used to remove "undesirables" and until more knowledge is gained concerning the addict, caution should be exercised.

ARTHUR, LINDSAY. "A Family Court—Why Not?" *Minn L R*, Vol. 51, No. 2 (December, 1966).

Argues for the consolidation of all litigation affecting the family into one court, instead of the present dispersion. Suggests criteria for such a court.

BECK, STANLEY M., and PARKER, GRAHAM. "The Intoxicated Offender—A Problem of Responsibility," *Can Bar R*, Vol. 44, No. 4 (December, 1966).

Deals with the problem of the intoxicant before the law. Argues for Danish tradition of separating drunk and dangerous as offenses.

BLUIKER, BEATRICE. "Compulsory Community Care for the Mentally Ill," *Cleve Marsh L R*, Vol. 16, No. 1 (January, 1967).

Contends that community care for the mentally ill should go beyond the present standard of voluntariness. Argues that psychiatric programs could easily be set up that would allow liberty according to the degree of illness. Proposes legislation that would enact such a program.

BRIELAND, DONALD. "Protective Services and Child Abuse: Implications for Public Child Welfare," *Soc Ser R*, Vol. 40, No. 4 (December, 1966).

The author sees the need for comprehensive planning taken on by agencies that administer protective services for children. The courts are needed to view the problem in a different light—letting agencies go in and “interfere” in familial affairs. Finally, funds are seen to be needed as well as an educative program for the public at large.

CAREY, HUGH L. “The Child Benefit System in Operation—Federal Style,” *Cath Lwyr*, Vol. 12, No. 3 (Summer, 1966).

The author outlines the different titles of the Elementary and Secondary Education Act of 1965 and explains what these provisions are intended to do.

DE FRANCIS, VINCENT. “Child Abuse—The Legislative Response,” *Den L J*, Vol. 44, No. 1 (Winter, 1967).

Analyzes typical provisions of current statutes relating to child abuse. Concludes that the child abuse reporting laws are steps in the right direction, but that they alone are insufficient to resolve the problem.

DOVERMAN, MAX. “Today’s Legal Revolution: The Reformation of Social Welfare Practice,” *Soc Ser R*, Vol. 40, No. 2 (June, 1966).

Discusses law as instrument for social and institutional change and present focus on social welfare. Contends legal strategies have two deficiencies: separation from social welfare and lack of a base of organized law.

FERSTER, E. Z. “Eliminating the Unfit—Is Sterilization the Answer?” *Ohio St L J*, Vol. 27, No. 4 (Fall, 1966).

Traces the history of sterilization in the United States and analyzes current legislation and practice.

FORCE, ROBERT. “Legal Problems of Abortion Law Reform,” *Adm L R*, Vol. 19, No. 4 (July, 1967).

Discussion of administrative controls embodied in newly enacted and proposed abortion reform legislation.

HANSEN, RICHARD H. “Child Abuse Legislation and the Inter-disciplinary Approach,” *Amer Bar Assoc J*, Vol. 52, No. 9 (September, 1966).

Discusses various state statutes aimed at curbing physical abuse of children and disabled and incompetent adults.

LAW AND SOCIETY REVIEW

KRAUSE, HARRY D. "Equal Protection for the Illegitimate," *Mich L R*, Vol. 65, No. 3 (January, 1967).

Criticizes the discrimination of the illegitimate by the law. He argues that the illegitimate as well as the legitimate deserve equal protection. Contends this will help raise poor out of welfare caste.

LAUGHLIN, STANLEY K., JR. "LSD-25 and Other Hallucinogens: A Pre-Reform Proposal," *Geo Wash L R*, Vol. 36, No. 1 (October, 1967).

Discussion of sociological and legal implications of hallucinogens. Suggests possible reforms of current laws.

LOGAN, ALBERT B. "May a Man Be Punished Because He Is Ill?" *Amer Bar Assoc J*, Vol. 52, No. 10 (October, 1966).

Says recent court decisions disclose a legal anachronism based upon archaic social stigma and ignorance. Declares that recent judicial decrees that drug and alcohol addicts are sick people, may have legal ramifications and a great social impact.

MACDONALD, JAMES C. "A Comprehensive Family Court," *Can Bar J*, Vol. 10, No. 4 (August, 1967).

Advocates comprehensive family court for Canada.

SEDELSON, DAVID E. "Systematic Marriage Investigation and Counseling in Divorce Cases: Some Reflections on Its Constitutional Propriety and General Desirability," *Geo Wash L R*, Vol. 36, No. 1 (October, 1967).

Discusses legislative developments in area of divorce focusing on counseling arrangements. Suggests counseling be made voluntary.

SIRILLA, GEORGE M. "Government Policy and Family Planning," *Cath Lwyr*, Vol. 12, No. 3 (Summer, 1966).

Discusses the opposing sides of S1676 (a bill designed to seek new ways to solve the population problem).

TAYLOR, T. R. "Federal Aid for Children and Teachers in All Schools," *Cath Lwyr*, Vol. 12, No. 3 (Summer, 1966).

The author deals with the provisions of the 1965 Elementary and Secondary Education Act and concludes that the appropriations are merely a token amount. He further contends that the "child benefit" theory adopted by the legislature will have far-reaching effects upon the courts.



(13) SOCIAL CONFLICT AND SOCIAL CONTROL

AUBERT, VILHELM. "Courts and Conflict Resolution," *J of Confl Res*, Vol. 11, No. 1 (March, 1967).

Contends that the task of conflict resolution demands and creates structures of thinking and decision-making that are in sharp contrast with scientific thinking. Feels that law is insufficient to supply the kind of predictability in social life which is needed if conflicts are to be avoided or solved.

DEBUYST, CHRISTIAN. "A Clinical Approach to the Aetiology of Crime," *Int'l Soc Sci J*, Vol. 18, No. 2 (1966).

Two problems arise in adopting a clinical approach to delinquency: the method of studying the personality to reveal causes of delinquency, and the value of an examination only very approximately integrated into a therapeutic process. The contributions of DeGreeff, Hesnard, and Lagache are outlined and the analysis at different levels of data from clinical interviews is described. Criticism of clinical aetiology focused on delinquents' personalities is discussed, and the main preoccupations of the Lynors school of criminology as well as the contribution of certain sociologists to the field are exposed.

GIBBS, JACK P. "Crime and the Sociology of Law," *Sociol & Soc Res*, Vol. 51, No. 1 (October, 1966).

The author feels that neither a non-legal conception nor a statutory criticism of crime is adequate for the sociology of law. As a solution to the problem, an analytical definition of law is formulated and extended to distinguish criminal, tort, and contract law. Application of this definition and the related taxonomy to six non-literate societies reveals certain differences and similarities which are both explicable in terms of conventional evolutionary notions.

———. "The Sociology of Law and Normative Phenomena," *Amer Soc R*, Vol. 31, No. 3 (June, 1966).

Seeks a conceptual integration between jurisprudence and sociology through analysis and subsequent reformulation of Hohfield's fundamental legal concept.

LASSWELL, HAROLD D., and ARENS, RICHARD. "The Role of Sanction in Conflict Resolution," *J of Confl Res*, Vol. 11, No. 1 (March, 1967).

The authors attempt to build deprivation-sanction models to guide in research and policy studies. They argue that the scientific study of the sanctioning process in the world community as a whole and in its several components will help provide a vast body of realistic intelligence and appraisal data for the decision process, and that the effect will be to clarify the goals and perfect the institutions and civic order.

SKOLNICK, JEROME H. "Social Control in the Adversary System," *J of Confl Res*, Vol. 11, No. 1 (March, 1967).

Describes and analyzes outstanding features of the adversary system relevant to the social control problem of conflict maintenance.

TURK, AUSTIN T. "Conflict and Criminality," *Amer Soc R*, Vol. 31, No. 3 (June, 1966).

Attempts to develop a system of formal propositions as a basis for research on crime and conflict. Includes: (1) a summary of conceptualizations found in the literature; (2) discussions and suggested resolutions of the basic conceptual issues; and (3) a presentation of the theoretical scheme as it has been developed so far, *i.e.*, of a set of propositions stating conditions under which the probability of conflict between legal authorities and subjects varies and given a conflict condition under which the probability of criminalization of subjects varies.

#### (14) JURISPRUDENCE, LEGAL PROCESS, SOCIOLOGICAL THEORY

EVAN, WILLIAM M., and LEVIN, EZRA G. "Status-set and Role-set Conflicts of the Stockbroker: A Problem in the Sociology of Law," *Soc For*, Vol. 45, No. 1 (September, 1966).

Discusses the diversity of status-set and role-set relationships of the stockbroker. Suggests implications for role theory, for the study of inter-organizational relations and problems of social control.

FRIEDMAN, LAWRENCE M. "Legal Rules and the Process of Social Change," *Stan L R*, Vol. 19, No. 4 (April, 1967).

A study in the evaluation of legal rules: how they change, what institutional regularities they exhibit, their relationship to behavior of institutions, the "life-cycles" they follow.

FRIEDMAN, LAWRENCE M., and LADINSKY, JACK. "Social Change and the Law of Industrial Accidents," *Col L R*, Vol. 67, No. 1 (January, 1967).

A case study of the evolution of American industrial accident law from tort principles to workmen's compensation systems, illustrating the demands imposed by new technology and emerging social interests on the law as a solution to social problems. Critically examines the concepts of cultural lag and cross-cultural borrowing, and the "great man" theory for explaining the relationships between law and social change.

FRIEDMAN, WOLFGANG. "Limits of Judicial Lawmaking and Prospective Overruling," *Mod L R*, Vol. 29, No. 6 (November, 1966).

The author gives a brief history of the fact of judicial lawmaking and contends that institutional changes are the ones least likely to be brought about by the courts. He advocates both the extended use of the declaratory judgment and legislative law to ensure more adequate law revision.

HETHERINGTON, J. A. C. "Trends in Enterprise Liability: Law and the Unauthorized Agent," *Stan L R*, Vol. 19, No. 1 (November, 1966).

Examines the application of the legal rules concerning the power of "unauthorized" agents to subject their principals to tort or contract liability. The author shows that the predictive values of legal principles in this area are often negligible, and that the common denominator of cases in agency law is that they arise where facilitation of market functioning is the predominant legal value. The author discusses the underlying social factors making for broader enterprise liability in various sectors of commercial law.

LAZAR, JOSEPH. "Juridical Perspectives on National Character," *Annals*, Vol. 370 (March, 1967).

The descriptive and empirical national character studies supply an essential base for the prescriptive legal order which strives for justice and equity in shaping the ideal national character. Analytical or positive jurisprudence of John Austin, Wesley H. Hohfield, and Hans Kelsen are seen to be related to the contributions of E. Adamson Hoebel, Sorokin, and others.

LEFKOWITZ, LOUIS J. "Process and Change in Law and Society," *Bar Bull*, Vol. 23, No. 5 (1966).

The author feels that law must be dynamic and continue to change with society. He argues that constant re-evaluation and re-examination is needed if we are to continue to survive the scientific age.

LITTLEFIELD, NEIL O. "Eugen Ehrlich's Fundamental Principles of the Sociology of Law," *Me L R*, Vol. 19, No. 1 (1967).

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This article is a discussion of Ehrlich's approach to the study of law as expressed in his *Fundamental Principles of the Sociology of Law*.

POLLACK, ERVIN H. "Natural Rights: Conflict and Consequence," *Ohio St L R*, Vol. 27, No. 4 (Fall, 1966).

Evaluates the approaches taken by the absolutists, the advocates of the balancing of interests test, and the proponents of the libertarian theory. Discusses these with reference to significant Supreme Court decisions which have utilized them.

RUMBLE, WILFRED E., JR. "Rule-Skepticism and the Role of the Judge: A Study of American Legal Realism," *J of Pub L*, Vol. 15, No. 2 (1967).

A critical examination of what was common to the founders of American legal realism in their protest against the orthodox doctrine of legal certainty as a basis for judicial decision-making.

### (15) PRIMITIVE AND FOLK LAW

"Africa: Legal Aspects of a Developing Society: A Symposium," *Wis L R*, Vol. 1966, No. 4 (Fall, 1966).

A symposium on law and legal systems in Kenya, Sub-Saharan Africa, Ghana, the Congo, and the Sudan.

SCHILLER, A. ARTHUR. "Introduction."

SEIDMAN, ROBERT B. "Law and Economic Development in Independent, English-Speaking, Sub-Saharan Africa."

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DENG, FRANCIS M. "The Family and the Law of Torts in African Customary Law," *Houston L R*, Vol. 4, No. 1 (Summer, 1966).

Exploration of traditional law of torts, bases of African customary law liability and development of common law. Law viewed as instru-

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ment for justice and educational agency. Suggests outlines for development of African laws integrating common and customary law.

NEKAM, ALEXANDER. "Aspects of African Customary Law," *Nthwstrn L R*, Vol. 62, No. 1 (March-April, 1967).

Reports Ugandan customary law. Sees it outside flow of legal development and giving way as homogeneity of area is lost.

POSPISIL, LEOPOLD. "Legal Levels and Mutiplicity of Legal Systems in Human Society," *J of Confl Res*, Vol. 11, No. 1 (March, 1967).

Attempts to discount monolithic society of tribal systems. Contends social and societal relations equally important. Concludes there are as many legal systems as functioning social units. Society best viewed as a number of superimposed, distinct, but related systems.

WEINGROD, ALEX. "Political Sociology, Social Anthropology and the Study of New Nations," *Br J of Soc*, Vol. 18, No. 2 (June, 1967).

Explores mutual relevance of studies in social anthropology and political sociology in relation to developing nations.

### (16) MISCELLANEOUS

GLAZER, NATHAN. "Housing Problems and Housing Policies," *Pub Int*, No. 7 (Spring, 1967).

Discussion of housing patterns in the United States.

MACAULEY, STEWART. "Private Legislation and the Duty to Read—Business Run by IBM Machine, The Law of Contracts and Credit Cards," *Van L R*, Vol. 19, No. 4 (October, 1966).

Considers "duty to read"—and to understand. Attempts to highlight important policy considerations concealed by slogan.

PLAGER, SHELDON J., and HANDLER, JOEL F. "The Politics of Planning for Urban Redevelopment: Strategies in the Manipulation of Public Law," *Wis L R*, Vol. 1966, No. 3 (Summer, 1966).

A detailed examination of the way the legal process influences decision-making in one city's redevelopment program, with comparisons to other cases. The authors show how the use of legal procedures designed to accommodate the democratic process depends upon political and social characteristics outside the legal system.

RAPHAEL, D. D. "The Liberal Western Tradition of Human Rights," *Int'l Soc Sci J*, Vol. 28, No. 1 (1966).

Human rights discussed in relation to difference between economic and social rights and civil and political rights. Argues that concern for civil and political rights has broadened to realization of importance of social and economic guarantees.

SCHUBERT, GLENDON. "The Rhetoric of Constitutional Change," *J of Pub L*, Vol. 16, No. 1 (1967).

Presents three models of constitution—mechanical, biological, and cultural—and analyzes each as it relates to possibilities of constitutional change.

SLOANE, HOMER W. "Relationship of Law and Social Work," *Soc Work*, Vol. 12, No. 1 (January, 1967).

Attempts to discern distance between lawyers and social workers through interviews. Argues for more understanding relationship.

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A review of contribution which Act has made to economic planning in the United States.

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To what extent does slum-clearance phase of urban renewal uproot and destroy a neighborhood matrix of social life? Study of West End in Boston.

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