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Pornography and human dignity
A West German perspective
by Mathias W. Reimann

A new argument in the revitalized debate about the regulation of pornography in the United States has received considerable publicity recently. Feminist writers, in particular, have asserted that pornography is harmful to women, not only because it fosters violence against women, but also, and perhaps more importantly, because it degrades women by presenting them as mere objects of lust. While this concern about the degrading effect of pornography has even gained recognition by the Attorney General's Commission on Pornography, it is not an accepted legal argument for the regulation of pornography. A Minneapolis ordinance making the publication and distribution of sexually explicit and degrading material a civil rights violation was vetoed by the mayor. A similar ordinance enacted in Indianapolis was declared unconstitutional in federal court because it regulated speech on the basis of speech content and thus violated the First Amendment. American law has not yet ratified a view of pornography as a degradation of women, and perhaps never will.

In West Germany, however, this view has been recognized by courts and scholars alike since the early 1970s. This development is not surprising in light of the fact that the Basic Law, the West German constitution, declares in Article 1 that human dignity is the highest value in the constitutional order. Thus, German law offers an opportunity to look at a legal system that has endorsed the concerns about the degrading nature of pornography and to compare this approach with the American one.

Until the late 1960s, the German concept and regulation of pornography were not vastly different from those in the United States today. The production and distribution of obscene material was criminally punishable. Even the German definition of obscenity closely resembled the three-pronged test developed by the U.S. Supreme Court: appeal to the prurient interest in sex, offensiveness under contemporary community standards, and lack of socially redeeming value. This test is still used in the U.S. today.

In a 1969 case, the German Federal Supreme Court broke new ground. The decision is particularly interesting because it has an exact companion case in the United States. Only three years earlier, the U.S. Supreme Court had decided that John Cleland's 1749 novel Fanny Hill could not be prohibited. When the book came before the German judges, they agreed with their American brethren that the book could not be banned, but for entirely different reasons. The U.S. Supreme Court left open the question of whether the book was offensive, holding that it was saved by its socially redeeming, namely literary, value. The German Federal Supreme Court, by contrast, expressly found that the book was not offensive, regardless of its literary value.
The German Court offered a new perspective on the problem of what it really is that makes pornography offensive. While the judges openly acknowledged the pervasive sexual explicitness of the book, they found it acceptable because the characters and their sexual encounters were described in a meaningful context of life and in a realistic manner. The heroine, the Court said, was portrayed as a person with feelings about, and lessons learned from, her adventures. She was not presented as a mere instrument for sexual arousal, but as an individual within her own world. What the Court was pointing to was that she was treated not like an object for sexual excitement, but as a human being. This distinction is deeply rooted in Kantian ideas about humanity (never to treat humanity as a means, but always as an end in itself) which have been very influential on the concept of human dignity in the West German constitution. The protection of human dignity means particularly that a person must never be degraded to an object, but always be respected as a human individual. While the Court was not expressly speaking in those terms and while its ideas were not yet so clearly articulated, its view was essentially that material becomes offensive not when it is sexually explicit, but when it degrades human beings to the level of mere objects and thus violates human dignity.

The year after this decision, the legislative debates began which led, in 1974, to the legalization of most pornography for consenting adults (while continuing to prohibit it for minors). A focal point of these debates was the problem of what pornography really is. One group endorsed and expanded upon the Federal Supreme Court's approach and wanted to define pornography as sexually explicit material that presents persons as objects and thus violates human dignity. Others, however, found the American test, as applied in the American Fanny Hill case, more persuasive and urged the adoption of the prurient interest standard. In the end, the legislature did not define pornography, but left the problem to the scholars and courts. As of now, the issue has not been clearly resolved and there is authority for both views. The adherents of the human dignity concept are probably in the majority. They achieved a widely debated triumph in a 1981 decision of the Federal Supreme Administrative Court which declared live "peep-shows" impermissible. These shows feature a nude woman on a stage, surrounded by individual viewing booths from which a coin operated mechanism opens the view onto the stage for a certain period of time. This, the Court held, presents women as objects and is therefore an unconstitutional violation of human dignity. The protests of the "peep-show" models against the decision which took away their jobs, however, also demonstrated a fundamental dilemma of the human dignity concept. The banning of "peep-shows" inevitably impairs another vital element of human dignity—the self-determination of those who choose freely to pose as models.

If we compare the two views on pornography, we discover significant differences. The prurient interest approach currently employed by the American courts considers sexually explicit materials offensive when they appeal to the prurient interest in sex more strongly than the community finds acceptable. It looks to the material's effect on the viewer. Its goal is to maintain a minimum level of sexual decency in society. The human dignity concept, by contrast, finds material objectionable if it degrades human beings. It does not look at the effect on the viewer but at the nature of material itself. It is not concerned with the enforcement of sexual morality, but with the protection of human dignity. These differences can have an impact on the practical results. Much of pornography will simultaneously meet the requirements of both tests. But the two approaches arrive at different conclusions in those cases where material appeals more strongly to the prurient interest than community standards allow but does so in a non-degrading manner.

The major advantage of the human dignity concept over the prurient interest approach is its broader notion of morality. By not focusing on sexual morality, it encourages inquiry into fundamental questions for which the prurient interest approach provides no room. The prurient interest view, for example, simply assumes that sexual immorality is a stronger ground for government interference than other forms of immoral behavior, like violence, but it does not offer any reason why. Once this assumption is no longer taken for granted, there is, beneath American pornography law, an appalling lack of reasoning about the question of what is really wrong with pornography. The human dignity concept, by contrast, encourages us to see pornography in comparison to other threats to human dignity, and thus to think about whether, and if so, why, sexual immorality is a special case. It does not necessarily provide answers for this and other questions it invites, but it does provide incentives to think more broadly and more contextually about pornography.

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is rooted in a culture with different notions about law and morality. West Germany is not only more lenient in sexual matters, but it also provides a different constitutional framework for pornography laws. Regulation of pornography because of its degrading character is essentially regulation because of its message that persons are sexual objects. The content of this message may be abominable, but it is a message still. The First Amendment forbids regulation on the basis of content. The German constitution does not. It allows the limitation of speech for the protection of other constitutional values, and particularly of human dignity.

These differences are not mere technicalities; they express the different choices which the respective societies have made in the conflict between protection of speech and prevention of social damage resulting from harmful speech. American free speech doctrine endorses the choice that unrestricted exchange of ideas, including harmful ones, is so valuable that it justifies, in most cases, the risk of harm from speech. German constitutional law, reflecting the experience of inhumanity during the Nazi period, rests on the belief that some substantive values, like human dignity, are too precious to be put at risk, so that their protection requires some restriction of speech. As a result, regulation of pornography because of its degrading character looks entirely different under the two constitutions. From an American perspective, it poses a threat to free speech. From a German point of view, it is a legitimate measure to protect human dignity.

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**Breaking new ground**

*Additions to curriculum reflect Michigan’s involvement in difficult and exciting areas of legal scholarship*

A look inside the new Law School *Bulletin* reveals that more than the cover has changed. Under the curriculum heading, over a dozen new courses and seminars are listed, reflecting the constant process of development that characterizes Michigan’s curriculum. As Associate Dean Edward H. Cooper explains it, “new areas of law emerge, established areas take on new prominence, revolutions occur in the way of thinking about law.” These changes also reflect the constantly evolving interests of the facility and the Law School’s commitment to exploring some of the most difficult problems in the field of law and thus, the most exciting areas of legal scholarship.

A sample of some of the new course and seminar offerings follows.

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**Whitmore Gray**

*Alternatives to Litigation*

Because of the delays and expenses of litigation, numerous alternative ways of resolving...
disputes have been developed in recent years. This course focuses not only on arbitration, mediation, and conciliation, but also on such innovations as the mini-trial and the summary jury trial. Throughout, the course is concerned with the psychological factors underlying these methods of arriving at agreement and party satisfaction with the various results.

During the semester there are sessions with visitors who are active in the field, as well as simulated practical sessions. The popularity of the course can be seen in enrollment figures which increased from 45 the first year it was offered to 130 the second year.

Leon E. Irish: Law of the Sea
This area of the law determines the powers of states and international organizations to regulate uses of the oceans and rights of all vessels and aircraft to extract oil and other minerals, the right to the fish and other living resources of the sea, and rights to control pollution and conduct marine scientific research. The law of the sea sets the rules for determining maritime boundaries, territorial seas, economic zones, and continental shelves, and establishes the regime governing deep seabed mining.

The course examines the law of the sea, analyzes the new treaty regime and the negotiations that led to it, and considers numerous unresolved problems.

Irish's other new offering concerns a vastly different legal field, Employee Benefits. The subject matter in this course includes federal laws governing qualified and nonqualified pension, profit-sharing, stock bonus, and employee stock ownership plans, as well as consideration of stock option, restricted stock, unfunded deferred compensation, and other nonqualified deferred compensation mechanisms. The course emphasizes the theoretical and policy foundations of the law as well as technical rules and planning possibilities.

James E. Krier: Legal Writing for a Lay Audience
The title of this seminar is self-explanatory. Students conduct research and interviews and write 10 short papers concerning technical legal matters for an audience of educated people who have no legal training. Most of the class time is devoted to workshops in which the students read each other's papers and react to them with constructive critical comments.

The focus of the course for the past two semesters has been the developmental history of downtown Ann Arbor. Students are expected to gather information from...
secondary materials in libraries, from legal documents, and from interviews with faculty members, government officials, developers, planners, architects, people displaced by development, and others.

Working with Krier is Steve Cain, an investigative reporter with the Ann Arbor News, specializing in legal matters. Cain, who has 22 years of experience, is a former NEH fellow and has won a number of new writing awards.

Krier reports, "The students, to my surprise, have proved not at all bashful about tearing apart the work of their peers, and, just as surprisingly, take criticism remarkably well." The workshop environment, in particular, he feels, contributes to a solid learning program.

Margaret A. Leary:
Law Librarianship
Taught in the School of Library Science, this seminar on law library administration was designed to give those who already had a fundamental understanding of the sources and bibliography of the law more particular training in the administration of various types of law libraries: academic, firm, state, court, county, and corporate.

The seminar is part of an informal cooperative effort on the part of the Law Library and the School of Information and Library Studies to offer a curriculum plan for a specialization in law librarianship. Graduates of the program, including several who also graduated from the Law School, are now working in such libraries as those of the University of Chicago, Cornell, and the University of Pennsylvania, as well as the University of Michigan.

Jessica D. Litman:
Entertainment Law
The students who take this course represent (in simulated situations) people in the entertainment industry and negotiate contracts through every stage of exploitation of a hypothetical work.

Litman explains the progression of events, beginning with an idea for a novel: "First a contract is negotiated between an author and a publisher. Then the dramatic rights are sold, and a playwright and a composer are hired to dramatize it. Then we put it on Broadway, way as a musical, sell off the movie rights, hire a screen writer, star, and director, compose a soundtrack for the film, spin it off into a TV series, and so on."

Each of the 16 students in the class is required to negotiate and draft two contracts, with one hour devoted to live negotiating in front of the whole class. Litman hires actors from the acting school to play the parts of the writers, actors, publishers, and composers. In addition, visitors from the entertainment industry, such as a literary agent and a music industry lawyer come in to talk about what they do.

William I. Miller:
Blood Feuds
A description of this course is found on p.40, following Miller's article on exchange in medieval Iceland.

Sallyanne Payton:
Health Law
Medicine has traditionally been a self-governing profession; only within the past 15 years or so have legal disputes arising out of the practice of medicine come to the
courts in significant numbers. The legal issues that have emerged, however, raise the most interesting and difficult questions concerning the definitions of death and birth, the use of advanced technology to prolong life or to intervene in the life process, and the rights of patients and their families to participate in medical decision making.

Disputes over the proper allocation of decision making authority between physicians and patients have contributed to a general rethinking of public policy toward the delivery of health services. At the same time that public commitment to providing universal access to necessary health services is apparently undiminished, funding is steadily being withdrawn through limitations on reimbursement under Medicare and Medicaid.

The health law course is designed to introduce students to the interaction between medical decision making and legal standard setting. The course is taught jointly by Professor Payton and by Bettye Elkins of Dykema, Gossett, and is designed to be accessible to students from disciplines other than the law.

Beverley J. Pooley: Sports Law
This is another course that gives students an opportunity to synthesize skills gained from various specialized courses in law school and bring them to bear on some tough problems of professional concern and public interest.

As Pooley explains it, "a professional athlete's relationship with his employing club, and that club's relationship to the league of which it is a member are largely matters of contract law. Whether a high school student has a right to participate in athletics, and whether sports organizers can validly require players to submit to drug tests are questions for the constitutional lawyer. Similarly, other sports cases present problems of labor law or tort law."

It is the anti-trust principles which the courts have propounded over the past 15 years, however, which have had the greatest impact on sports, according to Pooley. Questions in this regard concern the NCAA's right to control the televising of football games, the validity of the various player "drafts," and the status of many other professional player restraints.

Other issues include the question of whether sports activities have reached such a quasi-religious dimension in our society that we easily tolerate in the sports arena practices which are almost unthinkable elsewhere (e.g., player restraints, hockey violence, the illiterate student-athlete).

Theodore J. St. Antoine: Individual Employee Relations
With less than 20 percent of the private sector nonagricultural work force now unionized, labor law teachers across the country recognize that it is no longer sufficient to teach students a basic labor relations law course dealing primarily with the Taft-Hartley Act. This is all the more true because the last two decades have seen both federal and state law increasingly intervene to regulate the employer-employee relationship directly, instead of leaving it to voluntary arrangements established through collective bargaining.

The new course provides an overview of some of the most important legislation and judicially developed doctrines applicable to the relations between employers and their employees, whether or not a labor organization is involved. A pervasive question concerns the appropriate spheres of private and public governance of the work place. The main theme concerns federal and state protection of the health, safety, and economic well-being of the worker.

Frederick F. Schauer: Legal Realism and the Critical Legal Studies Movement
"Law students, like most lawyers," Schauer claims, "become quickly adept at identifying what is wrong with a case, a judge, a law, or a theory. Part of the purpose of this course is to try to get students to
think about what is right about a perspective that might not at first engender their sympathy."

This course attempts to get students to view with at least some initial sympathy the kinds of claims that have been made against more formal approaches to the nature of law and the nature of adjudication. It also attempts to introduce students to literature that views law in more explicitly political terms.

The students are encouraged to view the challenges at first sympathetically, so that they can see what is best and most important about these perspectives, and then, and only then, to engage in a process of seeing the weaknesses in these outlooks.

"By emphasizing the constructive rather than the destructive aspect of creative and analytical thinking," Schauer explains, "I hope to engage in my own somewhat idiosyncratic challenge to the conventional way in which law is taught, thought about, and written about."

Joseph Vining:
Law and Theology
This research seminar provides an opportunity for students to explore the methodological and conceptual connections between the disciplines of law and theology. The seminar begins by focusing heavily on methodological and institutional similarities and differences. It then explores shared problems of authority, authenticity, ontology, and "hermeneutics," or the problems of reading and interpreting texts.

The offering is non-sectarian, and attempts to embrace Judaic, Islamic, and Christian materials. Students’ inquiries have ranged from a comparison of Mormon and secular judicial decision-making structures to the relevance to legal thinking of conceptual developments in artificial intelligence.

Vining’s other new offering, Corporate Criminality, is structured around three main themes. One is the concept of condemnation of supra-individual entities. Relevant materials on this point are drawn from areas as apparently diverse as the Restatement of Agency and the Nuremberg Trials. A second theme is the control of bureaucracies. The dilemma of the individual within a bureaucracy, to whom the criminal law may be directly addressed, and the special problem of remedy are given particular attention. Finally, the course addresses the central question of the compatibility of quantified, objective, cost-benefit maximization, and the form of reasoning made necessary by the criminal law if a decision maker is to avoid criminal liability.

Joseph H. H. Weiler:
Legal Aspects of the Arab-Israeli Conflict
The Arab-Israeli conflict is a phenomenon which has had, and continues to have, a profound effect on the international order. American involvement dates back to World War I: It was President Wilson who inspired the mandate system which marks one of the first milestones of the conflict. As Weiler points out, "it is sobering to recall that the only known instance of American forces being put on a
world-wide nuclear alert occurred in the wake of the October 1973 (Yom Kippur) War."

In legal terms, the Arab-Israeli conflict offers possibly the best "test case" of the international legal regime governing the permissibility of the use of force and the fragile institutional mechanisms of that regime. There are few, if any, legal issues in this area which have not been raised in the context of the conflict.

The seminar is structured on historical lines. It examines the legal dimensions of the major junctures of the conflict, from the Balfour Declaration to the war in Lebanon and the continuous cycles of aggression, terror, and counter-aggression and terror.

James Boyd White: Rhetoric, Law and Culture
This course examines a series of legal and nonlegal texts, drawn from a variety of genres and contexts, asking of each two general questions. One is how the text functions as a cultural text, that is, how it reconstructs the systems of meaning that define its culture. The other is how it functions as a rhetorical text, that is, how it defines its various characters, how it gives meaning to its central terms of value and motive, what sorts of reasoning it exemplifies and holds out as persuasive, and what kind of community it establishes with its readers.

The texts read vary from year to year, but normally include both classic Greek texts (in translation) and English literary texts as well as legal material drawn from America and elsewhere. The texts have included such works as Sophocles' play Philoctetes; Plato's Crito; Huckleberry Finn; Richard II; The Federalist Papers; the Lincoln-Douglas Debates; and a series of individual opinions, varying from Dred Scott to Bakke. The ultimate goal is to work out a more adequate way of criticizing and composing legal texts.

Christina B. Whitman: Gender and Justice
This seminar explores the perspectives that feminism can bring to law and law to feminism. The class reads texts from law and from other disciplines, such as anthropology, philosophy, and sociology. The texts address topics of concern to lawyers and to women: abortion, affirmative action, racism, lesbian issues, power in families and over property, equality, sexual harassment, pornography.

The questions pursued through the term are larger than any single subject: Is there a uniquely feminine approach to moral issues, and, if so, is that approach consistent with the methods of the law?

The seminar has been held for two years and has attracted students from a broad range of interests, perspectives, and experiences—men as well as women. The students are asked to reflect upon how their legal education, as well as their experiences outside of law school, has shaped their thinking.

Professor Whitman remarks, "I have learned an enormous amount from these students. The first year that it was offered we simply kept on meeting through another seminar because we found that we had so much to explore."

Civil Rights, Whitman's other new course, concerns problems that arise in litigation over constitutional claims. The class addresses technical problems of litigating, as well as larger themes, such as: What does it mean to say that a governmental entity is responsible for an injury? How are constitutional injuries similar to or different from injuries redressed by the common law? Why is there hesitation about declaring and enforcing constitutional rights?
Comings & goings

Proffitt's retirement: Michigan's loss

With deep feelings of nostalgia, Roy Proffitt wrote his final "Reading Between the Sheets" piece for the LQN summer issue, and turned the helm of the school's development and alumni activities over to Jonathan Lowe. After 30 years of dedicated service to the Law School, Proffitt has joined the ranks of other distinguished professors emeriti.

Hailing from Hastings, Nebraska, Proffitt earned a B.S. in business administration from the University of Nebraska-Lincoln in 1940. Soon after graduation, he enlisted in the U.S. Naval Reserve and over the years rose in rank from apprentice seaman to commander. After World War II, he enrolled in the Law School and received his J.D. in 1948.

Following a brief period in practice, Proffitt returned to academic life, first for a short time as a research assistant in international law at the University of Nebraska, and then as a member of the law faculty at the University of Missouri. In 1956, after a year as a Cook Fellow at Michigan, he joined the faculty as associate professor of law and the school's first assistant dean, later becoming professor and associate dean. With no "job description" for assistant dean, Proffitt participated in nearly all of the school's activities. He has described his responsibilities in those early years as similar to those of the executive officer of a navy vessel: "I kept things running, and if the dean suggested something be done, I was expected to see that it was."

This arrangement worked, and in his 14 years as assistant and associate dean he gained the respect and affection of thousands of students. Alumni across the United States and throughout the world still recall his sound advice, his genuine interest, and his willingness to assist them.

Professor Proffitt's academic interests and writings were originally in criminal law and criminal procedure. During the last 15 years he has taught the admiralty law subjects.

Roman law specialist joins faculty

Bruce W. Frier, currently a professor in the Department of Classical Studies at the U-M, has received a concurrent appointment as professor of law. Frier has for a number of years offered a seminar in Roman law at the Law School.

Frier is the author of Landlords and Tenants in Imperial Rome (1980), which won the American Philological Association's 1983 Good-

A graduate of Trinity College who earned his Ph.D. in classics at Princeton, Frier came to Michigan in 1975 and to professor in 1983. During his years at Michigan, he has earned an international reputation as a scholar of the first rank in Roman law.

Most law students who take Roman law, Frier has found, are interested in obtaining a vantage point from which to view their own legal system—one that is both comparative and historical. "From this vantage point," he feels, "students can begin to develop a sense both of how relative law is to time and place, and of how it might be organized in a different fashion." Roman law is particularly relevant because it is the first of the three great Western systems of law, and it provides much of the intellectual basis for modern civil law as well.

**Avery Katz joins Law School**

Avery Katz has been added to the Law School faculty with a joint appointment in economics. A graduate of The University of Michigan in economics, he earned both the J.D. and the Ph.D. in economics at Harvard.

Katz has been involved in research applying economic analysis to civil procedure. His doctoral dissertation, *Essays on the Economics of Litigation*, consists of three separate essays on related topics: economic determinants of litigation expenditure, the relative merits of the English and the American rules for funding litigation, and an economic analysis of frivolous law suits.

**Dean Sandalow to step down**

Just as the present issue of *LQN* was going to press, Dean Terrance Sandalow announced that he had decided to step down from his position as head of the Law School next summer, one year earlier than originally planned. "After eight years as dean—nine by the time I relinquish the position next summer," Sandalow said, "I have decided that it is time for me to return to teaching and scholarship, the activities that drew me into an academic career. He added, "My years as dean have been immensely challenging, at times—as during the budget crisis several years ago—a bit more so than I would have preferred. But they have also been immensely rewarding."

**McCree appointed special master for the third time**

With the recent appointment by the U.S. Supreme Court as special master in the case of *Kansas v. Colorado*, Wade H. McCree, Jr. joins a small, elite company of lawyers. The former U.S. Solicitor General and federal judge who is now the Lewis M. Simes Professor of Law at Michigan was recently appointed to serve as special master for the third time. The role of the special master is to act as a trial judge in matters falling within the original jurisdiction of the Supreme Court.

McCree is one of a small number of persons to be appointed special master three or more times, according to Francis Lorson, chief deputy clerk of the U.S. Supreme Court. Only two other people, Robert van Pelt, U.S. District Judge for the District of Nebraska at Lincoln, and Albert J. Maris, U.S. Judge for the Court of Appeals, Third Circuit, have received the appointment more than three times. At the time of their appointment, both were U.S. judges who had taken senior status, as was Walter J. Hoffman, U.S. District Judge for the District of Virginia at Norfolk, who was appointed three times.

Lorson notes that McCree's three-time appointment, concurrent with his service as law professor, is unique in the history of the U.S. Supreme Court.

Professor McCree is still presiding over an earlier case, *New Jersey v. Nevada*, which concerns the issue of radioactive waste disposal. That case was preceded by the famous Howard Hughes case centering on the question of Hughes's domicile.

His latest appointment involves a suit between Colorado and Kansas concerning the rights of the two states to the waters of the Arkansas River, which originates in Colorado. The first hearing in the case was held this fall at the Law School. The trial is expected to commence within the next 18 months upon completion of pretrial discovery proceedings currently underway.

**Visiting faculty**

A number of outstanding visiting faculty are teaching at the Law School this year.

One visitor for the year has been here since May. Richard B. Ginsberg, visiting from the State Appellate Defender's Office, is teaching criminal appellate practice this fall. A graduate of the University of Pennsylvania in history and of the U-M Law School, Ginsberg is a former VISTA volunteer and staff attorney with the Washtenaw County Legal Aid Society.
Four visitors are joining us for both the fall and winter semesters. **Peter Behrens** is visiting from the University of Hamburg, where he has taught since 1984. From 1971 to 1984 he was a research associate at the Max Planck Institut. Professor Behrens earned an M.C.J. degree from N.Y.U. Law School after completing his undergraduate and law studies at the Universities of Hamburg, Lausanne, Freiburg, and Berlin. This fall he is teaching international law and international trade.

**Richard Marcus**, a visitor from the University of Illinois College of Law, is teaching civil procedure this fall. A graduate of Pomona College and Boalt Hall Law School (the University of California - Berkeley), Marcus worked with the litigation department of the San Francisco firm now known as Dinkelspiel, Donovan & Reder for five years. His spouse, Andrea Saltzman, is also visiting at Michigan this year.

**Andrea Saltzman**, who is teaching in the clinic, has been at the University of Illinois since 1984. She has had extensive and varied experience in the area of public legal assistance. Saltzman holds a B.A. in sociology from Bryn Mawr College, an M.A. in sociology from the University of California at Berkeley, and a J.D. from the Boalt Hall School of Law at Berkeley. She also studied sociology and criminology at the London School of Economics.

**Joel Seligman**, who is teaching courses on enterprise organization and securities regulation, has been on the faculty of the George Washington University National Law Center since 1983. He previously taught at Northeastern University Law School and worked as an attorney with the Corporate Accountability Research Group in Washington, D.C. A graduate of Harvard Law School and UCLA, Seligman has also served as a consultant to the Federal Trade Commission and the Department of Transportation. Eight visitors are here for the fall semester only.

**Robert C. Casad** is a professor at the University of Kansas, where he did his undergraduate work, majoring in economics. An alumnus of Michigan Law School (J.D. ’57), Casad received the S.J.D. at Harvard. This fall he is teaching a section of civil procedure, an area in which he has written extensively, and a seminar on federal courts.

**Patrick O. Gudridge**, who is teaching constitutional law and enterprise organization, is visiting from the University of Miami School of Law, where he has taught since 1977. Professor Gudridge earned both the A.B. and the J.D. at Harvard University.

**Robert A. Hillman**, from Cornell University, is a graduate of the University of Rochester and Cornell Law School. A specialist in contract and commercial law, he taught at the University of Iowa Law School for seven years. This fall he is teaching contracts and commercial transactions.

**Basil S. Markesinis** visited from Trinity College, Cambridge, and the University of London, where he is Denning Professor of Comparative Law. A graduate of the University of Athens (LL.B., Doctor Iuris) and Cambridge (M.A., Ph.D.), Professor Markesinis has published extensively in English, Greek, German, and French. This semester he taught an intensive six-week course in comparative contracts and torts.

**David M. Rabban** is visiting from the University of Texas. A graduate of Wesleyan University and Stanford Law School, Rabban previously worked as an associate with the New York law firm of Murray A. Gordon, P.C., and as associate counsel and counsel for the American Association of University Professors in Washington, D.C. Professor Rabban is teaching a course on labor law and a seminar on American legal history.

**Richard L. Schmalbeck**, of the Duke University School of Law, is teaching a section on tax and a seminar on federal tax policy this fall. Professor Schmalbeck received both the A.B. in economics and the J.D. from the University of Chicago. He was formerly an associate with the Washington, D.C. law firm of Caplin & Drysdale and with the Columbus firm of Vorys, Sater, Seymour & Pease. He also worked for a short time with the U.S. Office of Management and Budget.

**Bruno Simma** is visiting from the Faculty of Law, Munich, where he is professor of international law. A graduate of the University of Innsbruck, Professor Simma since 1981 has taught international law to junior diplomats in the Foreign Ministry of the Federal Republic of Germany. His background includes teaching appointments with the University of Notre Dame and Creighton University European programs, the directorship of studies at the Hague Academy of International Law, and membership in the Court of Arbitration in Sports (CAS) of the International Olympic Committee. Professor Simma is teaching international protection of human rights.

**Robert J. White** is visiting from the Los Angeles firm of O’Melveny & Myers, where he has been a partner since 1980 and an associate since 1972. While studying for his B.S. in accounting at the University of Illinois and his J.D. at the U-M, White served in the National Guard and the Army Reserves. A specialist in commercial law and bankruptcy, White is teaching bankruptcy reorganization this fall.