

Michigan Law Review

Volume 87 | Issue 1

1988

Book & Periodical Index

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

Recommended Citation

Michigan Law Review, *Book & Periodical Index*, 87 MICH. L. REV. 314 (1988).

Available at: <https://repository.law.umich.edu/mlr/vol87/iss1/9>

This Regular Feature is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

BOOK & PERIODICAL INDEX

BOOKS RECEIVED

ANTITRUST LAW

ANTITRUST ANALYSIS: PROBLEMS, TEXT, CASES. (4th ed.) By *Phillip Areeda & Louis Kaplow*. Boston: Little, Brown. 1988. Pp. xxxv, 1067.

THE ANTITRUST HEALTH CARE HANDBOOK. Task Force on Antitrust Compliance Program for the Health Care Industry. Chicago: American Bar Association Press. 1988. Pp. ix, 50. Paper, \$30.

ANTITRUST LAW DEVELOPMENTS (SECOND). Section of Antitrust Law, American Bar Association. Chicago: American Bar Association Press. 1988. Pp. xix, 514. Paper, \$75.

ANTITRUST LAW: MERGERS

NON-HORIZONTAL MERGERS: LAW AND POLICY. By *Wayne D. Collins & James R. Loftis, III*. Chicago: American Bar Association Press. 1988. Pp. vii, 91. Paper, \$35.

ATTORNEYS

THE SOCIAL RESPONSIBILITIES OF LAWYERS: CASE STUDIES. By *Philip B. Heymann & Lance Liebman*. Westbury: Foundation Press. 1988. Pp. xxvii, 354. Paper.

COMMON LAW

THE NATURE OF THE COMMON LAW. By *Melyin Aron Eisenberg*. Cambridge: Harvard University Press. 1988. Pp. x, 204. \$22.50.

CONSTITUTIONAL LAW

See also *Courts, Philosophy*.

THE CONSTITUTION AND THE REGULATION OF SOCIETY. Edited by *Gary C. Bryner & Dennis L. Thompson*. Provo: Brigham Young University Press. 1988. Pp. v, 258. Cloth, \$34.50; paper, \$10.95. [Distributed by State University of New York Press]

RED, WHITE, AND BLUE: A CRITICAL ANALYSIS OF CONSTITUTIONAL LAW. By *Mark Tushnet*. Cambridge: Harvard University Press. 1988. Pp. x, 328. \$35.

CORPORATIONS: CONSOLIDATIONS AND MERGER

See *Antitrust Law: Mergers*.

COURTS

PACKING THE COURTS: THE CONSERVATIVE CAMPAIGN TO REWRITE THE CONSTITUTION. By *Herman Schwartz*. New York: Charles Scribner's Sons. 1988. Pp. xiv, 242. \$19.95.

CRIMINAL INVESTIGATION

See *Police*.

CRIMINAL LAW

HARMLESS WRONGDOING: THE MORAL LIMITS OF THE CRIMINAL LAW. By *Joel Feinberg*. New York: Oxford University Press. 1988. Pp. xxiv, 380. \$32.50.

DISCRIMINATION

CASES AND MATERIALS ON EMPLOYMENT DISCRIMINATION. (2d ed.). By *Michael J. Zimmer, Charles A. Sullivan & Richard F. Richards*. Boston: Little, Brown. 1988. Pp. xxvi, 1110.

EMPLOYMENT

See *Discrimination*.

ETHICS

EARTH AND OTHER ETHICS: THE CASE FOR MORAL PLURALISM. By *Christopher D. Stone*. New York: Harper & Row. 1987. Pp. viii, 280. Paper, \$7.95.

TRIAL ETHICS. By *Richard H. Underwood & William H. Fortune*. Boston: Little, Brown. 1988. Pp. xxxiii, 798.

EVIDENCE

FEDERAL RULES OF EVIDENCE. (1988 ed. with Advisory Committee Notes and Legislative History). By *Christopher B. Mueller & Laird C. Kirkpatrick*. Boston: Little, Brown. 1988. Pp. vi, 329. Paper.

GOVERNMENT REGULATION

See *Constitutional Law*.

HISTORY

CUSTOM, KINSHIP, AND GIFT TO SAINTS: THE *LAUDATIO PARENTUM* IN WESTERN FRANCE, 1050-1150. By *Stephen D. White*. Chapel Hill: University of North Carolina Press. 1988. Pp. xvii, 313. \$29.95.

INSURANCE

THE SUICIDE CASE: INVESTIGATION AND TRIAL OF INSURANCE CLAIMS. Edited by *James L. Nolan*. Chicago: American Bar Association Press. 1988. Pp. v, 82. Paper, \$34.95.

LABOR LAW

See also *Discrimination*.

LABOR RELATIONS: THE BASIC PROCESSES, LAW AND PRACTICE. By *Julius G. Getman & Bertrand B. Pogrebin*. Westbury: Foundation Press. 1988. Pp. xxxiii, 396.

LAW ENFORCEMENT

See *Police*.

LEGAL ETHICS

See *Ethics*.

LEGAL HISTORY

See also *Opinions*.

TRANSFERS OF PROPERTY IN ELEVENTH-CENTURY NORMAN LAW. By *Emily Zack Tabuteau*. Chapel Hill: University of North Carolina Press. 1988. Pp. x, 445. \$49.95.

LEGAL RESEARCH

NEW YORK LEGAL RESEARCH GUIDE. By *Ellen M. Gibson*. Buffalo: William S. Hein & Co. 1988. Pp. xii, 404. \$32.50.

LEGAL SCHOLARSHIP

See *Legal Writing*.

LEGAL WRITING

CRITICAL LEGAL STUDIES. Edited by *Peter Fitzpatrick & Alan Hunt*. New York: Basil Blackwell. 1987. Pp. 197. Paper, \$17.95.

DEFINITION AND RULE IN LEGAL THEORY: A REASSESSMENT OF H.L.A. HART AND THE POSITIVIST TRADITION. By *Robert N. Moles*. New York: Basil Blackwell. 1987. Pp. vii, 285. \$49.95.

LIABILITY

LIABILITY: THE LEGAL REVOLUTION AND ITS CONSEQUENCES. By *Peter W. Huber*. New York: Basic Books. 1988. Pp. x, 260. \$19.95.

MEDICAL PROFESSION

See *Antitrust Law*.

MERGER

See *Antitrust Law: Mergers*.

OPINIONS

THE UNPUBLISHED OPINIONS OF THE BURGER COURT. By *Bernard Schwartz*. New York: Oxford University Press. 1988. Pp. 488. \$34.50.

PHILOSOPHY

PHILOSOPHY, THE FEDERALIST, AND THE CONSTITUTION. By *Morton White*. New York: Oxford University Press. 1987. Pp. xi, 273. \$32.50.

PHILOSOPHY OF LAW

See *Legal Writing*.

POLICE

TEMPERED ZEAL: A COLUMBIA LAW PROFESSOR'S YEAR ON THE STREETS WITH THE NEW YORK CITY POLICE. By *H. Richard Uviller*. Chicago: Contemporary Books. 1988. Pp. xix, 234. \$19.95.

UNDERCOVER: POLICE SURVEILLANCE IN AMERICA. By *Gary T. Marx*. Berkeley: University of California Press. 1988. Pp. xxv, 283. \$25.

PROPERTY

See *Legal History*.

RAPE

REAL RAPE. By *Susan Estrich*. Cambridge: Harvard University Press. 1987. Pp. 160. Paperback ed., \$7.95.

SUICIDE

See *Insurance*.

TORTS

THE AMERICAN TORT PROCESS. By *John G. Fleming*. New York: Clarendon Press/Oxford University Press. 1988. Pp. viii, 271. \$55.

TRIAL PRACTICE

FUNDAMENTALS OF PRETRIAL TECHNIQUES. By *Thomas A. Mauet*. Boston: Little, Brown. 1988. Pp. xxiii, 356. Paper.

TRIALS

See *Ethics*.

SUBJECT INDEX

This index includes *articles*, *comments*, and some of the longer *notes* and *recent developments* that have appeared in leading reviews since the publication of the last issue of this *Review*.

ABORTION

The chastity act: government manipulation of abortion information and the first amendment. Janet Benshoof. 101 Harv. L. Rev. 1916-37 (June).

Why the government is not required to subsidize abortion counseling and referral. Theodore C. Hirt. 101 Harv. L. Rev. 1895-915 (June).

ACCOUNTANTS AND ACCOUNTING

See *Torts*.

ANTITRUST LAW

Allocating antitrust decisionmaking tasks. Frank H. Easterbrook. 76 Geo. L.J. 305-20 (Dec.).

Antitrust policy after the Reagan administration. Eddie Correia. 76 Geo. L.J. 329-35 (Dec.).

Business judgment vs. antitrust justice. Stephen D. Susman. 76 Geo. L.J. 337-46 (Dec.).

Delimiting antitrust. Oliver E. Williamson. 76 Geo. L.J. 271-303 (Dec.).

Does antitrust have a future? Robert Pitofsky. 76 Geo. L.J. 321-27 (Dec.).

Monopoly power and market power in antitrust law. Thomas G. Krattenmaker, Robert H. Lande & Steven C. Salop. 76 Geo. L.J. 241-69 (Dec.).

Reciprocal altruism as a felony: antitrust and the prisoner's dilemma. John Shepard Wiley, Jr. 86 Mich. L. Rev. 1906 (Aug.).

BANKRUPTCY

See *Right to Trial by Jury*.

CHURCH AND STATE

Church-affiliated universities and Labor Board jurisdiction: an unholy union between church and state? 56 Geo. Wash. L. Rev. 558-99 (Mar.).

Evolutionism, creationism, and treating religion as a hobby. Stephen L. Carter. 1987 Duke L.J. 977-96 (Dec.).

CIVIL PROCEDURE

See also *Federal Jurisdiction*.

Forum selection clauses in light of the *Erie* doctrine and federal common law: *Stewart Organization v. Ricoh Corporation*. 72 Minn. L. Rev. 1090-122 (May).

A uniform approach to rule 11 sanctions. 97 Yale L.J. 901-21 (Apr.).

CIVIL RIGHTS

See also *Discrimination*.

CRIPA: the failure of federal intervention for mentally retarded people. 97 Yale L.J. 845-62 (Apr.).

COLLECTIVE BARGAINING

The impact of financial crises upon collective bargaining relationships. Charles B. Craver. 56 Geo. Wash. L. Rev. 465-508 (Mar.).

The law and economics of collective bargaining: an introduction and application to the problems of subcontracting, partial closure, and relocation. Michael L. Wachter & George M. Cohen. 136 U. Pa. L. Rev. 1349-417 (May).

COLLEGES AND UNIVERSITIES

See *Church & State*.

COMMON LAW

See also *Civil Procedure*, *Contracts*, *Limitation of Actions*.

The case law system in America. Karl N. Llewellyn. 88 Colum. L. Rev. 989-1020 (June).

COMPUTERS

See *Copyright*.

CONFESSIONS

See *Criminal Procedure*.

CONSTITUTIONAL LAW

See also *Contracts*, *Separation of Powers*.

The natural-born citizen clause and presidential eligibility: an approach for resolving two hundred years of uncertainty. 97 Yale L.J. 881-99 (Apr.).

CONTRACTS

Common-law due process rights in the law of contracts. 66 Texas L. Rev. 1021-70 (Apr.).

Contract rights and property rights: a case study in the relationship between individual liberties and constitutional structure. Michael W. McConnell. 76 Calif. L. Rev. 267-95 (Mar.).

COPYRIGHT

See also *Intellectual Property*.

Copyright protection for computer screen displays. 72 Minn. L. Rev. 1123-58 (May).

An improved framework for music plagia-

rism litigation. 76 Calif. L. Rev. 421-64 (Mar.).

Reconstructing the fair use doctrine. William W. Fisher III. 101 Harv. L. Rev. 1659-795 (June).

CORPORATIONS: POWERS

See *Antitrust Law*.

COURTS

See *Federal Courts*.

CRIMINAL LAW

See *Criminal Procedure, Sentencing*.

CRIMINAL PROCEDURE

Guarding the guardians: police trickery and confessions. 40 Stan. L. Rev. 1593-616 (July).

Richardson v. Marsh: codefendant confessions and the demise of confrontation. 101 Harv. L. Rev. 1876-94 (June).

Seventeenth annual review of criminal procedure: United States Supreme Court and courts of appeals 1986-1987. 76 Geo. L.J. 521-1360 (Feb.).

DISCRIMINATION

Indirect proof of discriminatory motive in title VII disparate treatment claims after *Aikens*. 88 Colum. L. Rev. 1114-34 (June).

The nonperpetuation of discrimination in public contracting: a justification for state and local minority business set-asides after *Wygant*. 101 Harv. L. Rev. 1797-815 (June).

Rethinking equality and difference: disability discrimination in public transportation. 97 Yale L.J. 863-80 (Apr.).

DUE PROCESS OF LAW

See *Contracts*.

ECONOMICS

See *Collective Bargaining*.

EMPLOYER AND EMPLOYEE

See *Workmen's Compensation*.

ENVIRONMENTAL LAW

See *Insurance*.

EXTRADITION

See *Treaties*.

FEDERAL AID

See *Abortion*.

FEDERAL COURTS

Federal court review of arbitrary state court decisions. 86 Mich. L. Rev. 2010 (Aug.).

FEDERAL JURISDICTION

Removal of suits against federal officers:

does the malfeasant mailman merit a federal forum? 88 Colum. L. Rev. 1098-113 (June).

FREEDOM OF RELIGION

See *Church & State, Government*.

FREEDOM OF SPEECH

See also *Abortion*.

Cultural heterogeneity and law: pornography, blasphemy, and the first amendment. Robert C. Post. 76 Calif. L. Rev. 297-335 (Mar.).

Too close for comfort: protesting outside medical facilities. 101 Harv. L. Rev. 1856-75 (June).

GOVERNMENT

See also *Politics*.

The state as a purveyor of morality. Don Welch. 56 Geo. Wash. L. Rev. 540-57 (Mar.).

GOVERNMENT CONTRACTS

See *Discrimination*.

GOVERNMENT IMMUNITY AND LIABILITY

See *Immunity*.

GRANTS-IN-AID

See *Abortion*.

HANDICAPPED

See *Discrimination*.

HOUSING

See *Rents & Rent Control*.

IMMUNITY

More plenary than thou: a post-*Welch* compromise theory of congressional power to abrogate state sovereign immunity. 88 Colum. L. Rev. 1022-56 (June).

INSURANCE

Environmental liability and the limits of insurance. Kenneth S. Abraham. 88 Colum. L. Rev. 942-88 (June).

INTELLECTUAL PROPERTY

See also *Copyright*.

Internationalizing the Copyright Code: an analysis of legislative proposals seeking adherence to the Berne Convention. 76 Geo. L.J. 467-505 (Dec.).

A trade-based response to intellectual property piracy: a comprehensive plan to aid the motion picture industry. 76 Geo. L.J. 417-65 (Dec.).

INTERNATIONAL ARBITRATION

General principles of law in international commercial arbitration. 101 Harv. L. Rev. 1816-34 (June).

INTERNATIONAL LAW

See *Intellectual Property, Subsidies*.

INTERNATIONAL TRADE

See *International Arbitration*.

**INTERPRETATION AND
CONSTRUCTION OF STATUTES**

See *Legal Writing*.

INVESTMENT TRUSTS

Emerging alternatives to mutual funds: unit investment trusts and other fixed portfolio investment vehicles. Thomas S. Harman. 1987 Duke L.J. 1045-94 (Dec.).

INVESTMENTS

See *Investment Trusts*.

JEWISH LAW

The justification for controversy under Jewish law. Jeffrey I. Roth. 76 Calif. L. Rev. 337-87 (Mar.).

JUDICIAL REVIEW

Judicial review and congressional tenure: an observation. Mark Tushnet, Norman Schneider & Mark Kovner. 66 Texas L. Rev. 967-91 (Apr.).

JURISDICTION

See *Federal Jurisdiction*.

LABOR LAW

See also *Church & State, Collective Bargaining*.

Divided we stand: concerted activity and the maturing of the NLRA. B. Glenn George. 56 Geo. Wash. L. Rev. 509-39 (Mar.).

Labor conspiracies in American law, 1880-1930. Herbert Hovenkamp. 66 Texas L. Rev. 919-65 (Apr.).

LANGUAGE

Don't know much about the Middle Ages: Posner on law and literature. Stanley Fish. 97 Yale L.J. 777-93 (Apr.).

LAW ENFORCEMENT

See *Police*.

LAW REFORM

See *Torts*.

LAW REVIEWS

A student defense of student edited journals: in response to Professor Roger Cramton. 1987 Duke L.J. 1122-37 (Dec.).

LAW SCHOOLS

See *Legal Education*.

LEGAL EDUCATION

See also *Women*.

Gender, legal education, and the legal profession: an empirical study of Stanford law students and graduates. 40 Stan. L. Rev. 1209-97 (May).

LEGAL HISTORY

See also *Labor Law*.

The structure of Blackstone's Commentaries. 97 Yale L.J. 795-821 (Apr.).

LEGAL SCHOLARSHIP

See also *Philosophy*.

The practice and discourse of legal scholarship. Edward L. Rubin. 86 Mich. L. Rev. 1835 (Aug.).

LEGAL WRITING

See also *Language, Legal Scholarship*.

Dworkin and subjectivity in legal interpretation. 40 Stan. L. Rev. 1517-41 (July).

Figuring the law: holism and tropological inference in legal interpretation. 97 Yale L.J. 823-43 (Apr.).

LEGISLATION

See *Intellectual Property*.

LIABILITY

See *Police*.

LIMITATION OF ACTIONS

The parameters of federal common law: the case of time limitations on federal causes of action. 136 U. Pa. L. Rev. 1447-513 (May).

LITERATURE

See *Language*.

MASS MEDIA AND PRESS LAW

See *Torts*.

MENTALLY HANDICAPPED

See *Civil Rights*.

MONOPOLIES

See *Antitrust Law*.

MOTION PICTURES

See *Intellectual Property*.

MUTUAL FUNDS

See *Investment Trusts*.

NEGLIGENCE

See *Torts*.

PERIODICALS

See *Law Reviews*.

PHILOSOPHY

Liberalism doesn't exist. Stanley Fish. 1987 Duke L.J. 997-1001 (Dec.).

Unger's philosophy: a critical legal study. William Ewald. Colloquy by Cornel West;

Reply by William Ewald. 97 Yale L.J. 665-775 (Apr.).

PHILOSOPHY OF LAW

See *Government, Legal Writing*.

PICKETING

See *Freedom of Speech*.

PLEADING

See *Civil Procedure*.

POLICE

See also *Criminal Procedure*.

Police liability for creating the need to use deadly force in self-defense. 86 Mich. L. Rev. 1982 (Aug.).

POLITICAL CRIMES AND OFFENSES

See *Treaties*.

POLITICS

See *Antitrust Law*.

Understanding (and misunderstanding) public choice: a response to Farber and Frickey. Michael E. DeBow & Dwight R. Lee. Integrating public choice and public law: a reply to DeBow and Lee. Daniel A. Farber & Philip P. Frickey. 66 Texas L. Rev. 993-1019 (Apr.).

PRIVACY

See *Right of Privacy*.

PRODUCTS LIABILITY

Imperfect information, the pricing mechanism, and products liability. 88 Colum. L. Rev. 1057-72 (June).

PROFESSIONS

See *Women*.

PROPERTY

See *Contracts*.

REMOVAL OF CAUSES

See *Federal Jurisdiction*.

RENTS AND RENT CONTROL

Reassessing rent control: its economic impact in a gentrifying housing market. 101 Harv. L. Rev. 1835-55 (June).

RIGHT OF PRIVACY

State prohibition of fetal experimentation and the fundamental right of privacy. 88 Colum. L. Rev. 1073-97 (June).

RIGHT TO TRIAL BY JURY

Jury trials in bankruptcy: obeying the commands of article III and the seventh amendment. S. Elizabeth Gibson. 72 Minn. L. Rev. 967-1054 (May).

Mens rea and the right to trial by jury. 76 Calif. L. Rev. 391-420 (Mar.).

SCIENCE

See *Right of Privacy*.

SECURITIES

See *Stocks*.

SECURITIES: INSIDER TRADING

Insider trading and the corporate acquirer: private actions under rule 10b-5 against agents who trade on misappropriated information. 56 Geo. Wash. L. Rev. 600-57 (Mar.).

SENTENCING

The death of discretion: reflections on the federal sentencing guidelines. Charles J. Ogle-tree, Jr. 101 Harv. L. Rev. 1938-60 (June).

SEPARATION OF POWERS

See also *Judicial Review*.

The failure of constitutional controls over war powers in the nuclear age: the argument for a constitutional amendment. 40 Stan. L. Rev. 1543-92 (July).

STANDING TO SUE

The metaphor of standing and the problem of self-governance. Steven L. Winter. 40 Stan. L. Rev. 1371-516 (July).

STATES' RIGHTS

See *Immunity*.

STOCKS

Taking discounts seriously: the implications of "discounted" share prices as an acquisition motive. Reinier Kraakman. 88 Colum. L. Rev. 891-941 (June).

SUBSIDIES

See also *Abortion*.

The lingering problem with the specificity test in United States countervailing duty law. 72 Minn. L. Rev. 1159-92 (May).

TAXATION

The deductibility of fixed donations made to churches as charitable contributions under the Internal Revenue Code: *Staples v. Commissioner*. 72 Minn. L. Rev. 1055-89 (May).

The reconciliation of retirement security and tax policies: a response to Professor Graetz. Nancy J. Altman. 136 U. Pa. L. Rev. 1419-46 (May).

The tax incentives for research and development: an analysis and a proposal. William Natbony. 76 Geo. L.J. 347-416 (Dec.).

TORTS

Media liability for physical injury resulting from the negligent use of words. 72 Minn. L. Rev. 1193-232 (May).

Negligent accounting and the limits of instrumental tort reform. John A. Siliciano. 86 Mich. L. Rev. 1929 (Aug.).

Tort law and the alternatives: some Anglo-American comparisons. P.S. Atiyah. 1987 Duke L.J. 1002-44 (Dec.).

TREATIES

See also *Intellectual Property, Subsidies*.

Revolutionaries beware: the erosion of the political offense exception under the 1986 United States-United Kingdom Supplementary Extradition Treaty. 136 U. Pa. L. Rev. 1515-45 (May).

UNIONS

See *Collective Bargaining*.

WOMEN

The legal education of twenty women. Catherine Weiss & Louise Melling. 40 Stan. L. Rev. 1299-369 (May).

Perspectives on professional women. Deborah L. Rhode. 40 Stan. L. Rev. 1163-207 (May).

WORKERS' COMPENSATION

Indemnity under workers' compensation: recognizing a special legal relationship between manufacturer and employer. 1987 Duke L.J. 1095-121 (Dec.).