

Michigan Law Review

Volume 88 | Issue 1

1989

Front Matter

Michigan Law Review

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

Recommended Citation

Michigan Law Review, *Front Matter*, 88 MICH. L. REV. i (1989).
Available at: <https://repository.law.umich.edu/mlr/vol88/iss1/1>

This Front Matter 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.

Michigan Law Review

Vol. 88, No. 1

October 1989

CONTENTS

ARTICLE

- ANTITRUST'S PROTECTED CLASSES *Herbert Hovenkamp* 1

ESSAYS

- PRINCIPLES, POLITICS, AND
CONSTITUTIONAL LAW *Mark Tushnet* 49

- COMPENSATION FOR CONSTITUTIONAL
TORTS: REFLECTIONS ON THE
SIGNIFICANCE OF FAULT *John C. Jeffries, Jr.* 82

CORRESPONDENCE

- LAW WITHOUT MIND *Steven D. Smith* 104

- STATE TAKEOVER STATUTES
REVISITED *Richard A. Booth* 120

NOTE

- CORPORATE LIFE AFTER DEATH:
CERCLA PREEMPTION OF STATE
CORPORATE DISSOLUTION LAW 131

RECENT BOOKS

BOOKS RECEIVED	169
----------------------	-----

PERIODICAL INDEX

SUBJECT INDEX of Articles, Comments, Notes, and Recent Developments Appearing in Leading Law Reviews	171
---------------------------------------------------------------------------------------------------------------	-----

The design on the cover is taken from an etching of The University of Michigan Legal Research Building.

Michigan Law Review (ISSN 0026-2234) is published monthly October, November, December, February, April, May, June, and August. Subscriptions: United States, \$36 per year in advance, eight numbers; Foreign, \$40. Editorial and Business Offices: Hutchins Hall, Ann Arbor, Michigan 48109-1215. Second-class postage paid at Ann Arbor, Michigan, and additional mailing offices. POSTMASTER: send address changes to Michigan Law Review, Hutchins Hall, Ann Arbor, Michigan 48109-1215.

Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521.

Recent Volumes: Single Issues \$7, Book Review and Special Issues \$13, postpaid, at Editorial and Business Offices.

Back issues and volumes (before November 1981) available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. It is therefore necessary to ask that subscribers report the nonreceipt of copies within six months of the mailing date.

We gladly consider unsolicited manuscripts for publication. Citations in manuscripts should follow the form prescribed in *A Uniform System of Citation* (14th ed.). We regret that we can return only those manuscripts for which we receive postage and handling fees of \$3.50 for first-class and \$1.50 for special fourth-class mail.

UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

JAMES J. DUDERSTADT, M.S., PH.D., *President of the University*
CHARLES M. VEST, M.S., PH.D., *Provost and Vice President for Academic Affairs*
LEE C. BOLLINGER, B.S., J.D., *Dean*
EDWARD H. COOPER, A.B., LL.B., *Associate Dean for Academic Affairs*
SUSAN M. EKLUND, A.B., J.D., *Associate Dean for Student Affairs and Operations*
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., *Associate Dean for the Law Library*
VIRGINIA B. GORDAN, B.A., J.D., *Assistant Dean for Student Affairs*
JONATHAN D. LOWE, B.A., J.D., *Assistant Dean for Law School Relations*
ALLAN T. STILLWAGON, A.B., M.A., *Assistant Dean and Admissions Officer*

Professors Emeriti of Law

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D.,
Edson R. Sunderland Professor of Law
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D.,
James V. Campbell Professor of Law
ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D.,
LL.D., *Henry M. Butzel Professor of Law*
LUKE K. COOPERRIDER, B.S., J.D.
SAMUEL D. ESTEP, A.B., J.D.
ROBBEN W. FLEMING, B.A., LL.B., LL.D.
CHARLES W. JOINER, A.B., J.D.
FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law
MARVIN L. NIEHUSS, A.B., LL.B.
GEORGE E. PALMER, A.B., J.D., LL.M.
WILLIAM J. PIERCE, A.B., J.D.
ROY F. PROFFITT, B.S., J.D., LL.M.
JOHN W. REED, A.B., LL.B., LL.M., JUR.SC.D.,
Thomas M. Cooley Professor of Law
ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
RUSSELL A. SMITH, A.B., J.D.
ERIC STEIN, J.U.D., J.D., DR.H.C., DR.H.C.,
Hessel E. Yntema Professor of Law

Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.
LEE C. BOLLINGER, B.S., J.D.
MICHAEL H. BRADLEY, M.B.A., PH.D.
DAVID L. CHAMBERS, A.B., LL.B.
JULIUS L. CHAMBERS, B.A., M.A., J.D., LL.M.
EDWARD H. COOPER, A.B., LL.B.,
Thomas M. Cooley Professor of Law
JEROME M. CULP, B.A., M.A., J.D.
ROGER A. CUNNINGHAM, S.B., J.D.,
James V. Campbell Professor of Law
DONALD N. DUQUETTE,†† B.A., J.D.
HARRY T. EDWARDS, B.S., J.D.
REBECCA S. EISENBERG, B.A., J.D.
PHOEBE C. ELLSWORTH, A.B., PH.D.
MERRITT B. FOX, B.A., J.D., PH.D.
RICHARD D. FRIEDMAN, B.A., J.D., D.PHIL.
BRUCE W. FRIER, B.A., PH.D.
WHITMORE GRAY, ** A.B., J.D., LL.D.
THOMAS A. GREEN, B.A., PH.D., J.D.
JEROLD H. ISRAEL, B.B.A., LL.B.,
Alene and Allan F. Smith Professor of Law
JOHN H. JACKSON, B.A., J.D.,
Hessel E. Yntema Professor of Law
DOUGLAS A. KAHN, B.A., J.D.,
Paul G. Kauper Professor of Law
YALE KAMISAR, A.B., LL.B., LL.D.,
Henry King Ransom Professor of Law
THOMAS E. KAUPER, A.B., J.D.,
Henry M. Butzel Professor of Law
JAMES E. KRIER, ** B.S., J.D.,
Earl Warren DeLano Professor of Law
RICHARD O. LEMPert, A.B., J.D., PH.D.
WILLIAM I. MILLER, B.A., PH.D., J.D.
HIROSHI MOTOMURA, * B.A., J.D.
SALLYANNE PAYTON, A.B., LL.B.
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
DONALD H. REGAN, ** A.B., LL.B., B.PHIL., PH.D.
PAUL D. REINGOLD,†† B.A., J.D.
THEODORE J. ST. ANTOINE, A.B., J.D.,
James E. and Sarah A. Degan Professor of Law
TERRANCE SANDALOW, A.B., J.D.,
Edson R. Sunderland Professor of Law
FREDERICK F. SCHAUER, A.B., M.B.A., J.D.
PETER F. SCHLOSSER, * DR. IUR.
CARL E. SCHNEIDER, A.B., J.D.
JOEL SELIGMAN, ** A.B., J.D.
BRUNO SIMMA, J.D.
A. W. BRIAN SIMPSON, ** B.A., M.A., D.C.L.,
Charles F. and Edith J. Clyne Professor of Law
PHILIP SOPER, B.A., M.A., J.D., PH.D.
MARY P. TWITCHELL, * B.A., M.A., J.D., LL.M.
JOSEPH VINING, ** B.A., M.A., J.D.,
Harry Burns Hutchins Professor of Law
LAWRENCE W. WAGGONER, B.B.A., J.D.,
D.PHIL., *Lewis M. Simes Professor of Law*
ANDREW S. WATSON, B.S., M.D., M.S. IN MED.
JOSEPH WEILER, ** B.A., LL.B., PH.D., LL.M.
PETER K. WESTEN, B.A., J.D.
JAMES BOYD WHITE, A.B., A.M., LL.B.,
L. Hart Wright Professor of Law
JAMES J. WHITE, B.A., J.D.,
Robert A. Sullivan Professor of Law
PATRICIA D. WHITE, * B.A., J.D., M.A.
CHRISTINA B. WHITMAN, A.B., M.A., J.D.

Associate Professors of Law

SAMUEL R. GROSS, A.B., J.D.
JESSICA D. LITMAN, B.A., M.F.A., J.D.
MATHIAS W. REIMANN, DR. IUR., LL.M.

Assistant Professors of Law

LISA E. D'AUNNO,†† A.B., J.D.
MARIE R. DEVENEY, B.A., M.A., J.D.
MARTIN A. GEER,†† B.A., J.D.
DAVID J. HERRING,†† B.B.A., J.D.
AVERY KATZ, B.A., M.A., J.D., PH.D.
LEO KATZ, B.A., M.A., J.D.
JULIE M. KUNCE,†† B.A., J.D.
JEFFREY S. LEHMAN, A.B., J.D., M.P.P.
MARK D. MITSHKUN,†† B.A., J.D.
RICHARD H. PILDES, A.B., J.D.
NICHOLAS J. RINE,†† B.A., J.D.
SUELLYN SCARNECCHIA,†† B.A., J.D.
KENT D. SYVERUD, B.S.F.S., J.D., M.A.
MARK C. VAN PUTTEN,†† B.A., J.D.

Instructor in Law

MARY F. WHITE,† B.A., J.D.

Lecturer in Law

HORACE W. GILMORE,† B.A., J.D.
† Adjunct †† Clinical † Visiting ** On Leave
HERBERT A. JORDAN,† B.G.S., J.D.

Michigan Law Review

Vol. 88, No. 2

November 1989

EDITORIAL BOARD

Editor-in-Chief

DAVID D. MEYER, *of Michigan*

Managing Editor

GREGORY B. HELLER, *of Delaware*

Book Review Editors

GREGORY T. EVERTS, *of Wisconsin*
CAROL J. SULCOSKI, *of Pennsylvania*

Executive Article Editor

RENÉ L. TODD, *of Ohio*

Executive Note Editor

DANA M. MUIR, *of Michigan*

Executive Editors

KEITH R. DENNY, *of Michigan*
ERIK G. LIGHT, *of Illinois*

Article Editors

R. DOUGLASS BOND, *of New Jersey*
DAVID C. ESSEKS, *of New York*
MARY I. HINIKER, *of Michigan*
ERIC S. WALTERS, *of Michigan*

Note Editors

AUDREY J. ANDERSON, *of Minnesota*
WILLIAM J. ASELTYN, *of Michigan*
PETER E. JAFFE, *of Pennsylvania*
MARY BETH MURPHY, *of Virginia*
EDWARD J. SEBOLD, *of Ohio*
GRAEME E. SHARPE, *of New York*

Contributing Editors

CHRISTOPHER M. ADAMS, *of Louisiana*
GAIL C. BENT, *of New York*
DAVID A. CERDA, *of Illinois*
CARY J. COGLIANESE, *of Michigan*
JONATHAN J. ENGLANDER, *of New York*
BRADLEY L. FISHER, *of Washington*
LISA D. FREEMAN, *of Illinois*
WILLIAM J. GALLAGHER, *of Illinois*
SUSAN M. GUINDI, *of Michigan*
STEVEN A. KLEIN, *of New Jersey*
GREGORY B. LADEWSKI, *of Washington, D.C.*

JOHN I. LAZAR, *of Michigan*
THEODORE MACVEAGH, *of New Hampshire*
K. HEATHER MCRAY, *of New York*
MARTA E. NELSON, *of Ohio*
MARK G. PETERS, *of New York*
LAURA M. SCHACHTER, *of New Jersey*
STANLEY S. SOKUL, *of New Hampshire*
MELANIE H. STEIN, * *of New York*
VALISSA A. TSOUCARIS, *of Michigan*
RONALD C. WERNETTE, *of Michigan*

Associate Editors

GREGG M. AUDET, *of New Hampshire*
KEITH R. BARNETT, *of Massachusetts*
GREGORY W. BLACK, *of Illinois*
ROBERT A. BRUNDAGE, *of Missouri*
AARON H. CAPLAN, *of Iowa*
MICHAEL F. COLOSI, *of Massachusetts*
KATHRYN M. DESSAYER, *of California*
KENNETH P. EWING, *of Maryland*
STEVEN M. FARINA, *of Connecticut*
JULIA A. GOATLEY, *of Michigan*
DAVID B. GOLDMAN, *of Connecticut*
MERYL T. GORDON, *of New York*
ADAM S. GRACE, *of New Jersey*
WENDEL V. HALL, *of Michigan*
MATTHEW R. HARRIS, *of Washington*
LAURA J. HINES, *of Iowa*
DANIEL R. HURLEY, *of New York*
MICHAEL K. ISENMAN, *of Maryland*
* *On leave*

TRINA JONES, *of South Carolina*
STEVEN W. KASTEN, *of Massachusetts*
DANIAL J. KIM, *of Michigan*
MARTIN D. LITT, *of Connecticut*
PETER T. MASSARO, *of Connecticut*
BRIAN E. MAZUREK, *of Michigan*
JILL D. NEIMAN, *of New York*
CHRISTINE A. PAGAC, *of Michigan*
EVELYN E. SHOCKLEY, *of Tennessee*
ADAM C. SLOANE, *of New York*
CRAIG T. SMITH, *of Michigan*
JAMES B. SPETA, *of Illinois*
ALBERT L. VREELAND, II, *of Alabama*
WILLIAM A. WALKER, *of New York*
STEFANIE B. WEIGMANN, *of New Jersey*
EDWARD J. WONG, III, *of Illinois*
GREGORY J. ZEMANICK, *of Pennsylvania*

BUSINESS MANAGER

Eleonora V. Eckert

EDITORIAL ASSISTANT

Jenne S. Moldovan