LAW& SOCIETY REVIEW

The Journal of the Law and Society Association

Contributors:

Charles David Phillips

Erika S. Fairchild

Stanton Wheeler

Bliss Cartwright

Robert A. Kagan

Lawrence M. Friedman

Neal Milner

Sally Ewing



POLICY

The Law & Society Review welcomes articles and research notes by lawyers, social scientists, and other scholars that bear on the relationship between society and the legal process. The Review is published by the Law and Society Association, an international group drawn primarily from the legal and social science professions, whose purpose is the stimulation and support of research and teaching on the cultural, economic, political, psychological, and social aspects of law and the legal system.

MEMBERSHIPS

Members of the Law and Society Association receive the *Review* as a perquisite of membership. Dues in the Association are:

Student (nonvoting)\$10.00Contributing\$50.00Regular\$35.00Sustaining\$100.00

Contributions to the Law and Society Association are tax exempt.

FREOUENCY AND SUBSCRIPTIONS

The Law & Society Review (ISSN 0023-9216) is published 5 times each year; February, April, July, October, and December by the Law and Society Association, Hampshire House, University of Massachusetts at Amherst, Amherst MA 01003. Second class postage is paid at Amherst, MA, and additional mailing offices.

POSTMASTER: Send address change form 3579 to: Law & Society Review, Hampshire House, University of Massachusetts at Amherst, Amherst MA 01003.

Subscriptions may be entered on a volume basis. Each volume consists of approximately 640 pages (plus index). Nonmember and institutional rates for a one-year subscription are \$65.00 (\$67.00 outside the U.S.A.). Special two- and three-year rates are available on request. Single copies of the current issue may be obtained from the Association at \$10.00 each. Single copies of back issues are available at \$10.00 each, except for Vol. 3, Nos. 2 and 3 (combined issue), Vol. 7, No. 4, and Vol. 13, No. 2, which are \$15.00 each, Vol. 11, No. 2 (Special Issue), which is \$2.00 (\$3.00 outside U.S.A.), Vol. 14, No. 3, which is \$4.00 (\$5.00 outside U.S.A.), and Vol. 15, No. 3-4, which is \$20.00.

Direct communications to: Executive Office, Law and Society Association, Hampshire House, University of Massachusetts at Amherst, Amherst MA $\,$ 01003.

MANUSCRIPTS

All manuscripts and editorial correspondence should be sent to:

Robert Kidder, Editor Law & Society Review Department of Sociology College of Arts and Sciences Temple University Philadelphia, PA 19122

Manuscripts should be submitted in quadruplicate. Text, including footnotes and references, should be double spaced with ample $(1^{1/4}$ inch) margins. Footnotes, references, tables, and graphs should follow the main body of the text. Citations that make the author's identity obvious should, to the extent feasible, be deleted from three of the four copies in order to facilitate anonymous reviewing. Each manuscript should contain a short (100 word) abstract and one biographical description of the author(s) should be submitted. A style sheet is available upon request. Manuscripts cannot be returned to authors. Because of the commitment we ask of our outside referees, the *Review* cannot consider for publication manuscripts being considered by other journals, and a submission to the *Review* carries with it the implicit promise that the manuscript will not be submitted elsewhere so long as it is under consideration by the *Review*.

The Law & Society Review gratefully acknowledges the generous assistance of Temple University College of Arts and Sciences and Temple University Law School in supporting its editorial office.

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

© The Law and Society Association, 1987 All Rights Reserved



VOLUME 21, NUMBER 3 / 1987

CONTENTS

ABOUT THE AUTHORS	355
FROM THE EDITOR	357
EXPLORING RELATIONS AMONG FORMS OF SOCIAL CONTROL: THE LYNCHING AND EXECUTION OF BLACKS IN NORTH CAROLINA, 1889–1918 CHARLES DAVID PHILLIPS	361
WOMEN POLICE IN WEIMAR: PROFESSIONALISM, POLITICS, AND INNOVATION IN POLICE ORGANIZATIONS	
ERIKA S. FAIRCHILD	375
DO THE "HAVES" COME OUT AHEAD? WINNING AND LOSING IN STATE SUPREME COURTS, 1870–1970 STANTON WHEELER, BLISS CARTWRIGHT, ROBERT A. KAGAN, AND	
LAWRENCE M. FRIEDMAN	403
THE RIGHT TO REFUSE TREATMENT: FOUR CASE STUDIES OF LEGAL MOBILIZATION	
NEAL MILNER	447
FORMAL JUSTICE AND THE SPIRIT OF CAPITALISM: MAX WEBER'S SOCIOLOGY OF LAW	
SALLY EWING	487

LAW SOCIETY REVIEW

Editor:

Robert L. Kidder

Associate Editor:

Stephen D. Gottfredson

Editorial Assistant: Production Editor: Rosemary Ricci-Vasiliadis P.M. Gordon Associates

EDITORIAL ADVISORY BOARD

Lawrence Baum, Ohio State University

Upendra Baxi, The Indian Law Institute, India

Richard A. Berk, University of California, Santa Barbara

Erhard Blankenburg, Vrije Universiteit, Netherlands

John Brigham, University of Massachusetts

Leonard G. Buckle, Northeastern University

Suzanne Buckle, Northeastern University

Bliss C. Cartwright, Econometric Research, Washington, D.C.

Joe Shelby Cecil, Federal Judicial Center, Washington, D.C.

William Clune, University of Wisconsin

Ellen S. Cohn, University of New Hampshire

Jane Collier, Stanford University

Rajeev Dhavan, Brunel University, England

Shari Diamond, University of Illinois, Chicago

Robert W. Gordon, Stanford Law School

David Greenberg, New York University

Carol J. Greenhouse, Cornell University

Mark H. Haller, Temple University, Philadelphia

Anne M. Heinz, 525 Judson Ave., Evanston, Illinois

Wolf V. Heydebrand, New York University

Robert A. Kagan, University of California, Berkeley

Ronald Kahn, Oberlin College

Steven Klepper, Carnegie-Mellon University

Judith N. Levi, Northwestern University

Craig McEwen, Bowdoin College

Sally Engle Merry, Wellesley College

Eli Noam, Columbia University

D. Marie Provine, Syracuse University

David Rauma, University of Michigan

Kahei Rokumoto, University of Tokyo

Joseph Sanders, University of Houston

John Henry Schlegel, State University of New York, Buffalo

Sandra Shane-DuBow, Sentencing Commission, Madison, Wisconsin

Jeffrey S. Slovak, Rutgers University, Newark

Francis G. Snyder, University of Warwick

Boaventura de Sousa Santos, University of Coimbra, Portugal

Steven Spitzer, Suffolk University

June Starr, State University of New York, Stonybrook

Austin T. Turk, University of Toronto

Joanna K. Weinberg, Bryn Mawr College

Ann Witte, Wellesley College

Barbara Yngvesson, Hampshire College