



#### WHY LAWSUITS ARE GOOD FOR AMERICA

Disciplined Democracy, Big Business and the Common Law Carl T. Bogus CRITICAL AMERICA SERIES

#### WHAT BROWN V. BOARD OF **EDUCATION SHOULD HAVE** SAID

The Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision Edited by Jack M. Balkin

#### MONEY TALKS

Speech, Economic Power, and the Values of Democracy Martin H. Redish

#### NOTHING BUT THE TRUTH

Why Trial Lawyers Don't, Can't, and Shouldn't Have to Tell the Whole Truth Steven Lubet

CRITICAL AMERICA SERIES

#### **COPYRIGHTS AND** COPYWRONGS

The Rise of Intellectual Property and How It Threatens Creativity Siva Vaidhyanathan

#### CRITICAL RACE THEORY

An Introduction Richard Delgado & Jean Stefancic Foreword by Angela Harris CRITICAL AMERICA SERIES

#### **AFTERMATH**

The Clinton Impeachment and the Presidency in the Age of Political Spectacle Edited by Leonard V. Kaplan & Beverly I. Moran CRITICAL AMERICA SERIES

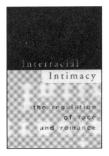
#### PLAYING IT SAFE

How the Supreme Court Sidesteps Hard Cases and Stunts the Development of the Law Lisa A. Kloppenberg CRITICAL AMERICA SERIES



www.nyupress.nyu.edu

## Law and American Hist



#### INTERRACIAL INTIMACY

The Regulation of Race and Romance Rachel F. Moran

"Timely and important, Interracial Intimacy will be an excellent reference book, as well as a potential spark for public discussion about the places of race, love, and family in contemporary law and society."

-Martha L. Minow, Harvard Law School CLOTH \$30.00

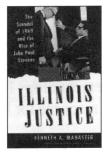
#### FREE TO DIE FOR THEIR COUNTRY

The Story of the Japanese American Draft Resisters in World War II Eric L. Muller

"In a beautifully written, gripping account, Eric Muller tells the astonishing and littleknown story of how . . . the United States government herded Japanese American citizens into concentration camps, then ordered them to report for induction into the armed services in World War II, and, when they resisted, threw them into prison. It is an appalling tale, but Muller shows that, from the perspective of the law, it is not so easy to sort good from evil."

-William E. Leuchtenburg, author of In the Shadow of F.D.R.: From Harry Truman to Bill Clinton

CLOTH \$27.50



#### ILLINOIS JUSTICE

The Scandal of 1969 and the Rise of John Paul Stevens

#### Kenneth A. Manaster

"While Illinois had its share of political scandals, this one has all the elements necessary for high drama. Manaster is in an ideal position to identify and probe fully all of the available sources for this sordid, but fascinating, chapter in Illinois political and legal history. Illinois Justice is a story tautly told, and one worth telling,"-Abner J. Mikva, retired chief judge, U.S. Court of Appeals, D.C. Circuit **CLOTH \$30.00** 

#### THE CONSTITUTION IN CONGRESS

The Jeffersonians, 1801-1829 David P. Currie

"[David Currie's] prose style easily engages the reader in the constitutional questions debated by the Jeffersonian Congresses. . . . It's a marvelous achievement that certainly will be must reading for law professors, constitutional historians, and historians of the Early Republic."—Alan Rogers, Boston College

CLOTH \$45.00



#### THE UNIVERSITY OF CHICAGO PRESS

1427 East 60th Street, Chicago, IL 60637 · www.press.uchicago.edu

# **Eistory**Cooperative

### Experience the Best Online Resource

Four leaders in historical scholarship and cutting-edge technology have joined forces to create this premier resource for historians on the web.

The History Cooperative is a state-of-the-art online resource offering high-level search capabilities of discipline-based content specifically designed for historical research.

Current full text issues are available for:

- Law and History Review
- Journal of American History
- American Historical Review
- The History Teacher
- Western Historical Quarterly
- William and Mary Quarterly

#### The Founding Partners:

American Historical Association Organization of American Historians University of Illinois Press **National Academy Press** 

www.historycooperative.org

## Best in Scholarship from Cambridge

#### Law and Colonial Cultures

Legal Regimes in World History, 1400-1900

#### Lauren Benton

This book advances a new perspective in world history, arguing that institutions and culture—and not just the global economy—serve as important elements of international order.

 Studies in Comparative World History

 0-521-80414-0
 Hardback
 \$54.95

 0-521-00926-X
 Paperback
 \$22.95

#### **Two Cultures of Rights**

The Quest for Inclusion and Participation in Modern America and Germany

Manfred Berg and Martin H. Geyer, Editors

This book addresses key issues in the historical struggle for civil rights, political rights, and social rights in the United States and Germany from the late nineteenth century to the present. Publications of the German Historical Institute, Washington, D.C.

0-521-79266-5

Hardback

\$49.95

Winner of the C. Herman Pritchett Award

## Crafting Law on the Supreme Court

The Collegial Game

Forrest Maltzman, James F. Spriggs II, and Paul J. Wahlbeck

"In this pathbreaking study, Maltzman, Spriggs, and Wahlbeck unravel the mysteries of strategic behavior inside the Supreme Court—how Justices engage in instrumental behavior to achieve case outcomes consistent with their doctrinal and policy perspectives."

-Philip P. Frickey,
University of Minnesota
0-521-78394-1 Paperback \$17.95

Winner of Jacques Barzun Prize of American Philosophical Society

#### **Barbarism and Religion**

Volumes 1 and 2

J.G.A. Pocock

"...one admires the breadth of his erudition. Indeed, like Gibbon, [J.G.A. Pocock] is a truly enlightened historian, one who takes ideas seriously and who has no patience for those of our own age who would 'deny the reality of authors and the readability of texts."

-T.H. Breen,

New York Times Book Review
0-521-79761-6 2 Vol. Pb Set \$39.95

#### **Final Freedom**

The Civil War, the Abolition of Slavery, and the Thirteenth Amendment

#### Michael Vorenberg

"Final Freedom demonstrates that the Thirteenth Amendment was not an automatic sequel to the Emancipation Proclamation or an inevitable means of abolishing slavery. Instead, the Amendment's language, function, and meaning were contested. The story of its enactment and ratification, so well told here, is important and fascinating."

-James M. McPherson, Princeton University, Pulitzer Prize-winning author of Battle Cry of Freedom: The Civil War Era

Cambridge Historical Studies in American Law and Society

0-521-65267-7 Hardback \$29.95

Available in bookstores or from

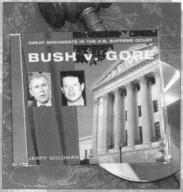


40 West 20th Street, N.Y., NY 10011-4211
Call toll-free 800-872-7423
Web site: www.cambridge.org
AmEx/MasterCard/VISA accepted.
Prices subject to change.

Hear the Arguments · Read the Transcripts · See the Players

## **BUSH v. GORE**

BY JERRY GOLDMAN



CD-ROM, \$24,95

Presenting the complete oral and written proceedings before the Supreme Court in Bush v. Gore and Bush v. Palm Beach County Canvassing Board. While viewing the transcripts of each session and images of the speakers, users hear the voices of the participants: their heated arguments, the nuances of tone in their voices, the interchanges between justices and attorneys, and the justices' comments to each other.

The first in the
Great Arguments
in the
U.S. Supreme Court
CD-ROM series

#### Minimum system requirements

604 PowerPC® (200 MHz or better)

Macintosh

OS 8.1 or later 32 MB available RAM Windows\*: 95, 98, or 2000 120 MHz Pentium\* processor or equivalent

16 MB available RAM

16-bit sound card and speakers

UNIVERSITY OF TLLINOIS PRESS

800-545-4703

www.press.ujllinois.edu

## **American Society for Legal History**

#### ORGANIZATION AND MEMBERSHIP

The American Society for Legal History is a nonprofit membership organization dedicated to fostering scholarship, teaching, and study concerning the law and institutions of all legal systems, both Anglo-American and international. Founded in 1956, the Society sponsors this journal and Studies in Legal History, a series of book-length monographs available to ASLH members at substantial prepublication discounts. In addition, the Society holds an annual meeting to promote scholarship and interaction among teachers, practitioners, and students interested in legal history, and publishes a semiannual newsletter reporting developments in the field. For further information concerning the Society, please write: Walter F. Pratt, Jr., Notre Dame Law School, P.O. Box R, Notre Dame, IN 46556-0780.

To become a member of the Society, please complete and mail the application below to the University of Illinois Press at the address indicated.

		ip Application totocopy as necessary
Name		Signature
Institution		Daytime Phone ( )
Address		
City		State Zip
E-mail		
Credit card orders may  Check or Money O  Card number	rder VISA	MASTERCARD
Dues enclosed:	Life Member Sponsor Sustaining Institution Regular Emeritus or Studen	\$500 \$125 \$75 \$65 (non-U.S. \$75) \$50 (non-U.S. \$60) nt \$15
Mail application to:	American Society for Legal History University of Illinois Press 1325 South Oak Street	

Champaign, IL 61820-6975

## **American Society for Legal History**

#### Officers, 2001

Thomas A. Green University of Michigan History Department and School of Law President Robert W. Gordon *Yale Law School* President-elect Walter F. Pratt, Jr.

Notre Dame Law School
Secretary-Treasurer

#### **Board of Directors**

Barbara Aronstein Black Columbia University

James Brundage
University of Kansas

Daniel R. Ernst Georgetown University Law Center

Ariela Gross University of Southern California

DeLoyd J. Guth University of Manitoba

Douglas Hay York University

Bruce H. Mann, Chair University of Pennsylvania Law School

Thomas J. Davis

Arizona State University

Herbert A. Johnson University of South Carolina Law School

Laura Kalman University of California, Santa Barbara

Yasuhide Kawashima University of Texas, El Paso

Charles McCurdy
University of Virginia

Bruce H. Mann
University of
Pennsylvania Law School

William E. Nelson New York University

Barbara Shapiro University of California, Berkeley

Aviam Soifer Boston College Law School

Emily Van Tassel Indiana University

Sue Sheridan Walker Northeastern Illinois University

#### **Publications Committee**

Tahirih V. Lee Florida State University College of Law

Hendrik Hartog

Princeton University

Cynthia Herrup

Duke University

Linda Przybyszewski University of Cincinnati

Christopher Tomlins American Bar Foundation

Christopher Waldrep San Francisco State University

#### Fellows of the American Society for Legal History

Honorary Fellows Morris S. Arnold Morris Cohen Lawrence M. Friedman Harold M. Hyman Stanley N. Katz Leonard W. Levy John T. Noonan, Jr. Kathryn T. Preyer John Philip Reid Harry N. Scheiber A. W. B. Simpson W. Alan J. Watson

J. H. Baker
Raoul C Van Caenegen

Raoul C. Van Caenegem Ennio Cortese Robert Feenstra Jean Gaudemet Peter Landau Stroud F. C. Milson Michael Stolleis Andre Tunc



https://doi.org/10.1017/5073824800007860 Published online by Cambridge University Press 0738-2480(200123)19:3;1-B