# Law and Socie NEW FROM CHICAGO

#### **JUSTICE IN THE BALKANS**

Prosecuting War Crimes in the Hague Tribunal John Hagan

"With our attention shifted from ethnic cleansing to global terrorism, we have lost track of what is at stake in The Hague, With this penetrating analysis of the court's workings, Hagan forcefully yanks us back. . . . Hagan traces the complex interactions between investigatory and prosecutorial teams, the dynamics between witnesses and p rosecution, and how the special leadership of three successive chief judges turned an unpromising start into a forceful finish. On the path from the Nuremberg trials to the 'liberal legalism' of the International Criminal Court, these proceedings, Hagan argues, stand as a milestone in the creation of humanitarian and international criminal law."-Robert Legvold, Foreign Affairs

CHICAGO SERIES IN LAW AND SOCIETY Сьотн \$29.00

#### **RECONSIDERING ROOSEVELT** ON RACE

How the Presidency Paved the Road to Brown Kevin J. McMahon

"A fabulous study and a great story. Through his innovative examination of FDR's strategic decision to promote civil rights through a reconstructed federal judiciary, McMahon makes an original and important contribution to civil rights history and the determinants of constitutional change. Highly recommended." —Howard Gillman, author of The Votes That Counted

PAPER \$20.00

# **CRIME AND JUSTICE**

#### VOLUME 30

A Review of Research **Edited by Michael Tonry** 

"The most relevant topics for today's policy makers and academicians are presented in a manner both comprehensive and accessible. As editor, Tonry has created a careful blend of the key philosophical, theoretical, and policy-relevant issues of the day. . . . A must for any bookshelf."-Crime and Justice Review CLOTH \$54.00

#### **VOLUME 31**

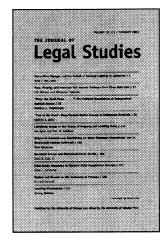
Youth Crime and Youth Justice: **Comparative and Cross-national** Perspectives **Edited by Michael Tonry** and Anthony N. Doob

Volume 31 of Crime and Justice presents a global view on youth justice systems in Canada, Denmark, Germany, Great Britain, the Netherlands, New Zealand, Sweden, and an aggregation of Western countries. The systems are addressed in five sections, which discuss the relevance of a separate youth justice system, age limitations, historical stability and changes, welfare concerns, and comparisons of the current laws as written and administered. CLOTH \$58.00

THE UNIVERSITY OF CHICAGO PRESS • 1427 East 6oth Street, Chicago, IL 60637 • www.press.uchicago.edu

"... this title ranks among the most frequently cited of the legal literature" — Magazines for Libraries

# Legal Studies



## Available online at www.journals.uchicago.edu

Editors: Eric A. Posner and Alan O. Sykes

*The Journal of Legal Studies* provides a forum for basic theoretical, empirical, historical, and comparative research into the operation of legal systems and institutions, relying on contributions from economists, political scientists, sociologists, and other social scientists, as well as legal scholars, for its content.

Published semiannually in January and June for The University of Chicago Law School by The University of Chicago Press ISSN: 0047-2530

> Editors: Eric A. Posner and Alan O. Sykes, University of Chicago Law School.

## The University of Chicago Press

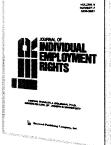
Journals Division P.O. Box 37005, Chicago, IL 60637 USA Tel: toll-free (877) 705-1878 or (773) 753-3347 Fax: toll-free (877) 705-1879 or (773) 753-0811 subscriptions@press.uchicago.edu

10/03

# Journal of INDIVIDUAL EMPLOYMENT RIGHTS editor. CHARLES L COLEMAN

editor, CHARLES J. COLEMAN associate editor, THEODORA T. HAYNES manuscript editor, CLAIRE MEIROWITZ

# editorial intent



One of the most rapidly evolving areas of employment law is that of individual employment rights. Employees are asserting newly found rights against their employers arising out of at-will employment erosion, binding commitments present in handbooks and employment policies, public policy violations, privacy intrusions, and so forth.

Individual employment rights is an area of employment law that has no clearly defined boundaries. The sources of these rights include federal and state constitutions, a multitude of employment statutes, and the common law. Its subject matter is equally varied, including such diverse matters as record keeping and disclosure, health and safety, fair employment practices, alcohol and drug abuse, AIDS, medical screening, employee surveillance, wage and hour standards, union-management relations, employment contracts, dispute resolution, etc.

The *Journal of Individual Employment Rights* is a peer-referred journal and its intent is to serve as a central source for addressing and researching these newly asserted rights as they are debated and developed by courts, academicians, legal practitioners, and human resource professionals. Its emphasis is on the theoretical as well as the practical by serving as a forum for the interchange of ideas and information for all individuals concerned with this developing area.

# SUBSCRIPTION INFORMATION

ISSN: 1055-7512, Price per volume (4 issues yearly) \$217.00 Institutional; \$64.00 Individual Postage & handling: \$10.00 U.S. & Canada; \$18.00 elsewhere *Complimentary sample issue available upon request* 



**BAYWOOD PUBLISHING COMPANY, INC.** 

26 Austin Avenue, PO Box 337, Amityville, NY 11701 phone (631) 691-1270 • fax (631) 691-1770 toll-free orderline (800) 638-7819

e-mail: baywood@baywood.com • web site: http://baywood.com

# American Bar Foundation

#### **BOARD OF DIRECTORS**

President, M. Peter Moser, of the Maryland Bar • Vice-President, Robert O. Hetlage, of the Missouri Bar • Secretary, Carrie Menkel-Meadow, Georgetown University Law Center • Treasurer, David E. Van Zandt, of the Illinois Bar

Mortimer M. Caplan, of the District of Columbia Bar • James H. Carter, of the New York Bar • The Honorable Bernice B. Donald • Lauren B. Edelman, University of California at Berkeley • Leonard H. Gilbert, of the Florida Bar • Herma Hill Kay, University of California at Berkeley School of Law • Myles V. Lynk, Arizona State University College of Law • Richard Peña, of the Texas Bar • Wilma J. Pinder, of the California Bar • David K.Y. Tang, of the Washington Bar • Elizabeth R. Koller Whittenbury, of the California Bar

#### ex officio:

Dennis W. Archer, President, American Bar Association • Robert J. Grey, Jr., President-Elect, American Bar Association • H. Thomas Wells Jr., Chair, House of Delegates, American Bar Association • Allan J. Joseph, Treasurer, American Bar Association • William C. Hubbard, President, American Bar Endowment • Steven T. Walther, Chair, The Fellows of the American Bar Foundation • James R. Silkenat, Vice-Chair, The Fellows of the American Bar Foundation

#### OFFICERS

Bryant G. Garth, Director

#### **RESEARCH FELLOWS**

Jonathan D. Casper, Ph.D., Yale University
John L. Comaroff, Ph.D., University of London
Stephen Daniels, Ph.D., University of Wisconsin
Shari S. Diamond, Ph.D., Northwestern
University; J.D., University of Chicago
Bryant G. Garth, J.D., Stanford University; Ph.D.,
European University Institute
Austan Goolsbee, Ph.D., Massachusetts Institute of
Technology
John Hagan, Ph.D., University of Alberta
Terence C. Halliday, Ph.D., University of Chicago
James J. Heckman, Ph.D., Vniversity of Chicago
John P. Heinz, LL.B., Yale University
Bonnie Honig, Ph.D., Johns Hopkins University

Joanne Martin, Associate Director

Steven D. Levitt, Ph.D., Massachusetts Institute of Technology

Tracey Meares, J.D., University of Chicago Elizabeth Mertz, J.D., Northwestern University; Ph.D., Duke University

- Janice Nadler, J.D., University of California at Berkeley; Ph.D., University of Illinois
- Robert L. Nelson, J.D., Ph.D., Northwestern University
- Laura Beth Nielsen, J.D., Ph.D., University of California at Berkeley
- William Novak, Ph.D., Brandeis University
- Susan P. Shapiro, Ph.D., Yale University
- Christopher L. Tomlins, Ph.D., Johns Hopkins University
- Victoria Saker Woeste, Ph.D., University of California at Berkeley

#### LIAISON RESEARCH SERVICES PROGRAM

Joanne Martin, M. M., Northwestern University, J.D. Loyola University Barbara A. Curran, LL.B., University of Connecticut; LL.M., Yale University Clara Carson, B.S., Roosevelt University

# Law & Social Inquiry

#### Volume 29, Number 1, Winter 2004

#### ARTICLES

Religion, State Power, and Domestic Violence in Muslim Societies:
A Framework for Comparative Analysis LISA HAJJAR
"The Highest Legal Ability in the Nation": Langdell on Wall Street, 1855–1870 BRUCE A. KIMBALL AND R. BLAKE BROWN
Federalists in the Attic: Original Intent, the Heritage Movement, and Democratic Theory

DANIEL LEVIN

Congressional Constitutional Interpretation and the Courts: A Preliminary Inquiry into Legislative Attitudes, 1959–2001 BRUCE G. PEABODY

#### **REVIEW ESSAY**

A Classic in Spite of Itself: The Cheyenne Way and the Case Method in Legal Anthropology JOHN M. CONLEY AND WILLIAM M. O'BARR

#### **REVIEW SYMPOSIUM on Law and Economics**

Law and Economics in the Personal Sphere CLAIRE A. HILL

Taking Coase Seriously: Neil Komesar on Law's Limits DANIEL H. COLE

#### Comment

Reflections on the Essence of Economics, the Character of Courts, the Role of Ideology, and the Reform of Legal Education NEIL K. KOMESAR

**BOOK NOTES** 

