

Selected Publications

1995 - 1999

THE BALDY
CENTER
FOR LAW & SOCIAL POLICY

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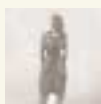
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Community and Identity

THE PROGRAM ON COMMUNITY AND IDENTITY



Gender, Law, and Social Policy

THE GENDER, LAW, AND SOCIAL POLICY PROGRAM



International and Comparative Legal Studies

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Regulation and Public Policy

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Children, Families and the Law

THE CHILDREN, FAMILIES AND THE LAW PROGRAM

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P R E F A C E

The Baldy Center for Law and Social Policy is pleased to provide this list of selected publications, 1995-99, by sociolegal scholars at the State University of New York at Buffalo. The works listed herein are the products of research or conferences sponsored in whole or in part by the Baldy Center. All were published by University at Buffalo faculty members affiliated with the School of Law or various departments in the College of Arts and Sciences. All grew out of intellectual activities associated with the five research programs of the Baldy Center: **(1) COMMUNITY AND IDENTITY, (2) GENDER, LAW, AND SOCIAL POLICY, (3) INTERNATIONAL AND COMPARATIVE LEGAL STUDIES, (4) REGULATION AND PUBLIC POLICY, AND (5) CHILDREN, FAMILIES, AND THE LAW.**

The purpose of this brochure is to provide selected examples of outstanding research by affiliated scholars and to highlight the broad array of research projects and programs sponsored by the Baldy Center. A lengthier and more complete listing of publications by Baldy-sponsored researchers has also been compiled and is available from the Center upon request. Most of the articles, chapters, and books listed in this brochure are published or immediately forthcoming. A few, however, are unpublished working papers for which no citation or publication information is yet available; these working papers may be obtained without charge by contacting the Baldy Center.

Although this brochure provides only a sample of the intellectual work of interdisciplinary legal scholars at the University at Buffalo, it offers abundant evidence that this rather large academic community is actively and imaginatively engaged with issues of great importance. It attests, I hope, to the value of interdisciplinary studies in providing new perspectives on these issues and in bringing new voices to the public debates that surround them. The sociolegal scholars who produced these publications have examined laws and legal institutions through a variety of methodological and theoretical approaches. The diversity of analytic frameworks is the ultimate strength of the Baldy Center community, where demographers meet ethnographers and regression analysts meet historians and comparative law specialists. UB Faculty members associated with the Baldy Center are invigorated by conversations across disciplinary and methodological boundaries, and the benefits of these conversations are nowhere more apparent than in this listing of some of the outstanding work published during the past five years.

DAVID M. ENGEL

Director

ACKNOWLEDGMENTS:

Laura Mangan, Project Coordinator; Pablo deGreiff and Simon Singer, members of Baldy Center Publications Committee; Brenda Wonder, Student Assistant; and Rebecca Roblee, Editorial Assistant.

Community and Identity

DAVID CUTLER



THE PROGRAM ON COMMUNITY AND IDENTITY investigates the processes of law and social change that operate within communities to include some persons and groups while excluding others. It examines the role of law in creating norms or perceptions through which groups attempt to define themselves as dominant and others as subordinate or deviant. It also examines the capacity of law to transform or reverse these processes of exclusion and subordination. Studies in this program have focused on such groups as the poor, racial and ethnic minorities, persons with disabilities, prisoners, women in the labor movement and the job market, the working classes in general and the elderly.

2

AVERY, DIANE (1996)
“Institutional Myths, Historical Narratives and Social Science Evidence: Reading the ‘Record’ in the Virginia Military Institute Case,” *Southern California Review of Law and Women’s Studies* 5:189-386.

CHOI, NAMKEE G., and LIDIA J. SNYDER (1999) *Homeless Families with Children: A Subjective Experience of Homelessness*. New York: Springer.

CHOI, NAMKEE G., and LIDIA J. SNYDER (1999)
“Homeless Families with Children: Barriers to Finding Decent Housing,” *Journal of Poverty* 3(2):43-66.

CHOI, NAMKEE G., and LIDIA J. SNYDER (1999)
“Voices of Homeless Parents: The Pain of Homelessness and Shelter Life,” *Journal of Human Behavior in the Social Environment* 2(3):55-77.

COPE, MEGHAN (1997)
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Welfare?” In *State Devolution in America: Implications for a Diverse Society*, edited by L. A. Staeheli, J. E. Kodras & C. Flint. Thousand Oaks, Calif.: Sage Publications.

ENGEL, DAVID M. (1998)
“How Does Law Matter in the Constitution of Legal Consciousness.” In *How Does Law Matter?*, edited by B. Garth & A. Sarat. Evanston, IL: Northwestern Univ. Press.

ENGEL, DAVID M. (forthcoming 2000) “Injury and Identity: The Damaged Self in Three Cultures.” In *Between Law and Culture*, edited by L. Bower, D. T. Goldberg & M. Musheno. Univ. of Minnesota Press.

ENGEL, DAVID M., and FRANK MUNGER (1996)
“Rights, Remembrance and the Reconciliation of Difference,” *Law & Society Review* 30:7-54.
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LAMB, CHARLES, and JIM TWOMBLY (1995) "Decentralizing Fair Housing Enforcement During the Reagan Presidency." In *Presidential Leadership and Civil Rights Policy*, edited by J. W. Riddlesperger, Jr. & D. W. Jackson. Westport, Conn.: Greenwood Press.

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MUNGER, FRANK W. (1999) *Welfare Politics, Identity and*

Citizenship: Stories for the Unconverted. Baldy Center for Law & Social Policy Working Paper Series.

MUNGER, FRANK, and KATE KOST (1996) "Fooling All of the People Some of the Time: 1990s Welfare Reform and the Exploitation of American Values," *Virginia Journal of Social Policy and the Law* 4(1):3-126.

PITEGOFF, PETER (1999) "Shaping Regional Economies to Sustain Quality Work: The Cooperative Health Care Network." In *Hard Labor: Women and Work in the Post-Welfare Era*, edited by J. F. Handler & L. White. Armonk, N.Y.: M.E. Sharpe.

PITEGOFF, PETER, and LAUREN BREEN (1997) "Child Care Policy and the Welfare Reform Act," *Journal of Affordable Housing & Community Development Law* 6(2):113-30.

SARAT, AUSTIN, MARIANNE CONSTABLE, DAVID M. ENGEL, VALERIE HANS, and SUSAN LAWRENCE (eds.) (1998) *Crossing Boundaries: Traditions and Transformations in Law and Society Research.* Evanston, Ill.: Northwestern Univ. Press.

WEIS, LOIS (1996) "Narrating the 1980s and 1990s: Voices of Poor and Working-Class White and African American Men," *Anthropology and Education Quarterly* 27(4):493-516.

Gender, Law and Social Policy

DAVID CUTLER



THE GENDER, LAW, AND SOCIAL POLICY

program explores the intersections of legal, social, and political constructions of gender and gender-related issues. One group of studies addresses issues related to reproductive rights, such as legal interpretations of reproductive injury and pain (DES litigation), abortion rights activism, and reproductive technology. Another addresses issues related to women of color, such as African American and Asian American women in the military and public-

interest advocacy for women of color. A third group of studies explores women's participation in the paid labor force and the issues their participation has raised for policymakers, judges, arbitrators, and union activists. A fourth group is engaged in community-based research on various issues related to violence against women.

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FINEMAN, MARTHA A., and MCCLUSKEY, MARTHA T. (eds.) (1997) *Feminism, Media and the Law*. New York: Oxford Univ. Press.

FINLEY, LUCINDA M. (1996) "The Pharmaceutical Industry and Women's Reproductive Health: The Perils of Ignoring Risk and Blaming Women." In *Corporate Victimization of Women*, edited by E. Szockyj & J. G. Fox. Boston: Northeastern Univ. Press.

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(forthcoming 2000) "Television, Melodrama and the Rise of the Victims' Rights Movement," *New York Law Review*.

SCALES-TRENT, JUDY (1998) "Equal Rights Advocates: Addressing the Legal Issues of Women of Color," *Berkeley Women's Law Journal* 13:34-80.

International and Comparative Legal Studies

DAVID CUTLER



THE INTERNATIONAL AND COMPARATIVE LEGAL STUDIES PROGRAM

formerly known as the Program on Human Rights Law and Policy, now encompasses a broader range of research on the intersection of law and policy in national and transnational arenas. Reaching out to scholars in many disciplines, the program supports studies of legal and law-like institutions and practices in societies around the globe, as well as the

systems of law that operate at the international level. In addition to its strong interest in human rights, the program focuses generally on the cultural, economic, political, religious, and ideological dimensions of law as revealed in comparative and international research.

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DE GREIFF, PABLO (1996)
 "Trial and Punishment: Pardon and Oblivion. On Two Inadequate Policies for the Treatment of Former Human Rights Abusers," *Philosophy & Social Criticism* 22(3):93-111.

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 "The Ideology of Human Rights," *Virginia Journal of International Law* 36:589-657.

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Listed by CHOICE (publication of the American Library Association) as an Outstanding Academic Book of the year and also short-listed for the Herskovits Award of the African Studies Association.

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Regulation and Public Policy

DAVID CUTLER



THE PROGRAM ON REGULATION AND PUBLIC POLICY includes inquiries into the purpose of government and policy methods chosen to implement social goals. Several members are interested in the political economy and political philosophy of the welfare state. Other members are interested in organization theory as applied to regulation. Other topics of interest include a philosophical inquiry into the justification of progressive taxation and its relation to collective decision making, an examination of changes in U.S. workers' compensation systems, a history of federal pension legislation, a history of quasi-governmental corporations, and an economic analysis of the effects of regulation on the organization of firms.

MCCLUSKEY, MARTHA T.
(1998) "The Illusion of Efficiency in Workers' Compensation Reform," *Rutgers Law Review* 50:657-941.

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(1999) *Rhetoric of Risk and the Redistribution of Social Insurance*. Baldy Center for Law & Social Policy Working Paper Series.

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"Degrees of Freedom in the Social World: Towards a Systems Analysis of Decision," *Journal of Political Philosophy* 7(4):7.4.2.1-25.

Children, families and the Law

DAVID CUTLER



THE CHILDREN, FAMILIES, AND THE LAW PROGRAM explores various ways in which law and policy deal with children as victims, as witnesses, and as perpetrators of illegal acts. Studies have addressed such topics as parental and medical perceptions of child abuse, the veracity and credibility of child witnesses in legal proceedings, prosecution of child-abuse homicides, child protective services processing of cases, and adolescent delinquency and substance abuse. Researchers in this program have been particularly interested in the psychological dimensions of interactions between children and their families, and legal institutions and human services agencies.

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The Psychological Sense of Community as an Evaluation Standard: The New Zealand Children, Young Persons and Their Families Act of 1989. Baldy Center for Law & Social Policy Working Paper Series.

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“Do Standards of Proof Affect Decision Making in Child Protection Investigations?” *Law and Human Behavior* 22(3):341-47.

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“The Significance of Place in Bringing Juveniles into Criminal Court,” *Quinnipiac College School of Law* 18:643-59.

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Finley, Lucinda M. (1997) "Female Trouble: The implications of Tort Reform for Women," *Tennessee Law Review* G4:847-79

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