



REVIEW
LAW & SOCIETY

VOLUME 7
NUMBER 1

THE JOURNAL OF THE LAW
AND SOCIETY ASSOCIATION
FALL 1972

LAW & SOCIETY

POLICY

The *Law & Society Review* welcomes articles and research notes by lawyers, social scientists, and other scholars which bear on the relationship between law and the social sciences. The *Review* is published by the Law and Society Association, a nationwide group, drawn primarily from the legal and social science professions, whose purpose is the stimulation and support of research and teaching on political, social, and economic aspects of the law.

MANUSCRIPTS

All manuscripts should be prepared in double-spaced typescript with ample (1½ inch) margins. Footnotes should also be double spaced, numbered sequentially, and appended to the end of the article.

New manuscripts and materials should be sent to:

Marc Galanter, Editor-Elect
Faculty of Law and Jurisprudence
State University of New York, Buffalo
77 West Eagle Street
Buffalo, New York 14202

Those who have submitted material should remain in correspondence with:

Samuel Krislov, Editor
Department of Political Science
University of Minnesota
Minneapolis, Minnesota 55455

MEMBERSHIPS

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

Student (non-voting)	\$ 5.00
Regular	10.00
Joint (husband and wife)	12.00

For the philanthropically inclined, the Association offers the following memberships:

Sustaining	15.00
Contributing	25.00
Corporate	100.00

FREQUENCY AND SUBSCRIPTIONS

The *Law & Society Review* appears quarterly—August, November, February, and May. Volume I was published in two issues: November 1966 and June 1967. Volume II consisted of three issues: November 1967, February and May 1968.

Second class postage paid at Denver, Colorado.

Membership in the Association may be obtained by writing Prof. James E. Wallace, Executive Office, Law and Society Association, University of Denver, College of Law, 200 West 14th Ave., Denver, Colorado 80204.

Subscriptions may be entered on either a calendar year or a volume basis. Future volumes will consist of approximately 640 pages (plus index). Non-member and institutional rates for a one-year (quarterly publication) subscription are \$10.00 (individual); \$15.00 (institutional); and \$16.00 (outside the U.S.). Special two- and three-year rates are available on request. *Single copies* may be obtained from the publisher at \$4.00 each; *Back issues* (Volumes I through V) at \$5.00 each.

Business communications should be directed to: Executive Office, Law and Society Association, University of Denver, College of Law, 200 West 14th Ave., Denver, Colorado 80204.

The *Law and Society Review* is published under a grant from the Russell Sage Foundation for the Law and Society Association. © The Law and Society Association, 1972.

LAW & SOCIETY

REVIEW

VOLUME 7, NUMBER 1, / FALL 1972

CONTENTS

PRESIDENT'S MESSAGE RICHARD D. SCHWARTZ	iii
ABOUT THE AUTHORS	v
NORM-MAKING IN SOCIAL EXCHANGE: A CONTRACT LAW MODEL RICHARD LEMPERT	1
THE YEAR OF SPOILED PORK: COMMENTS ON THE COURT'S EMERGENCE AS AN ENVIRONMENTAL DEFENDER WALTER A. ROSENBAUM AND PAUL E. ROBERTS	33
A PERSPECTIVE ON POLICE PROFESSIONALIZATION SUSAN O. WHITE	61
LATITUDE AND SEVERITY OF SENTENCING OPTIONS, RACE OF THE VICTIM AND DECISIONS OF SIMULATED JURORS: SOME ISSUES ARISING FROM THE "ALGIERS MOTEL" TRIAL KALMAN J. KAPLAN AND ROGER I. SIMON	87
KNOWLEDGE OF THE LAW IN TEXAS: SOCIOECONOMIC AND ETHNIC DIFFERENCES MARTHA WILLIAMS AND JAY HALL	99
IS JUSTICE BLIND: AN EMPIRICAL INVESTIGATION OF A NORMATIVE IDEAL HAROLD J. SPAETH, DAVID B. MELTZ, GREGORY RATHJEN, AND MICHAEL V. HASELSWERDT	119
LAWYERS JUDGE THE WARREN COURT EDWARD N. BEISER	139

LAW & SOCIETY

REVIEW

- Editor-in-Chief:** Samuel Krislov
- Associate Editors:** Carl A. Auerbach, May Brodbeck, E. Adamson Hoebel, Paul E. Meehl
- Student Editors:** Keith O. Boyum, Lawrence C. Dodd, Abraham K. Farkas, Frank H. Forbes, Joseph W. Frees, Rolf A. Giere, Steven L. Seitz, and James P. Viken.
- Editorial Assistants:** Judith Anderson, Kathie Bellman, Richard Bunin, and Maureen Conway
- Production Editors:** Carla Sykes and Joan Sommerfeld

EDITORIAL ADVISORY BOARD

- Robert R. Alford**, University of Wisconsin
William Beaney, University of Denver
Jerome Carlin, Berkeley, California
Jerome A. Cohen, Harvard University
John E. Coons, University of California, Berkeley
Lon L. Fuller, Harvard University
Marc Galanter, University of Chicago
Abraham S. Goldstein, Yale University
Herman Goldstein, University of Wisconsin
Max Gluckman, University of Manchester
Charles V. Hamilton, Columbia University
J. Willard Hurst, University of Wisconsin
- Iredell Jenkins**, University of Alabama
Harry Kalven, University of Chicago
Arthur Miller, University of Michigan
Laura Nader, University of California, Berkeley
Stuart S. Nagel, University of Illinois
John T. Noonan, University of California, Berkeley
Nelson Polsby, University of California, Berkeley
Richard Schwartz, State University of New York, Buffalo
Jerome H. Skolnick, University of California, Berkeley
June Tapp, American Bar Foundation, Chicago

LAW AND SOCIETY ASSOCIATION, OFFICERS:

- PRESIDENT:** Victor G. Rosenblum, Law School, Northwestern University
VICE-PRESIDENT: Richard D. Schwartz, State University of New York, Buffalo
SECRETARY: Charles D. Kelso, Indianapolis Law School, Indiana University
TREASURER: Jack Ladinsky, Sociology, University of Wisconsin (Madison)
EDITOR, Law and Society Review: Samuel Krislov, Political Science, University of Minnesota
CHAIRMAN OF PUBLICATIONS COMMITTEE: Sheldon L. Messinger, Center for the Study of Law and Society, University of California, Berkeley
EXECUTIVE OFFICER: James E. Wallace, Law and Society Association, University of Denver, College of Law, 200 West 14th Ave., Denver, Colorado 80204

Board of Trustees (in addition to officers):

- Harry V. Ball**, Sociology, University of California, Santa Barbara
Edgar S. Cahn, Citizens Advocate Center, Washington, D.C.
David Caplovitz, Sociology, Hunter College
Alfred F. Conard, Law School, University of Michigan
Leonard S. Cottrell, Sociology, University of North Carolina
David J. Danelski, Political Science, Yale University
Lawrence M. Friedman, Law School, Stanford University
Geoffrey C. Hazard, Jr., Law School, Yale University
- Klaus Koch**, Department of Social Relations, Harvard University
Mark S. Massel, 2540 Massachusetts Ave., N.W., Washington, D.C. 20008
Laura Nader, Anthropology, University of California, Berkeley
Maurice Rosenberg, Law School, Columbia University
Martin Shapiro, Political Science, University of California, Berkeley
Harry P. Stumpf, Political Science, University of New Mexico
Stanton Wheeler, Center for Advanced Study in the Behavioral Sciences, Palo Alto, California
Robert B. Yegge, Law School, University of Denver