

Critical Approaches to Law

Spring 1999
Professor Siebrasse

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3. (Note pages 345-373 are intentionally omitted)
4. Einer R. Elhauge, "Does Interest Group Theory Justify More Intrusive Judicial Review" 101 *Yale L. J.* 21 (1991) 374

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5. Lisa Bernstein, "Merchant Law in a Merchant Court: Rethinking the Code's Search for Immanent Business Norms" 144 *U. Pa. L. Rev.* 1765 (1996) . . . 91
6. Julie Horney & Cassia Spohn, Rape Law Reform and Instrumental Change in Six Urban Jurisdictions, 25 *Law & Society Review* 117 (1991) as excerpted in *Law & Society: Readings on the Social Study of Law*, Macaulay et al. eds. 114
7. Lucie White, "Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G." (1990) 38 *Buffalo Law Review* 1-58 . . 127