

# Tulane Law Review

A National Law Journal Distinguished for Coverage of Civil and Comparative Law

#### RTICLES

RETHINKING MARRIAGE: FEMINIST IDEOLOGY, ECONOMIC CHANGE, AND DIVORCE REFORM June Carbone Margaret F. Brinig

**RECONSIDERING REHABILITATION** 

Michael Vitiello

**GOVERNMENTAL TORT LIABILITY IN LOUISIANA:** A RESPONSE TO PROFESSOR ROBERTSON AND A CALL FOR MORE STUDY Robert R. Peebles, Jr.

ON THE SIGNIFICANCE OF BATTING AVERAGES AND STRIKEOUT TOTALS: A CLARIFICATION OF THE "NAKED STATISTICAL EVIDENCE" DEBATE. THE MEANING OF "EVIDENCE," AND THE REQUIREMENT OF PROOF BEYOND A REASONABLE DOUBT

A RESPONSE TO PROFESSOR ALLEN

Ronald J. Allen Daniel Shaviro

COGNITIVE SCIENCE AND THE SUFFICIENCY OF "SUFFICIENCY OF THE EVIDENCE" TESTS Craig R. Callen

FEMINISM AND PORNOGRAPHY: A NEW ZEALAND PERSPECTIVE

Charlotte L. Bynum

#### **COMMENTS**

Creating the Statistical Portion of an Affirmative Action Plan

David C. Ankeny

A Judicial Exception for Judicial Elections: "A Burning Scar on the Flesh of the Voting Rights Act" April D. Dulaney

The Revision of the Louisiana Co-Ownership Law

Jeanne M. Gravois

VOLUME 65 NUMBER 5

**MAY 1991** 

## TULANE LAW REVIEW

Volume 65	MAY 1991		Number 5	
	Distriction in			
CONTENTS			80.	515
ARTICLES			The same of the sa	10.
RETHINKING MARRIAG IDEOLOGY, ECONOMIC ODIVORCE REFORM	Change, and		Carbone	953
RECONSIDERING REHAI		J	ŭ	
GOVERNMENTAL TORT A RESPONSE TO PROFE AND A CALL FOR MORE	SSOR ROBERTSON		bles, Jr.	1055
ON THE SIGNIFICANCE AND STRIKEOUT TOTAL THE "NAKED STATISTIC THE MEANING OF "EVI REQUIREMENT OF PROCREASONABLE DOUBT.	s: A Clarificatio cal Evidence" Dei dence," and the of Beyond a	N OF BATE,	J. Allen	1093
A RESPONSE TO PROFE	ssor Allen	Daniel	Shaviro	1111
COGNITIVE SCIENCE AN SUFFICIENCY OF "SUFFITHE EVIDENCE" TESTS	CIENCY OF	. Craig R.	Callen	1113
FEMINISM AND PORNOR NEW ZEALAND PERSPE		arlotte L.	Bynum	1131
COMMENTS				
CREATING THE STATIST AFFIRMATIVE ACTION			Ankeny	1183
A Judicial Exception "A Burning Scar on Voting Rights Act"	THE FLESH OF THE		Dulaney	1223
THE REVISION OF THE CO-OWNERSHIP LAW.		leanne M.	Gravois	1261

## RECENT DEVELOPMENTS

CANGELOSI V. OUR LADY OF THE LAK		AL MEDICAL	
CENTER: RES IPSA LOQUITUR IN LOU	ISIANA		
MEDICAL MALPRACTICE ACTIONS	• • • • • • • • •	S.D. Crapple	1283
CRUZAN V. DIRECTOR, MISSOURI DEP.	ARTMENT		
OF HEALTH: DISCERNING THE POSSIE			
AND THE LIMITATIONS OF AN INCOM	PETENT'S		
Exercise of the Right to Refuse			
TREATMENT	CE	Coiogles and	1200



A National Law Journal Distinguished for Coverage of Civil and Comparative Law

#### **ARTICLES**

RETHINKING MARRIAGE: FEMINIST IDEOLOGY, ECONOMIC CHANGE, AND DIVORCE REFORM June Carbone Margaret F. Brinig

RECONSIDERING REHABILITATION

Michael Vitiello

GOVERNMENTAL TORT LIABILITY IN LOUISIANA: RESPONSE TO PROFESSOR ROBERTSON A CALL FOR MORE STUDY

Robert R. Peebles, Jr.

TESIGNIFICANCE OF BATTING AVERAGES AND STRUKEOUT TOTALS: A CLARIFICATION OF THE "NAKED STATISTICAL EVIDENCE" DEBATE, THE MEANING OF "EVIDENCE," AND THE REQUIREMENT OF PROOF BEYOND A REASONABLE DOUBT

Ronald J. Allen

A RESPONSE TO PROFESOR ALLEN

Daniel Shaviro

COGNITIVE SCIENCE AND THE SUFFICIENCY OF "SUFFICIENCY OF THE EVIDENCE" TESTS

Craig R. Callen

FEMINISM AND PORNOGRAPHY A NEW ZEALAND PERSPECTIVE

Charlotte L. Bynum

#### COMMENTS

Creating the Statistical Portion of an Affirmative Action Plan

David C. Ankeny

A Judicial Exception for Judicial Elections: "A Burn Scar on the Flesh of the Voting Rights Act"

pril D. Dulaney

The Revision of the Louisiana Co-Ownership Law

Jeanne M. Gravois

VOLUME 65

**NUMBER 5** 

**MAY 1991** 

## **TULANE LAW REVIEW**

VOLUME 65

MAY 1991

Number 5

### **CONTENTS**

#### **ARTICLES**

RETHINKING MARRIAGE: FEMINIST	
Ideology, Economic Change, and	
DIVORCE REFORM June Carbone  Margaret F. Brinig	953
RECONSIDERING REHABILITATION Michael Vitiello	1011
GOVERNMENTAL TORT LIABILITY IN LOUISIANA: A RESPONSE TO PROFESSOR ROBERTSON AND A CALL FOR MORE STUDYRobert R. Peebles, Jr.	1055
ON THE SIGNIFICANCE OF BATTING AVERAGES AND STRIKEOUT TOTALS: A CLARIFICATION OF THE "NAKED STATISTICAL EVIDENCE" DEBATE, THE MEANING OF "EVIDENCE," AND THE REQUIREMENT OF PROOF BEYOND A REASONABLE DOUBT	1093
A RESPONSE TO PROFESSOR ALLEN Daniel Shaviro	1111
Cognitive Science and the Sufficiency of "Sufficiency of the Evidence" Tests	
FEMINISM AND PORNOGRAPHY: A NEW ZEALAND PERSPECTIVE	1131
COMMENTS	
CREATING THE STATISTICAL PORTION OF AN AFFIRMATIVE ACTION PLAN	1183
A JUDICIAL EXCEPTION FOR JUDICIAL ELECTIONS: "A BURNING SCAR ON THE FLESH OF THE VOTING RIGHTS ACT"	1223
THE REVISION OF THE LOUISIANA CO-OWNERSHIP LAW	1261

#### RECENT DEVELOPMENTS

CANGELOSI V. OUR LADY OF THE LAKE REGIONAL MEDICAL CENTER: RES IPSA LOQUITUR IN LOUISIANA MEDICAL MALPRACTICE ACTIONS	1283
CRUZAN V. DIRECTOR, MISSOURI DEPARTMENT OF HEALTH: DISCERNING THE POSSIBILITIES AND THE LIMITATIONS OF AN INCOMPETENT'S EXERCISE OF THE RIGHT TO REFUSE	
TREATMENT S.E. Seicshnaydre	1289