

# Contents

---

---

## 1 Introduction, 3

The Sociology of the Case, 4

Law as a Quantitative Variable, 8

*Adversary Effects, 9; Lawyer Effects, 13; Third-Party Effects, 15;  
A Note on Speech, 18*

A New Model of Law, 19

## 2 Sociological Litigation, 23

The Strength of the Case, 23

Sociology in the Practice of Law, 25

*Screening Cases, 25; Fees, 26; Designing Cases, 27; Pre-trial  
Decisions, 29; Case Preparation, 30; Designing Trials, 31; Man-  
aging Trials, 33; Appeals, 36*

The Unauthorized Practice of Sociology, 38

## 3 The Incorporation of Conflict, 41

The Organizational Advantage, 42

Legal Individualism in Modern Society, 44

Legal Corporatism in Traditional Society, 47

Legal Co-operative Associations, 50

*Jurisdiction, 50; Membership, 52*

**4 The Desocialization of Law, 57**

The Quantity of Discrimination, 58

*Social Diversity, 59; The Relevance of Race, 61; The Jurisprudence of Parking Tickets, 62*

Law and Social Information, 64

*Social Information as a Quantitative Variable, 64; The Decline of Social Information, 66*

The Desocialization of Courts, 67

*Partial Desocialization, 68; Radical Desocialization, 69; Electronic Justice, 70*

**5 The Delegalization of Society, 73**

Alternatives to Law, 74

*Self-help, 75; Avoidance, 75; Negotiation, 76; Settlement, 76; Toleration, 76*

Legal Overdependency, 77

*Addiction to Law, 77; The Kitty Genovese Syndrome, 79; Law as a Cause of Crime and Conflict, 80*

Legal Minimalism, 81

*Sociological Anarchism, 81; Japan as a Natural Experiment, 84; Honor among Thieves, 85; A Planned Shortage of Law, 86*

**6 Conclusion, 89**

The Sociology of Jurisprudence, 91

*Causes of Legal Formalism, 91; Causes of Legal Sociology, 94*

The Jurisprudence of Sociology, 95

*Unintended Consequences of Legal Sociology, 95; Law as a Social Problem, 96*

A New Morality of Law, 97

*Modern Jurisprudence as a Scientific Curiosity, 98; The Relevance of Reality, 99*

The Age of Sociology, 102

Notes, 105

References, 131

Index, 163