

CONTENTS



Acknowledgments

ix

1 • Introduction

1

PART ONE **THE LEGAL FORMALISTS**

2 • The Myth about Beliefs in the Common Law

13

3 • The Myth about "Mechanical Jurisprudence"

27

4 • The Holes in the Story about Legal Formalism

44

PART TWO **The Legal Realists**

5 • Realism before the Legal Realists

67

6 • A Reconstruction of Legal Realism

91

PART THREE
STUDIES OF JUDGING

- 7 • The Slant in the "Judicial Politics" Field
111

- 8 • What Quantitative Studies of Judging Have Found
132

PART FOUR
LEGAL THEORY

- 9 • The Emptiness of "Formalism" in Legal Theory
159

- 10 • Beyond the Formalist-Realist Divide
181

Afterword
200

Notes
203

Index
251