he Journal of the Association aw and Society Association Volume 11 Number 3 170 Published online by Cambridge University Press



POLICY

The Law & Society Review welcomes articles and research notes by lawyers, social scientists, and other scholars which bear on the relationship between society and the legal process. 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.

MEMBERSHIPS

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

| Student (non-voting) | \$ 7.50 |
|--------------------------|---------|
| Regular | \$15.00 |
| Joint (husband and wife) | \$18.00 |

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

| Sustaining | \$ 20.00 |
|--------------|----------|
| Contributing | \$ 30.00 |
| Corporate | \$100.00 |

FREQUENCY AND SUBSCRIPTIONS

The Law & Society Review is published five times each year: Fall, Special, Winter, Spring, and Summer.

Second class postage is paid at Denver, Colorado, and additional mailing offices.

Membership in the Association may be obtained by writing Prof. James E. Wallace, Executive Officer, 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). Nonmember and institutional rates for a one-year (quarterly publication) subscription are \$20.00 (\$21.00 outside the U.S.). Special two- and three-year rates are available on request. Single copies of the current issue may be obtained from the Association at \$5.00 each. Single copies of back issues: Volumes 1 through 10 at \$7.50 each, except for Volume 3, Nos. 2 and 3 (combined issue), and Volume 7, No. 4, which are \$10.00 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.

Articles appearing in this journal are abstracted and indexed in ABC POL SCI, ABSTRACTS ON CRIMINOLOGY & PENOLOGY, HISTORICAL ABSTRACTS and/or AMERICA: HISTORY AND LIFE, INDEX TO LEGAL PERIODICALS, INTERNATIONAL BIBLIOGRAPHY OF THE SOCIAL SCIENCES, POLITICAL SCIENCE, GOVERNMENT & PUBLIC POLICY SERIES, SOCIAL SCIENCE INDEX, and SOCIOLOGICAL ABSTRACTS.

The Law & Society Review gratefully acknowledges the generous assistance of the University of California, Los Angeles, which has provided funds for the support of its editorial office.

The Law & Society Review is published by the Law and Society Association.

© The Law and Society Association, 1977

ISSN 0023-9216



VOLUME 11, NUMBER 3 / WINTER 1977

CONTENTS

| FROM THE EDITOR | 419 |
|---|-----|
| ABOUT THE AUTHORS | 425 |
| STUDYING AMERICAN LEGAL CULTURE: AN ASSESSMENT OF SURVEY EVIDENCE | |
| AUSTIN SARAT | 427 |
| SOME PROBLEMS IN THE LEGAL REGULATION | |
| OF THE ACTIVITIES OF ECONOMIC INSTITUTIONS | |
| JACEK KURCZEWSKI and KAZIMIERZ FRIESKE | 489 |
| ELEGANT MODELS, EMPIRICAL PICTURES, AND THE | |
| COMPLEXITIES OF CONTRACT | |
| STEWART MACAULAY | 507 |
| COMPLEXITY AND CONTRADICTION IN THE LEGAL | |
| ORDER: BALBUS AND THE CHALLENGE OF | |
| CRITICAL SOCIAL THOUGHT ABOUT LAW | |
| DAVID M. TRUBEK | 529 |
| COMMODITY FORM AND LEGAL FORM: AN ESSAY | |
| ON THE "RELATIVE AUTONOMY" OF THE LAW | |
| ISAAC D. BALBUS | 571 |
| COMMENT AND EXCHANGE | |
| FATAL ERRORS WITH FATALITIES DATA: A | |
| COMMENT ON ROBERTSON'S "AN INSTANCE | |
| OF EFFECTIVE LEGAL REGULATION" | |
| ROBERTA S. COHEN and HARVEY S. COHEN | 589 |
| SPECULATION VERSUS FACT: REPLY TO | |
| THE COHENS | |
| LEON S. ROBERTSON | 597 |



Editor: Richard L. Abel

Production Editor: Patricia E. Shoup

Student Editors: Janet H. Ashley, Beth E. Berke, Mary Kathryn

Grannis, Reid Hanson, Michael McManus

Editorial Secretaries: Pauline Libson, Carol M. Sartorius

EDITORIAL ADVISORY BOARD

Upendra Baxi, University of Delhi

Donald Black, Yale University

Erhard Blankenburg, International Institute of Management, Berlin

Bliss Cartwright, University of Virginia

Jerome A. Cohen, Harvard University

Lon Fuller, Harvard University

Daniel Glaser, University of Southern California

P.H. Gulliver, York University

John Hagan, Erindale College, University of Toronto

J. Willard Hurst, University of Wisconsin

Herbert Jacob, Northwestern University

Richard O. Lempert, University of Michigan

Stewart Macaulay, University of Wisconsin

Leon Mayhew, University of California, Davis

John Monahan, University of California, Irvine

Sally Falk Moore, University of Southern California

John T. Noonan, University of California, Berkeley

Adam Podogorecki, Warsaw University

Nelson Polsby, University of California, Berkeley

H. Laurence Ross, National Science Foundation

Austin Sarat, Amherst College

Charles R. Tittle, The Florida Atlantic University

Lorenzo Zolezzi, Catholic University of Peru

Cover Design: Donald E. Watkins