



Total Justice

Lawrence M. Friedman

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It is a widely held belief today that there are too many lawsuits, too many lawyers, too much law. As readers of this engaging and provocative essay will discover, the evidence for a "litigation explosion" is actually quite ambiguous. But the American legal profession has become extremely large, and it seems clear that the scope and reach of legal process have indeed increased greatly.

How can we best understand these changes? Lawrence Friedman focuses on transformations in American legal culture—that is, people's beliefs and expectations with regard to law. In the early nineteenth century, people were accustomed to facing sudden disasters (disease, accidents, joblessness) without the protection of social and private insurance. The uncertainty of life and the unavailability of compensation for loss were mirrored in a culture of low legal expectations.

Medical, technical, and social developments during our own century have created a very different set of expectations about life, again reflected in our legal culture. Friedman argues that we are moving toward a general expectation of total justice, of recompense for all injuries and losses that are not the victim's fault. And the expansion of legal rights and protections in turn creates fresh expectations, a cycle of demand and response.

This timely and important book articulates clearly, and in nontechnical language, the recent changes that many have sensed in the American legal system but that few have discussed in so powerful and sensible a way.

Total Justice is the third of five special volumes commissioned by the Russell Sage Foundation to mark its seventy-fifth anniversary.

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