

*Zeisel, Hans (1905–1992)*

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A sociologist and lawyer, Hans Zeisel was a pioneer in social science research and in the empirical study of legal institutions. His most famous works focused on juries, capital punishment, and survey techniques, often ingeniously using what he termed “half a loaf” methods—study designs that were, perforce, less than ideal, but well adapted to cope with the constraints encountered in studying the law in operation.

Born in Kaaden, Czechoslovakia, Zeisel soon moved with his family to Vienna, Austria. After earning doctoral degrees in law and political science from the University of Vienna in 1927, he worked with Paul Lazarsfeld (1901-1976) and Marie Jahoda (1907-2001) to produce *Die Arbeitslosen von Marienthal* (Jobless of Marienthal, 1933), a celebrated study of the impact of the Depression and unemployment on a small Austrian town. Zeisel practiced law in Vienna and was active in the socialism movement until the 1938 *Anschluss Österreichs* forced him to emigrate to New York. There, he became a senior executive and researcher in media and market research. His research experience led to the lucid and influential text on statistics *Say It with Figures* (1947).

In 1953, Zeisel joined the faculty of the University of Chicago Law School to collaborate with Harry Kalven on a Ford Foundation-funded study of the American jury system. David Sills later wrote that “all subsequent research on the jury begins with” the two books that flowed from this research (1992: 536). The first, *Delay in the Court* (1959), sought to quantify the sources of congestion in New York courts and to estimate the likely impact of proposed remedies. The second, *The American Jury* (1966), probed whether, when, and why judges and juries might decide cases differently.

Zeisel’s eclectic law review and encyclopedia articles examined the role that survey evidence could play in litigation, problems with the FBI’s *Uniform Crime Reports*, misconduct by the House of Representatives Un-American Activities Committee, uses of statistics in constitutional litigation, lack of any demonstrable deterrent effect of capital punishment, discrimination in the administration of the death penalty, the importance of jury size, and many other issues in law and statistics.

Following his retirement from the University of Chicago faculty, Zeisel continued his research and consulting. He engaged in litigation and writing on capital punishment, a practice that he fervently opposed, and on trademark infringement, where he applied the survey methods that he had helped establish. In *The Limits of Law Enforcement* (1983), he used data on the disposition of felony cases in New York City to suggest modest improvements in sentencing and other practices and to emphasize that the route to major crime prevention lies outside the judicial system, in the early moral education of children. In the last years of his life, he returned to a manuscript that summarized many of his ideas about the value and varied applications of quantitative analysis in the study of the legal system and the adjudication of disputes. This work, brought to completion posthumously, was entitled *Prove It with Figures* (1997).

—D.H. Kaye

## Further Readings

Sills, David L. (1992). "In Memoriam: Hans Zeisel, 1905–1992." *Public Opinion Quarterly* 56: 536–37.

Weinstein, Jack B. (1974). "Hans Zeisel's Contributions to the Administration of Justice and the Sociology of Law." *University of Chicago Law Review* 41: 213–23.

Zeisel, Hans, and David Kaye. (1997). *Prove It with Figures: Empirical Methods in Law and Litigation*. New York: Springer.