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Book Review, The Politics of Informal Justice. Vol. 1: The American Experience. Vol. 2: Comparative Studies.

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heuristic purposes, to take the amount of crime in society to be constant, making arrest rates dependent solely on police behavior. At a number of points in the book, however, he departs from this initial position and attributes changing arrest rates to changing criminal behavior. This fundamental inconsistency is never resolved. In addition, Monkkonen tends to take a single activity to be indicative of a wide range of behavior without giving adequate justification. For instance, he concludes that the decline in the number of tramps given lodging by the police meant "an end to police familiarity with the difficulties of the life of the poor" and a general distancing of the police from the community. But this ignores the myriad other ways in which police interact with the public. Domestic disturbances (family quarrels), for example, constitute a major component of police calls, involving the police in the lives of the poor in ways that the sheltering of vagrants never could. It is doubtful that there really has been any decline in police involvement with the poor. Monkkonen deserves credit for using the limited data at his disposal with skill and imagination. But on a number of important points, these data simply will not bear the weight of his arguments.

In the final analysis, it seems questionable whether police departments have indeed ended their involvement in "class control." Numerous sociological studies of police behavior on skid row and in black communities, in which a wide range of data was available, argue the opposite. They conclude that police continue to ride herd on those social groups considered most likely to produce criminals. Moreover, recent publicity about the "underclass" and the crime problem it poses is startlingly reminiscent of 19th-century accounts of the dangerous class. All this suggests that patterns Monkkonen claims were passé by 1900 have either persisted or reemerged. In sum, many sociologists may disagree with Monkkonen's conclusions. Nevertheless, they will find in this book a noteworthy attempt to establish national trends that brings to light some fascinating data.

The Politics of Informal Justice. Vol. 1: *The American Experience*. Vol. 2: *Comparative Studies*. Edited by Richard L. Abel. New York: Academic Press, 1982. Vol. 1, pp. ix + 335; vol. 2, pp. x + 338. \$29.50 each vol.; \$59.00 set.

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Volumes 1 and 2 of *The Politics of Informal Justice* offer sociologists the most comprehensive analysis to date of the growing international trend toward informal justice. The 20 essays in these volumes present a stunning historical and comparative perspective which ranges from insightful reexamination of anthropological case studies, to description of the 19th- and early 20th-century experiences with informal justice in several West-

ern and non-Western countries, to examination of contemporary experiments with informal justice on five continents. Delegalization, deinstitutionalization, and informal adjudication have generated a large literature, much of which is skeptical of the claims of sponsors of reforms. The unique contribution of this collection of essays is its emphasis on the critical relationship between informal justice and state authority. The authors in the first volume, *The American Experience*, according to editor Richard Abels's introduction, "agree with Foucault that informal justice increases state power." The essays in the second volume, *Comparative Studies*, extend that insight through case studies which examine, among other things, the similarities and differences in informal justice under traditional, fascist, socialist, liberal capitalist, and revolutionary states, as well as in societies with no state. This panorama yields new perspectives. The ideal types of formal and informal legality which are basic to Western conceptions of law begin to topple, undermined by the discovery that types of justice can be understood most usefully in terms of the types of political authority supporting them. The claims of reformers that formal and informal justice reflect opposing values and necessarily have different effects on the relationships between disputing parties or the relationship between parties and their communities are not far behind.

A few of the more striking case studies will demonstrate the range of diverse and complementary research in these volumes. In one of the pivotal pieces of research in the collection, Sally Engel Merry undertakes a reexamination of anthropological studies of mediation in four nonindustrial societies ("The Social Organization of Mediation in Nonindustrial Society: Implications for Informal Community Justice in America"). Merry shows that informal dispute resolution in "small-scale" societies succeeds as a method of social control independent of centralized political authority. As social control it reinforces constituent community institutions because it draws on resources available in a traditional society: the potential for violence; tolerance of traditional inequalities among disputants; community leaders with legitimate, final authority; integrative if slow-moving resolution processes; and the availability of concrete remedies. Furthermore, Merry argues that in the absence of these resources a centralized political authority must be invoked to make informal dispute resolution effective. Her deduction explains the most striking theme apparent in the remaining case studies, that in industrial societies, informal justice—not spontaneous, community-supported justice—is imposed.

Case studies based on the North American experience support Merry's conclusion. Paul Wahrhaftig writes on American programs as a participant observer, identifying three forms of sponsorship—Justice Department, state agency, and community-based dispute resolution ("An Overview of Community-oriented Citizen Dispute Resolution Programs in the United States"). His descriptions show in detail how all effective authority possessed by the dispute-resolution process is derived from direct or indirect linkages to government. Each program is encouraged to choose disputes assigned or referred by the formal justice system, to follow

guidelines for government funding, and to structure and resolve disputes in a manner which is compatible with established social control functions of police, courts, and other government agencies. Wahrhaftig's detailed but focused description is complemented by Christine Harrington's historical essay which examines 20th-century American movements for delegalization ("Delegalization Reform Movements: A Historical Analysis"). Harrington argues persuasively that movements for informal justice have been motivated by a strong administrative-technical ideology within the formal justice system itself that endorses informal justice as the only efficient means of bringing additional social conflict within the control of governmental authorities. Among essays with a similar theme in the companion volume on informal justice outside North America, Udo Reifner's historical and statistical description of the effects of the cooptation of the trade union movement for informal justice by the Weimar government is particularly interesting ("Individualistic and Collective Legalization: The Theory and Practice of Legal Advice for Workers in Prefascist Germany"). Reifner documents the evolution of free legal advice from trade union sponsorship through Workers' Offices to state sponsorship of massive free mediation. He demonstrates that this evolution was accompanied by a significant shift from a legal practice based on collective workers' interests to a state policy of controlling working-class unrest by instilling respect for justice while deflecting conflict from the courts and political arena through the use of free mediation.

The authors agree strongly that dependence on state authority means that the highly permeable institutions of informal justice will serve the ends of state policy rather than those of protecting rights, equality, or community solidarity. However, they present an interesting variety of approaches and answers to the question of whether informal justice can serve reformist or revolutionary ends in contemporary society. In the view of Jonathan Garlach, the labor courts of the Knights of Labor in 19th-century America succeeded for a time in maintaining both their independence from both state authority and their dedication to collective union goals ("The Knights of Labor Courts: A Case Study in Popular Justice"). Revolutionary courts of popular justice in Mozambique, according to observers Barbara and Allen Isaacman, were both an effective revolutionary alternative to the colonial government's court during the fight for liberation and were absorbed into the revolutionary state with their informality intact at its conclusion ("A Socialist Legal System in the Making: Mozambique Before and After Independence"). While these authors and the editor hold the view that informal justice can be progressive given a change in "the structure of the adversaries" (1:294), Reifner argues, in a theoretical preface to his essay on Workers' Offices in Weimar, that informal justice is always socially regressive, whereas formal legality in liberal capitalist society is progressive since it establishes concrete rights which can become the objective of collective enforcement whenever the working class is able to mobilize effectively for that purpose. More satisfactory than either of these abstract conclusions is

Boaventura de Sousa Santos's concrete and balanced description of the ambiguous or contradictory role played by formal and regular justice in the 1974 revolution in Portugal ("Law and Revolution in Portugal: The Experiences of Popular Justice after the 25th of April 1974").

In spite of their great diversity of subjects and methods, the individual essays supplement each other. The inevitable overlap in the speculative and theoretical portions of the essays is occasionally repetitive but often provides refreshingly different conceptualizations of issues. Unfortunately I found two of the three essays devoted entirely to theory, in the concluding section of the volume on *The American Experience*, unhelpful. Because their arguments are both dense and difficult to follow, they are likely to discourage many readers. The editor's own introductions to each volume and his chapter which concludes the first volume provide generalizations which partially make up for the obscurity of the essays. The variety and insight of the remaining contributions make this a valuable, and for me the most important, work to date on informal justice.

Poor People's Lawyers in Transition. By Jack Katz. New Brunswick, N.J.: Rutgers University Press, 1982. Pp. xi + 273. \$25.00.

Jane M. Whicher

Business and Professional People for the Public Interest (Chicago)

The development of "poverty law" in Chicago from its origins in the 1880s with philanthropic organizations whose emphasis was on social work to the development of today's sophisticated and specialized legal service centers forms the framework of *Poor People's Lawyers in Transition*. This development was not necessarily smooth, because institutions based on "Band-aid" poverty approaches often collide with those with a reformist or activist bent. In the 1970s an attempt was made to combine two such dissimilar organizations, and the struggle for dominance is a central theme of the book. It is the contrast between the institutional philosophies of the two groups and the resulting conflict among their lawyers that provide Jack Katz with grist for his sociological mill.

The book has two expressed goals. The first is to compare the differing adaptive methods of the two institutions' lawyers. A "complacent" philosophy, exemplified by the particular commitment of ensuring the client a day in court, seems prevalent among lawyers associated with the Legal Aid Society. This organization espouses a philanthropic, often paternalistic viewpoint, and its lawyers attempt always to appear "reasonable" to other members of the profession as well as to the court. In contrast, lawyers associated with a younger, more aggressive organization funded by the Legal Services Corporation (an outgrowth of the 1960s War on Poverty) exhibit reform-oriented, activist, and sometimes rebellious behavior. Katz describes Legal Services lawyers as exhibiting a philosophy