From the Editor

As in previous issues, the articles you will find in the following pages can stand on their own. They also have a certain coherence which I have tried to emphasize by the order in which they are arranged. While they all present empirical data analyses, their theoretical grounds differ so dramatically that they could be construed as polar positions in a debate.

We begin with a study that invites us to conclude that Heinz and Laumann's two-hemisphere model of the legal profession is not the only valid way to comprehend the profession's divisions. In a comprehensive study of Toronto's bar, combining both quantitative and qualitative methods, John Hagan, Marie Huxter, and Patricia Parker present a stratified model of the profession that fits with a more general model of class divisions in society. They show a profession divided between a traditional elite and a "proletariat" of working-class drones serving the newly developed corporate and commercial law needs of large law firms. While highly paid, these legal workers nevertheless pose a potential threat of rebellion, held in check only by the hope dangled before them of promotion into the upper ranks. The point of the argument is that stratification is not just between corporate law elites in large firms and solo practitioners, rather it mirrors stratification trends in society at large.

Continuing the theme of class analysis, Frank Munger enters the debate over what to expect of litigation trends and why. Using the example of litigation rates in southern West Virginia coal mining areas, he argues against what he calls "normative effects theories" such as those of Durkheim and Weber, who see the growth of litigation as a functional response to the needs of other institutions in society. Instead, says Munger, his data demonstrate that there is no necessary connection between disputes and litigation. He finds litigation to be a function of the interests of various potential disputants and the resources available to them. In other words, litigation rates depend on class-related characteristics of individual communities and will vary from one community to another depending on the constellation of interests and resources developing within each community.

How do we reconcile two such macrosocial sets of conclusions with a study like the next? Using structured interviews, Tom Tyler's report of research on procedural justice finds that although there are ". . . no universally fair procedures [e.g. mediation or methods that allow representation to a disputant] for allocation and dispute resolution," there does appear to be a universal way (at least within American culture as a whole) of judging fairness,

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regardless of personal characteristics such as class, race, or age. Tyler sees this as a feature that can guide officials in producing remedies that people will find fair. He seems to be saying that regardless of potentially sharp divisions such as class or race, concepts of procedural justice are so uniform that they offer the opportunity for the enhancement of the legal system's legitimacy.

How does this comport with the first two pieces which emphasize the significance of class? Is Tyler on the opposite, or "normative effects theory," side of the fence? Maybe not. In the sense that he emphasizes the importance of context, he echoes Munger's analysis of litigation patterns. And in a sense he confirms Munger's claim that the particular interest and resource characteristics of disputants may determine the forum they choose for pursuit of their claims, since Tyler shows that it is the sense of fairness that is universal, not the evaluation of the particular dispute forum.

Enter William O'Barr and John Conley who bring up a related issue: Can people experience the courts as fair (i.e., as sources of procedural justice) if they bring with them naive, unprofessional ideas about what constitutes proof, causation, or an adequate account of events? In their ethnographic analysis of conversations with courts users, O'Barr and Conley demonstrate some of the limitations of controlled quantative research such as Tyler's, and give us concrete examples of some of the resources mentioned by Munger. There may be universal notions of fairness, as Tyler found, but the need to have an insider's knowledge of specific legal concepts and procedures can render the courts incapable of fulfilling the ordinary citizen's expectations.

It would be stretching my integrative imagination to the limit by trying to incorporate the last two articles in this discussion, except to say that both address issues of the legal system's legitimacy.

The first is a study of crime data from 171 cities. Robert Sampson and Jacqueline Cohen give us a unique approach to the idea that a general feeling of *incivility* and disorder may have its own independent effects on a wide variety of phenomena which we have tried to explain with more obvious, direct explanatory variables. They show that in cities with aggressive police policies, rates of robbery tend to be lower. This pattern is true even when the proactive policing is aimed at public order violations (e.g., driving under the influence (DUI) and disorderly conduct) rather than robbery itself. People apparently have a higher fear of arrest for robbery in proactive police cities where DUI and disorderly conduct are the principle police targets. But more importantly, proactive policing seems to lower the general sense of incivility and disorder in a community, and this in turn helps reduce crimes such as robbery. Uncontrollable disorders, such as robbery, can apparently be controlled by proactive moves against more controllable forms of disorders, such as DUI and disorderly conduct.

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Finally, C. K. Rowland, Donald Songer, and Robert Carp give us a twist on something that was supposed to be obvious. Looking at federal district court and court of appeals judges appointed by President Reagan, the authors confirm that these judges do indeed render more conservative, antidefendant verdicts in criminal cases. This is consistent with the general image that the Reagan administration screens its judicial candidates for correct ideology. The twist is that the gap between Reagan appointees and others is equally attributable to the unusually high level of liberalism on the part of President Carter's appointees. While Carter's appointment procedures appeared less obviously tilted than Reagan's, the results produce a counterbalancing which exaggerates the gap between Reagan's appointees and all others.

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