From the Editor

There is a temptation when writing about the articles in any given issue of the *Review* to force a unifying theme upon them. Papers that were meant to stand on their own are forced to "speak" to each other because of the happenstance of timing.

However, the authors of the first two papers in this issue, quite by coincidence, seem to have something to say to each other as well as to their readers. Their papers share more in their discussion than the common location of the Adriatic Sea; they present us with an opportunity to make some comparisons between ideologically dissimilar legal systems, even though they are not directly concerned with the same issues.

Kitty Calavita's study of worker safety regulation in Italy and Robert M. Hayden's analysis of workers' courts in Yugoslavia both yield evidence contrary to the "common sense" of several competing ideologies and also contrary to some developed theoretical trends within law and society research. Calavita demonstrates that the experience of Italian workers in mobilizing regulatory law to improve the dismal safety conditions in Italian factories confirms neither that such laws are purely symbolic gestures by a dominant capitalist class nor that those laws were instrumental in producing major changes in safety conditions. She uses her analysis to examine the possibility that much law and society research has overestimated the extent to which the state and its laws, controlled by whomever, play an influential role in complex socioeconomic developments.

Hayden's argument is somewhat different, since he demonstrates the effectiveness rather than the ineffectiveness of a legal institution. Still, his main thesis challenges both Eastern European socialist theories about workers' courts and much law and society literature about the appeal and value of decentralized, contextualized dispute-settling mechanisms. The success of Yugoslav workers' courts, in contrast with the domination of such courts by state agencies in other socialist states, stems directly from the fact that Yugoslavs made their courts autonomous, outside the factories, and operated by legal professionals according to legalized rules of procedure. Because the issues troubling Yugoslav workers arise within the workplace, the remoteness and formality of the workers' courts gives them the

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protection they need to muster the courage to make complaints.

There is, I suppose, some affinity between Hayden's conclusions and those in Charles A. Moore and Terance D. Miethe's study of sentencing guidelines in Minnesota, but only in the sense that both studies support a generalized claim for the effectiveness of formal law. Moore and Meithe show that formal legal restraints can have measurable effects in the direction apparently intended for them, but they also show that the effects are specific to decisions singled out in the law and do not generalize to other judicial decision making.

The two research notes also deal with the effects of legal actions. Ellen Hochstedler discusses the treatment by criminal courts of persons identified as mentally disordered. She directly addresses the worry of many that with deinstitutionalization of mentally disordered persons, they might face in criminal courts the "double-jeopardy" of both criminal penalties and additional imposed treatment. Her data indicate a criminal justice system adjusting with considerable flexibility to this "crisis." She also shows some of the conditions that determine the courts' determination between "bad" and "mad."

Roy E. L. Watson's report on seat-belt law enforcement presents a unique quasi-experimental opportunity to test the effects of various aspects of legal implementation. In particular, he presents evidence separating the effects of publicity about law enforcement from the enforcement itself. His research also allows him to consider these issues as they apply differentially to various categories of drivers.

In moving from Calavita to Watson in this issue, we run the gamut from long-term analysis considering a multiplicity of social forces to a very short-term experiment with highly specific variables. Is it just coincidence that in this journey we are also moving from high skepticism about the impact of legal institutions to clear evidence of that impact?

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