

NEIGHBORHOOD JUSTICE: ASSESSMENT OF AN EMERGING IDEA, by Roman Tomasic and Malcolm M. Freeley (editors). Longman, New York 1982, pp. xviii and 286.

Tomasic and Feeley's edited collection of articles on the neighborhood justice movement is valuable reading for any individual interested in social control, both in the United States and in Canada.<sup>1</sup> The volume is a comprehensive collection, beginning with reprints of the early seminal papers (originally published in law reviews) which helped launch the movement in the United States. It concludes with critical essays assessing neighborhood justice centers (NJs) and their implications for the future of institutionalized informal justice. Essentially, the volume poses the question: Can decentralized justice meet the needs of the public? The answer it offers is that it is too soon to tell.

The editor's explicit purpose in compiling the volume was to introduce the issues and debates around neighborhood justice to a wider and more general audience. Indeed, some of the papers are as much as ten years old and would be familiar to readers who have followed the question. Of particular interest are Parts II and III which offer up to date evaluations of experimental NJs (Part II) and critical assessment from more theoretical perspectives (Part III). The particular value of the book is in introducing a broader group of scholars to the entire discussion. Anthropologists, like the author of this review, are drawn to the background papers. They recognize that the original inspiration for NJs came directly from Gibbs' work on Kpelle moots and Laura Nader's work among the Zapotecs of Mexico, and indirectly from the work of Max Gluckman, Philip Gulliver and other legal anthropologists.

Danzig's paper, the first in the collection, recapitulates Gibbs' suggestion that moots have therapeutic functions in the Kpelle villages and proposes that Americans might enjoy similar benefits if such decentralized and informal local institutions were made available to them. The article also points to the possibility of the practical benefits of introducing local mediation centers, primarily in reducing docket overloads in established courts. Since this double motive — improving both the quality and administration of justice — launched a movement, it is interesting to consider its intellectual premises. Merry's paper, for example, focuses on the question of whether North Americans really do prefer informal justice over more formal hearings. In fact, contrary to early presumptions (discussed by Danzig and Sander) research suggests that Americans prefer self help (Buckle and Buckle, chapter 5), avoidance (Felstiner, chapter 3), or nothing at all (Davis, chapter 8) to mediation and adjudication. NJs are perceived favorably by disputants, which suggests that from at least that perspective they offer "quality justice", but so far are actually more expensive than courts.

But do NJs *work*? Yes, is the answer, primarily in relatively minor cases in which disputants are concerned to avoid litigation (Roehl and Cook, chapter 6). But in a significant proportion of cases, mediation fails

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1. See, for example, the discussion pertaining to Canadian developments by R.L. Horrocks "Alternatives to the Courts in Canada" (1982) 20 *Alberta L.R.* 326.

because one or both parties fail to cooperate (Felstiner and Williams, chapter 7). Tomasic's final chapter is a critical synopsis of the programs, and the research they have generated. What emerges from the volume is a portrait of Americans' (which can include Canadians) cultural preferences in dispute resolution, and their perceptions of law and judicial institutions. Virtually all of the authors call for more research, not only on NJCs as they develop, but also on North American sociocultural life in general.

The collected papers in the volume raise many more questions than they answer. Chief among those questions is one that asks: What is the role of the state in the ordinary lives of its people? Most readers would implicitly and explicitly support the idea that remedial institutions should "fit" the values of the people they serve. Hofrichter (chapter 10) and Clifford (chapter 11) raise questions about the perils of the expansion of the state through the NJCs. The notion that "fit" and "intrusion" might be two sides of the same coin suggests a larger theoretical question of what courts are for. Indeed, if there is any conceptual weakness in the volume as a whole, it is in the virtual absence of discussion of any perspective on the courts except in terms of their dispute resolution functions; the issue of "rights" is not even mentioned. Thus, the disagreements authors express over questions of NJCs' effectiveness and merit are overshadowed by their apparent agreement on the nature of the judiciary's role in society.

This book is useful for specialists and students alike. In addition to its substantive merits, it is readable, relatively jargon-free and is a good illustration of both interdisciplinary research and scholarly contributions to policy issues. Taken together, the articles reflect a lively debate on important questions about law and society.

René R. Gadacz  
Department of Anthropology  
University of Alberta