

is a *cri de coeur* quality in the book I certainly prefer it to the *cris* of a decade back excoriating the exercise of discretion.

In sum the discipline, no less than this author, will benefit from clearer normative argumentation and more elaborate ethnological observation in the eternal quest for an understanding of justice. I think Utz has made a promising start. Changes in California sentencing laws since her research would, I think, make it profitable to return to her research sites for follow-up studies. I hope she does.

#### REFERENCE

CARTER, Lief H. (1974) *The Limits of Order*. Lexington, Mass.: Lexington Books.

#### AUTHOR'S REPLY

Carter writes that the author "chooses to avoid the task" of discriminating among possible causes of the contrasting approaches to negotiation in Alameda and San Diego Counties and thus is unable to explain the differences. Actually, the point of a comparative study of the two counties was to ferret out the combination of variables that account for different styles of "doing justice." The case study method is particularly sensitive to the richness and interaction of variables in complex social systems. Of course it cannot, and does not mean to, measure "the independent effect of having a government-funded public defender's office." Its force is to identify sources of variation and to probe the complex dynamics by which they produce their effects.

In fact, it is hard to imagine in what sense any of the variables Carter mentions could be said to have "independent effects." The effects of any aspect of a criminal justice system are always *conditional* upon a multiplicity of other aspects. For example, the ideological predispositions of the prosecutor cannot have effect without an appropriate organizational structure to make them work. "Liberal" San Francisco produces outcomes that resemble "conservative" San Diego far more than "liberal" Alameda. The San Diego prosecutor's resistance to negotiation is not a simple translation of the conservative values of the community, but is dependent, in part, upon his external relations to the police and upon internal administrative control of the deputies' inclinations to negotiate. Similarly, the organization of the defense bar may, or then may not, constrain and transform the prosecutor's predispositions. In San Diego, a weak defender organization did little to moderate the prosecutor. In Alameda, a strong public defender helped both

the D.A. and the defense to develop a professional ethic that legitimates “nonadversary” behavior, but it could not have done so in the absence of a host of other facilitative conditions.

Unfortunately, none of those complex facts can be captured by the sort of simple propositions for which Professor Carter seems to long.

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