

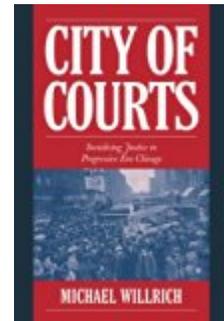
# H-Net Reviews

in the Humanities & Social Sciences

**Michael Willrich.** *City of Courts: Socializing Justice in Progressive Era Chicago.* Cambridge: Cambridge University Press, 2003. xxxix + 332 pp.

**Michael Willrich.** *City of Courts: Socializing Justice in Progressive Era Chicago.* Cambridge: Cambridge University Press, 2003. 332 S. \$28.99 (paper), ISBN 978-0-521-79403-9; \$75.00 (cloth), ISBN 978-0-521-79082-6.

**Reviewed by** Lawrence M. Friedman (School of Law, Stanford University)  
**Published on** H-Law (April, 2004)



Up to 1905, the court system of the city of Chicago, like the systems in many other cities, was a chaotic jumble. At the base of the system were the justices of the peace, “foot soldiers of the legal order” (p. 3). They were, essentially, hacks who milked the system for their fees. But in 1905, in one of the most striking moves of the Progressive period, the justice of the peace system was abolished in Chicago, and replaced by a brand new and strikingly different type of court, the Municipal Court. This court had jurisdiction over civil cases, and over criminal cases below the level of felonies (it had jurisdiction over preliminary hearings in felony cases as well). Under the leadership of its chief judge, Harry Olson, who presided over the court until 1930, the Municipal Court was a model of what Willrich calls “socialized law,” that is, law that “purposefully reshaped society by directly addressing concrete problems of social life” (p. 98). This meant, in practice, a flexible, highly discretionary use of law, a rejection of formalism, and an escape from the iron rigidities of common law doctrine.

Willrich tries to show how the idea of “socialized law” was related to other ruling ideas of the Progressive era. This was a period in which thinking elites were questioning many of their older assumptions about crime and punishment. More and more of these elites were trying to explain crime in social terms: less in terms of free will, good and evil, and more in terms of either heredity (eugenics) or environment—or both. Willrich, in fact, argues that there is less to the opposition between these two particular ideological camps than meets the eye. Believers in both genetics and environmental influences on crime

worked together in the construction of the new “social interventionist urban court system.” They had a “joint commitment” to “two structural goals of socialized criminal justice: the individual treatment of offenders and the introduction of professional experts into the judicial process” (p. 245). The Municipal Court was the instrument that would work toward these goals.

It was a striking feature of the Municipal Court under Olson that the Court split itself into a number of specialized subcourts, all of course in the pursuit of “socialized justice.” There was a Court of Domestic Relations, which dealt with “cases involving wrongs against women or children,” very notably, non-support cases. There was a Morals Court, which handled such matters as prostitution. The Boys’ Court was the “first and only socialized criminal court in American equipped with full power to try and sentence young men between seventeen and twenty-one” (p. 210), that is, boys older than the ones over whom the juvenile court had jurisdiction. Olson also established a Psychopathic Laboratory. Judges of the Municipal Court were encouraged to send men and women who were thought to be “defective” to the Laboratory to be examined. In all of its branches, the Court was, or at least strived to be, a new, innovative, and progressive agency, fighting vice, violence, and crime with the tools of modern science, and free from at least some of the shackles of legal technicality.

The Municipal Court rested on powerful pillars of theory and ideology. It was also very much indebted to a single strong leader, Olson. Olson passed from the

scene in 1930. By that time, the pillars which supported the Court had already begun to totter. As time went on, fewer people were dazzled by the lure of eugenics. The environmental urge also suffered a decline. The theory of the Court was also the theory that underlay many of the other innovations in criminal justice in the late nineteenth and early twentieth century—indeterminate sentencing, parole, probation. All of these tended to shift emphasis (relatively speaking) from the offense to the offender. Court judgments had to be highly individualized judgments. By rights they would be tailored to the needs and situation of the precise defendant who stood before the judge. But in the course of the twentieth century, emphasis shifted once again to the offense, and a process began which ultimately destroyed or replaced many of the reforms of the Progressive era. They were destined to be swept away in a law-and-order storm. The last chapter of the book briefly tells this story too—a story of decline and fall.

The main line of the narrative, and the heart of the research, concerns the work of the Municipal Court. Willrich provides a rich texture of detail, and many significant insights along the way. To take just one example: the Morals Court handled cases of adultery and fornication. It would be tempting to see the court's activity here as another example of bourgeois oppression: imposition of middle-class norms on immigrants and working-

class people. But a good percentage of the cases were in fact brought and instigated not by police officers or probation officers, but by complaining relatives and family members. The Court's norms, in other words, were not as alien to the ordinary people who lived in Chicago, as some of the more polemical literature on criminal justice in this period might suggest.

In general, Willrich tells an important story; and he tells it very well. The research is rich and deep. This book is one of the best, most insightful, and provocative studies in American legal history that has appeared in recent years. It could serve, in many ways, as a model, in its adroit blending of social and legal history. Primarily, of course, this book will be read—and appreciated—by legal and social historians. It deserves, however, a wider audience. It is a truism by now—or should be—that legal history cannot be understood in isolation. Law is nowhere near as autonomous as members of the public tend to think. It is one of the many institutional children of society—a stubborn, sometimes quarrelsome and contrary child, but a child of the family nonetheless, deeply embedded in family culture and family politics.

For those who need to learn how intimately legal institutions are tied to social norms and understandings, there could hardly be a better introduction than this book.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

**Citation:** Lawrence M. Friedman. Review of Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* and Willrich, Michael, *City of Courts: Socializing Justice in Progressive Era Chicago*. H-Law, H-Net Reviews. April, 2004.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=9192>

Copyright © 2004 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at [hbooks@mail.h-net.msu.edu](mailto:hbooks@mail.h-net.msu.edu).