

# AMICI

THE NEWSLETTER OF THE SOCIOLOGY OF LAW SECTION

## CHAIR'S NOTE



**Elizabeth A. Hoffman**  
Purdue University

Soon, many of us will meet in Montreal for the ASA Annual Meeting on August 12-15. Montreal is a beautiful city. The ASA hasn't met there since 2006. Our section has organized a stimulating collection of panels for our section day, **Monday, August 14** (please see the list further down in this newsletter). Great work Becky Sandefur for organizing these!

Additionally, before the annual meeting, our section will have its first pre-conference workshop, thanks to the hard work of the Pre-Conference Workshop Committee: **Joe Conti** (chair), **Ron Levi**, **LaDawn Haglund**, **Spencer**

**Headworth**, and **Debbie Becher**. The pre-conference, co-sponsored in part by McGill University's Faculty of Law, will be held at the Law School's Chancellor Day Hall, 3644 Peel Street, Montréal, on **August 11, 2017**. The workshop will offer greater opportunity for scholarly discussion and active participation than the regular ASA presentations. This will be exciting!

While I am sure I'll run into many of you throughout the annual meeting, I'm particularly hoping to see everyone at the Business Meeting and the Reception. The **Business Meeting** will be **3:30 pm on Monday, August 14** (please check the final program for location). Please join us to recognize and congratulate our award winners, to volunteer for committee work, and to hear what's going on in the section. Our

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**Section Reception** will be **Sunday, August 13, 6-8 pm**. (Remember that the information listed in the [online and hardcopy programs](#) is not correct; remind others!) The reception will be co-sponsored with the Section on Human Rights and the Section on Crime, Law, and Deviance. It will be held at the lovely [Hotel William Gray](#) at 421 Rue Saint Vincent, Montreal. The hotel was built around 1785 by Edward William Gray, a merchant and sheriff, making this an appropriate location for a law-focused reception. Importantly, this location is in [easy walking distance](#) from the conference center.

This newsletter issue includes interviews with seven section council members as an effort to familiarize others in the section with the current officers. My hope is that this will make the section more welcoming, especially for new, or less involved, members. I invited seven graduate students in our section to meet these new and continuing council members and share their interviews in the newsletter. I look forward to your reading, **Hillary Robinson's** interview of **Sandy Levitsky**, **Walker Kahn's** interview of **Lynette Chua**, **Paul Durlak's** interview of **Shauhin Talesh**, **Stefan Vogler's** interview of **Tianna Paschel**, **Nate Ela's** interview of **Bobby Rivera**, **Liz Nalepa's** interview of **Katie Young**, and **Anya Degenshein's** interview of **Ashley Rubin**.

I have greatly enjoyed my time as the section chair this past year. None of it would have been possible without the contributions and hard work of many section members. The Nominations Committee, **Ron Levi** (chair) and **Marina Zalonznaya**, created a wonderful slate for our section elections. **Ellen Berry** (chair) and **Kay Levine** have continued to grow the important work of our Mentoring Committee. Our Membership Committee, **Mary Rose** (chair) and **Julia Tomassetti** enabled us to have over 400 members so that we could offer three sessions and a roundtable this August, plus the additional session co-sponsored with the Organizations, Occupations, and Work Section.

The awards committees spent many hours reading, evaluating, and discussing the nominated works: the Distinguished Book Award Committee of **Elaine Draper** (chair), **Ellen Berry**, **Lauren Rivera**, and **Michael Raphael**; the Distinguished Article Award Committee of **Mary Nell Trautner** (chair), **Lloyd Klein**, **Elizabeth Chiarello**, and **Mary Vogel**; the Graduate Paper Award Committee of **Brian Gran** (chair), **Sarah Brayne**, **Nate Ela**, **Ashley Rubin**, and **David John Frank**; and the Undergraduate Paper Award Committee of **Jessie Finch** (chair), **Roberto Rivera**, and **Jack Jin Gary Lee**. I also want to thank everyone who submitted work or who nominated the work of another scholar. While the high quality of the submissions made the work of these committees all the more difficult, this excellence attests to the vitality of the sociology of law subfield and to its importance in our discipline.

This challenging committee work ultimately resulted in the following winners, whom I'm very pleased to congratulate. Our book award winner is **Lauren B. Edelman**, with honorable mentions to **Wendy Nelson Espeland** and **Michael Sauder**. Our undergraduate paper award winner is **Neharika Goyal**, with an honorable mention to **Jessica M. Zawadzki**. Our article award winners are **Armando Lara-Millán** and

**Nicole Gonzalez Van Cleve.** Our graduate student paper award winner is **Katherine Eva Maich.** Author affiliations, titles of the winning submissions, and other interesting details are given farther down in this newsletter.

Finally, I would like to thank our Communications Committee. **Roberto Rivera,** having done a splendid job crafting our section's web page, will continue to be active in the section as this coming year's graduate student council member. **Mikaila Arthur,** our amazing newsletter editor, will step down after this issue, having served the section in this position for several years. Thank you, everyone!

Best,

*Elizabeth A. Hoffmann*

## NEWSLETTER EDITOR NEEDED!

### WANTED: SOCIOLOGY OF LAW SECTION NEWSLETTER EDITOR

The Sociology of Law Section seeks a new editor for its newsletter, *AMICI*. The editor works with section members and officers to publicize activities of the Sociology of Law section and its membership, and to facilitate communication on topics of interest to members. *AMICI* is published twice a year, in the summer and winter. Editing the newsletter is a wonderful opportunity to learn about what is going on in the sociology of law and to make connections throughout the discipline. Editors typically serve a term of 2 years. The new editor will begin their term with the Winter 2018 issue of *AMICI*. Please contact Rebecca Sandefur ([sandefur@illinois.edu](mailto:sandefur@illinois.edu)) for more information or to nominate yourself for the position, or Mikaila Mariel Lemonik Arthur ([marthur@ric.edu](mailto:marthur@ric.edu)) if you have questions about the newsletter editor position. Mikaila will be available to the new editor to ease the transition.

## MEET YOUR COUNCIL MEMBERS

### MEET SANRDA LEVITSKY, INTERVIEWED BY HILLARY ROBINSON

Professor Sandra Levitsky is Associate Professor and Director of Undergraduate Studies in the Department of Sociology at the University of Michigan, and the Chair-Elect of the Sociology of Law Section of the ASA. Her research interests are rooted primarily in the sociology of law, political sociology, and social movements. H.C. Robinson is a doctoral candidate at M.I.T., and her work concerns the interaction of law and technology in processes of social change. Her dissertation describes the experience of Uber drivers as a “digital working class” within an algorithmically-organized



labor market that characteristically requires workers to breach the regulatory system as a routine part of their work.

**HR:** What are you working on right now?

**SL:** I am working on a large project with my colleague Elizabeth Armstrong on Title IX and campus sexual violence. We are tracking a sample of 382 schools as they respond to a rapidly changing legal environment around Title IX and its requirement to reduce sexual violence. We had planned a longitudinal study that was going to track university responses to campus sexual violence in 2016-17 and then again a few years later, to find out what had changed in higher education in regards to this issue. Then Donald Trump was elected. We expect that what President Obama did to place federal pressure on universities to reduce sexual assault on campus will effectively end under Donald Trump. We will learn whether universities are going to continue on the path they took after President Obama stepped up Title IX enforcement, or whether they change course again once federal enforcement disappears.

Particularly now that states are using states' rights as a form of resistance to what the federal government is doing, it will be interesting to see what jurisdictions like California do (it has the largest state-funded university system in the country). The main carrot and stick that the Obama Administration had was the Office of Civil Rights within the Department of Education, which is the enforcement arm for Title IX. This office said in a "Dear Colleague" letter in 2011 that, in essence, "we will cut off federal assistance if you don't do more to better respond to campus sexual violence." For colleges and universities that receive federal funding, and almost all do, this was a very real threat. It is not clear such a withdrawal of funding has ever happened, but were it to happen, it would be catastrophic. Once that pressure is no longer there, it's an open empirical question what universities will do; that is the question our study is now aiming to answer.

**HR:** In your 2014 book, *Caring for Our Own* (Oxford 2014), you sought to explain why family responsibility as a form of social welfare remains the norm in the United States—and why families, who face unmet needs ranging from child care, to health care, to education, to elder care, do not demand new state entitlements. Your earlier edited volume, *Social Movements and the Transformation of American Health Care* (Oxford 2010), with Jane Banaszak-Holl and Mayer Zald, also focused on the dynamics of health care change in regards to social movements. In light of this body of work, has anything about the current political debate about dismantling the Affordable Care Act surprised you? Polls suggest that "Obamacare" is widely supported.

**SL:** No, I am not surprised. One of the central things that I argue is that people's sense of what rights are due to them is a function of their political imagination, and that this is influenced by what resources they have and the models with which they are familiar. Therefore one of the brilliant dimensions of Obama's healthcare plan—though it was precisely the basis for much critique—was that it was built on what Americans already found familiar: private insurance provided by employers. However, the ACA also

expanded the role of the federal government and state governments in providing healthcare. It took one step further towards the single-payer model—which is a big step for Americans, in terms of the political imagination. We now have Democratic politicians arguing with a straight face for a single-payer system, which was unheard of when Obama was first elected. A huge body of social science verifies that Americans are very reluctant to give up social welfare entitlements, and the growing support for Obamacare reflects this. This is the politics of incrementalism at its best.

**HR:** You mentioned earlier that the election of Donald Trump had altered the direction of your current research project. Many of us who study and work in universities are having a difficult time with the current political environment, and specifically the disregard for factual information at the level of the presidency. What should be the response, or even responsibility, of sociologists who are interested in law and the political process?

**SL:** I have been as overwhelmed as anyone by the threats posed, but I am greatly reassured by the depth of the response coming from scientists and social scientists about the importance of empirical validity, and the importance of facts. For generations, we have taken these things for granted! Socio-legal scholars have an additional responsibility because the rule of law is simultaneously being threatened. I think we need to emphasize the critical importance of all these principles not only in our research, but also in teaching our undergraduate and graduate students.

**HR:** You went to law school before completing your Ph.D. Would you comment a bit about your legal studies in relation to the methods and subject matter of your work now?

**SL:** I took a very long route to where I am now. I intended to practice law when I went to law school, but it turned out that the questions that I was interested in were really socio-legal questions—not legal practice questions. While in law school, I was working for two plaintiff-side employment discrimination lawyers on sexual harassment cases. The plaintiffs' grievances did not seem too atypical; you could imagine thousands of other employees with similar grievances across the city. I was interested in what kept those women, or men, from mobilizing their rights under the law. (Practicing lawyers, by comparison, are interested in the people that *do* come into their offices; not those who don't.) This became the question that animated my work from the beginning, and animates it still today: after we work so hard to obtain these rights, what keeps people from mobilizing them? Pursuing these kinds of questions has been about learning what kinds of sociological tools, what kinds of methods, can unearth the people who are not visible and the voices that are not heard. This is an interest that people in socio-legal studies share regardless of whether they have a J.D. I may have a few more tools in my repertoire for “talking legal discourse,” but I think most of what I do does not necessarily require a J.D. However, the experience of getting the degree played a large role in getting where I am now.

**HR:** Finally, where do you think the law and society field is going? What are some of the big questions, and some of the theoretical and methodological challenges ahead, perhaps in relation to “big data”?

**SL:** It’s a tough question, and it’s hard to answer that question without taking into account the political context we have been talking about. I think there’s been a lot of rethinking of people’s intellectual agendas since November. For example, questions concerning democratic institutions, democratic principles, and the rule of law that we have taken for granted for decades are very front-and-center now. I think issues of big data will be central to future studies, not only as a methodology in the social sciences but also as an object of study, the way big data can be deployed for political purposes, particularly in the area of crime. The other area that I hope is going to get more attention in the sociology of law is social welfare. This subject has become largely the domain of political sociologists. But behind all of our entitlement programs, our education and our health systems, are a set of laws. Many of the mechanisms by which inequalities in social welfare are exacerbated involve laws. Social welfare is a socio-legal subject. I am really interested to see if and how, as people witness what the government is doing with our social welfare system, we will re-own this subfield in the sociology of law.

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#### MEET LYNETTE CHUA, INTERVIEWED BY WALTER KAHN

Professor Lynette Chua is currently a member of the Faculty of Law at the National University of Singapore. She is a law and society scholar with research interests in law and social change, and law and social movements. She is writing a book about how LGBT activists in Myanmar mobilize and put human rights in action, and how emotions and interpersonal relationships play a role in these social processes. Walker Kahn is JD-PhD student, and splits his time between the sociology department and the law school at University of Wisconsin-Madison. His work is on the relationship between market structure and civil and social rights in consumer debt markets, and his dissertation focuses on how the financialization of the mortgage market affected the foreclosure process in Cook County, Illinois.



**WK:** I'm curious about how your LLB training prepared you for your work. Do you think it's important that people studying the sociology of law have formal legal training of some kind?

**LC:** I think the answer really depends on what sort of research you're working on. For example, your research on foreclosure: I can imagine knowledge on civil and litigation procedure would be helpful. But I could have written my first book, *Mobilizing Gay Singapore: Rights and Resistance in an Authoritarian State* without the LLB training. That's because there were really very few court cases to look at, and only a few formal legal procedures to be concerned with. But the legal education did help in the sense that

it wasn't alien for me to open statute books, and interpret legislation. There were some laws that I needed to look at, especially laws on assembly, speech, and licensing.

**WK:** Your latest research project is focused on sexual and gender identity and LGBT rights in Myanmar, rather than Singapore. Could you tell me more about the work you're doing right now?

**LC:** Currently, I'm writing up my work in Myanmar under an advance book contract with Stanford University Press. The research began in 2012, and includes interviews, re-interviews, and field observations. I've also managed to collect old photos, videos, and original documents to help me reconstruct what happened before I started my work. The focus of my research has been a young movement of people that call themselves the LGBT rights movement, and how they use the discourse of human rights to make claims, recruit new activists, and expand their grassroots mobilization.

It's important to understand human rights in the context of Myanmar. For decades, human rights discourse and activists have been suppressed. Most ordinary folks have little concept of what human rights mean, and they also have different ways of understanding sexual and gender minority identities. To me, this is what makes the effort to use this discourse to build a collective identity that we would label LGBT so interesting.

In my research, I've found that not only have the substantive meanings of human rights helped these activists build a movement, but that the emotional and interpersonal relationship aspects of mobilizing rights have also been important. People teaching each other the meaning of rights and how to mobilize them creates not only interactions and opportunities, but also the emotions and meanings around which people come together. Of course, I'm also writing about the contestations and challenges within the movement. I also deal with the concerns about using human rights in a country where that discourse is alien, and what consequences that has for collective identity.

**WK:** What's been the most challenging aspect of the project?

**LC:** Where do I begin? First, we are often outsiders when we do this kind of work. I'm not from Myanmar, I know very little of the language, and it's a completely different social context. Just getting started was difficult. In Myanmar, sexual and gender minorities are not groups of people where you can just show up and announce that you're going to be doing research. Gaining access was challenging, but over time you get to know people and you slowly build trust. I was also fortunate to have some assistants who were bilingual, and that was helpful to gaining access.

It is always difficult to make sense of what happened before you entered the field, but I needed to reconstruct the first few years of the movement. The recollections people shared with me in interviews are helpful but they can sometimes be understandably unreliable. I tried to verify across multiple accounts from different people to get the timeline right, and I somehow convinced people to give me their old hard drives and

share old photographs and videos. That was very helpful. I used a lot of persuasion, and hopefully some charm.

**WK:** What was the most surprising thing you found during this project? Did anything catch you off guard?

**LC:** We usually think of people who are involved in movements that push for rights or new claims of rights as being very progressive and supportive of similar issues. But during this study, I was surprised by how Burman-Buddhist centric the movement is.

Burmans are the majority in Myanmar, and they're the dominant ethnic group. Sometimes they inadvertently or unconsciously exert Burman-Buddhist privilege, especially if they're male. Even the leaders and people who work really hard for the movement sometimes have a lack of awareness or have difficulty including ethnic and religious minorities, such as Karen Christians, Kachin Christians, and Muslims. But perhaps this is just a reflection of their society at large. Many people, including the newly elected government, have been criticized for privileging Burmans and Buddhists over other groups in what is actually a very diverse country.

**WK:** What are the most important issues facing LGBTQ citizens in Myanmar right now?

**LC:** Let me respond in relation to what issues are most obviously problematic. Although it doesn't happen everywhere, the most obvious problem is the abuse of police power. This is especially true for vulnerable social groups, like the sexual and gender minorities I study, as well as women and sex workers more generally. Legally, the police have wide-ranging powers to arrest and detain people. Oftentimes, they arrest people we would call transwomen, although they have other terms for that, simply for being on the street after a certain time, or for being at some place that is dimly lit. A lot of abuse of power takes place in police stations, and people are frequently forced to bribe their way out of detention. There were reports a few of years ago of police officers forcing transwomen to do things that were very humiliating, like getting undressed, and extorting sexual favors out of them. There are also issues with beatings and physical abuse.

Another obvious issue is the penal provision criminalizing so-called 'carnal intercourse against the order of nature.' Although it doesn't specifically target same-sex activity, it is often used by police to threaten gender and sexual identity minorities. The law that can be traced back to the administration of Myanmar as part of British India, and the 1860 Indian Penal Code version which came from the British that is still on the books. That's an obvious legal issue.

**WK:** Singapore was also a British colony. Are people there facing similar issues?

**LC:** In Singapore, blatant physical violence and obvious abuses of power are less common. But there's still a law on the books that prohibits same-sex relations between men. Government agencies take it as a cue to continue discriminatory policies. The main challenge for activists in Singapore is to get the law repealed or removed. If that law doesn't go, they can't move on other issues that they want to fight, such as



discrimination at work or in housing, or adoption, or anything else. The administration's going to look at that piece of legislation and they are going to say well, same-sex relations are criminal. They're at least going to take it as a symbol of disapproval. The challenge right now is to remove the law while continuing to provide social support to vulnerable members of the community. That sort of work will always continue. But as far as legal reform, if that law is not repealed, nothing else is going to move.

**WK:** Looking beyond your current work, are there any research areas on the horizon that you think demands an analysis informed by the sociology of law?

**LC:** I think more sociologists of law should consider the relationship between law and religion. I know that many sociology of law scholars have worked on this already, but I think this area deserves more attention. In Southeast Asia, the relationship between law and religion has always been a great source of discussion and scholarly attention. But in many places around the world, political debates about social issues and rights are also framed by religion as well as law and policy. This is not only true in regards to LGBT rights, but for other issues as well. I think it would be interesting to study that intersection more broadly. Again, I'm not saying that other people haven't done it, but rather that sociologists of law who are working in other contexts where religion is not at the forefront should consider it.

This has started to become present in my own work, and it's inspired me to think more about the importance of the intersection of law and religion for socio-legal studies. When human rights are adapted to a local context like Myanmar, you have to deal with how people understand it from their background, which is primarily Buddhism for most of my research subjects. In my research on the LGBT movement in Myanmar, for instance, I take into consideration how activists draw from or counteract ideas and beliefs in Buddhism. And it's not Buddhism on the books, or what the monks say, but what some law and society scholars call lived religion, or how Buddhism is practiced in everyday life. Activists have to engage these concepts and understandings about people, behavior, and actions in context.

**WK:** Do we have a responsibility to produce public sociology, and does working under a neo-nationalist regime change that responsibility?

**LC:** I think so, but depends on the individual scholar. Some scholars may feel comfortable taking on the role, other scholars would prefer to continue to do research that engages primarily with the intellectual community. I don't think everybody is suited for the role of doing public sociology, or wants to take it on. It sounds like a very diplomatic answer, but that's how I feel.

Sometimes I sit here and I think, should I say more in the newspapers about issues that really bother me? Once you initiate that conversation, you have to respond and you have to continue to be engaged. You can't just take a shot and go away, that's irresponsible.

People need to think in a long-term discursive manner. People may be at different stages of their careers or have different personalities and interests. It's not everyone's cup of tea, but I do think there's a place for it. I can't say I am doing it or that I feel comfortable doing it. That's just my personality.

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### MEET SHAUHIN TALES, INTERVIEWED BY PAUL DURLAK

Shauhin Tales is Professor of Law at the University of California, Irvine School of Law, with joint appointments in the Criminology, Law & Society, and Sociology programs. His research interests include the empirical study of law and business organizations, dispute resolution, consumer protection, insurance, and the relationship between law and social inequality. Paul Durlak is a Ph.D. candidate at the University at Buffalo, where his research focuses on employment rights and the Americans with Disabilities Act.



**PD:** Can you describe your general research agenda and interests?

**ST:** In general my research agenda centers around studying how private organizations respond to legal regulations and what affect these responses have on rights in terms of procedural and substantive fairness for individuals. So typically studies of business compliance with law view law as somewhat top-down. They think of law as formed and defined outside of organizations and the role of organizations is limited to reacting to law by either complying or not complying. I write about law from the bottom-up to capture how private organizations are shaping the meaning of compliance with law. I study how law lives within organizations, shapes organizations, and is implemented by organizations; but also how organizational constructions of law end up shaping the meaning of legislation and regulation. In terms of sociology, my work touches heavily on the sociology of law, organizational sociology, and economic sociology, but my work also touches on certain literatures in political science as well, so I'm fairly interdisciplinary.

**PD:** What led you to these particular research questions and issues?

**ST:** Well, I went to law school before I went to graduate school and in law school the teaching model is very top-down; you're reading a lot of cases, you're reading a lot of statutes, you're looking at regulations. When I went to graduate school I became very focused on organizational sociology, in particular new institutional studies of law and organizations. That theoretical framework, coupled with the law and society tradition of law being very bottom-up, gave me a means to challenge the existing model of how we think about law. That led me to then study these issues in the consumer protection context and to look at how automobile manufacturers actually shape the content and meaning of consumer protection and legislation in many areas.

**PD:** What is your current research focused on?

**ST:** Currently I've been pivoting to studying how organizations mediate what law means. We can think of this happening through what I call legal intermediaries. Traditionally we've thought of human resources officials, managers, and in-house counsels as legal intermediaries. I've been studying how the insurance field—insurance companies and insurance brokers—act as legal intermediaries to various different industries by communicating what law means and how to comply with it. I did a few empirical projects studying Employment Practice Liability Insurance (EPLI), which is insurance for employers who are sued for discrimination and harassment. Insurance companies offering EPLI filter what Title VII of the Civil Right Act of 1964 and antidiscrimination law means through a lens of risk, risk avoidance, and avoiding litigation at conferences and training programs and in their professional literature. Currently I have moved away from employment practice liability insurance to look at these issues in the context of cyber insurance and privacy law. We know there is a lot of data breach and hacking going on across the world; it turns out existing empirical research suggests that organizations are often drastically underprepared for data hacking and data breach events, and often under compliant with privacy laws. The insurance field now offers cyber insurance, but they don't just offer insurance, they offer a series of risk management services aimed at preventing, detecting, and responding in the event of a breach. These risk management services allow insurers to act as compliance managers and shape what compliance means for various organizations who are purchasing this insurance. I'm getting at the space between formal laws that are passed and the individuals and organizations who implement these laws. There are a lot of intermediaries who shape what compliance with law means on the ground and that is what I've been doing more recently with the empirical project on cyber insurance and the employment practice liability project.

**PD:** What is the most challenging aspect of conducting this type of research?

**ST:** I tend to study up and I've been trying to penetrate into big businesses who have a lot of control in how these laws get implemented on the ground, and so studying up is very challenging. It's hard to get access to the insurance field, which is a multi-billion dollar institution. Studying up poses difficult challenges, but I think it's important research because it gives us important insight into how the 'haves' come out ahead, and in particular the processes or mechanisms through which big businesses often gain advantage.

**PD:** What finding has surprised you most about this research?

**ST:** I was not surprised by how present law is, but how law is often being filtered through different managerial or risk logics. It's not that businesses don't care about law, or want to ignore law, or don't respect law; law is very much on businesses mind's, but it

is filtered through a lens of risk and managerial values. I think it's more prevalent than people realize and my challenge is trying to tease out the processes and mechanisms in how that happens on the ground. That's what I've tried to do with my work over the past decade.

**PD:** How has your education and career as a lawyer impacted your research on this topic?

**ST:** I think there are many different pathways to doing research. I think my pathway has led me to being a very interdisciplinary scholar. I went to law school first, then I practiced for a number of years and then I went back to get a PhD. So the legal experience both in law school and then actually as a lawyer gave me great insight into the practice of law. I also gained both empirical and theoretical training in graduate school and it gave me leverage to help explain some of the things that we see in the practice of law. For example, my research touches heavily on arbitration and I'm able to leverage my experience as a lawyer, but also leverage my experience as an academic. I think it allows me to be very multifaceted and interdisciplinary because I've actually been a lawyer and I kind of know the nuances, the pros and cons, the challenges, and the hurdles of the practice. That experience helps inform the research questions I ask and ultimately the research that I do.

**PD:** How has your experience practicing law informed your academic research?

**ST:** I was a litigator at a large firm in Los Angeles and fortunately I went to a small office of a larger firm, so I got a lot of great experience early on; I second chaired trials, handled depositions regularly, argued motions for summary judgment, and I really gained a lot of training and experience in the law. I think it helped my research, especially because I write about issues of procedure and how rules impact substance. So I know how those rules play out in formal legal settings, and I'm able to theorize and explain how and why that happens with the sort of theoretical training that I gained in graduate school.

**PD:** What new areas of research would like to see law and society scholars engage with more?

**ST:** Obviously I am a law and society scholar and I'm a big fan of law and society studies in general. I think two things come to mind: first, I think law and society scholars need to continue to conduct theoretically informed empirical research. So in law schools you're seeing a move towards what some call empirical legal studies, but not necessarily what I call theoretically informed empirical research. In other words, research that starts with a research question grounded in theoretical arguments and frameworks, and then the research question develops and you go conduct the research. This is different from what I think you're seeing take over in law schools, where you're seeing a lot of empirical legal studies without a theoretical framework anchoring the research. I think it's important for law and society scholars to continue to do theoretically informed research. Second, I would like to see law and society scholars continue to expand the areas or locations of their research. Traditionally there has been fabulous sociolegal

work in issues of civil rights, criminal rights, international rights, human rights, and immigrant rights; but, less on financial institutions, insurance, and consumer issues. Of course Stewart Macaulay, one of the legends of law and society did a lot of his work on consumer law, but all in all, you see far less research in those areas and I think our society has changed such that the sources of inequality are often located in some of those areas that I mentioned. So I think pivoting more research into those areas would broaden the reach of the law and society scholarly field, and the law and society association in general.

**PD:** What is the best piece of advice you have for advanced graduate students and new faculty interested in the law and society field?

**ST:** I think pursue research in the area that you're truly interested in, would be one. Be mindful of how you're framing your research and try to engage existing literatures in new and different ways. That helps position your research for greater recognition, so always be thinking in terms of what does the literature say, what doesn't it say, and what can you add. I think that's the important question that graduate students always need to be thinking about is how can your research add to the existing literature? What's your contribution? And then the other thing is just to work hard. It's tough, but the hard work you put in now will pay off later. It's a tough journey and there are a lot of bumps along the way, because as a former graduate student I know that it's a long journey. I think sometimes people can drift and you don't see the payout. You have to just keep working hard.

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#### MEET TIANNA PASCHEL, INTERVIEWED BY STEFAN VOGLER

Tianna Paschel is an assistant professor of African American Studies at the University of California, Berkeley. She is interested in the intersection of racial ideology, politics, and globalization in Latin America. Stefan Vogler is a PhD candidate in sociology at Northwestern University, and his research revolves around the areas of law, sexuality, and science and knowledge.



**SV:** Your first book, *Becoming Black Political Subjects*, recently came out and has won several awards now, so can you just tell us a little bit about that work?

**TP:** I've long been interested in thinking about the politics around race and inclusion and inequality in Latin America, and I became interested in thinking about some of the contradictions around a context in which you have decades and decades of formal equality and these realities on the ground where there was so much racialization that seemed to be happening. We see this monumental shift in the way that citizenship gets articulated, at least formally in these contexts, starting in the late 1980s and this extension of ethnic-based rights. [That] got me interested in thinking about this new moment of racial formation and how the legal

is a space in which race is being articulated in new ways in a region where race and racial exclusion was not legislated in the same ways that it was in the US. So in the book I'm really interested in thinking about why it is that these states actually decided to recognize ethnic rights.

I show how, while the activists that were involved in these struggles were consequential, you could never understand their outcomes without situating them in this broader global field and particularly this turn within the international community to a human rights framework that is thinking about collective rights for the first time. That language helps both indigenous communities and some black communities articulate themselves as legitimate rights-bearing citizens with a certain kind of legitimacy as multicultural subjects.

**SV:** You mentioned the transnational discourse around human rights. How do you see that playing out in your field sites and in relation to human rights around racial and ethnic groups?

**TP:** It plays out in a number of ways. What becomes clear in talking to the actors that were involved and looking at the transcripts is that the existence of transnational institutions that have created a language around ethnic rights as human rights holds a lot of weight in these constitutional reform conversations that in some ways act as a blueprint for these domestic rights.

And the transnational comes in I think even more powerfully in the form of actual institutions and actors being involved once the rights are signed onto by political leads. In my book, transnational actors come in a lot, like the Washington Office on Latin America, the UN High Commissioner for Human Rights, all of these different institutions come in when black movement actors are actually trying to hold their states accountable for what they've promised to do. Or, in the case of Brazil with affirmative action, they come in to support the movement and provide leverage for them.

**SV:** Did you face any particular challenges or surprises while you were doing that research?

**TP:** A lot of the challenges I had in the field had to do with managing relationships. In Colombia, I was closest to an organization called Proceso de Comunidades Negras or Black Communities Movement. That organization is seen within the context of black Colombian politics as a radical organization. It's also one of the most, if not the most, grassroots organization which is why I was interested in not just studying them but doing work with them. But what that meant was that parts of the black movement that are sometimes called the Afro-Right or parts of the movement that aren't seen as the right, but certainly are seen to be very close to power would be suspicious of me in different moments.

The other thing to navigate is being a woman traveling in some of these circles. These movements in both countries are pretty male-dominated and masculinist. So I had to navigate a lot of those gender politics and the politics around safety. I found pretty early on that I had to be a less warm person in certain kinds of interactions with certain kinds of activists.

**SV:** Can you tell us a little bit about your current work?

**SP:** This generation, even with these changes, has been primarily brought up with the same kinds of textbooks and the same kinds of popular culture as the previous generations that really do still have a myth of color blindness, and even though the black movement has started to shift the curriculum, the impact of that won't be until later. At the same time, if you walk around Brazil or Colombia, it's shocking to me how fluent people are in talking about racial inequality in ways that they never were before. So this new project is trying to capture that. How can we think about the cultural impacts of social movements?

What I'm finding is that basically race not only gets talked about more precisely when these laws and policies start to unfold, but the discourse about race shifts very radically around that same time away from being about racism in the US and Europe to being about racism in Brazil. So there's this shift from thinking about racism as a uniquely non-Brazilian thing to thinking about it as a Brazilian thing.

**SV:** As a sociologist who studies Latin America, do you often get the "Why study Colombia?" or "Why study Brazil?" question? If so, how do you respond to that?

**TP:** I get it all day every day to the point that winning these awards, let me tell you, it finally feels like okay, I didn't mess up. I also graduated from a department where everybody studied everywhere, and a lot of people studied Latin America specifically. So it only occurred to me that that wasn't what sociology in the United States was when I got on the job market. I would be one of few non-US specialists.

I was trained to take geography seriously but to be able to draw out the theoreticals in ways that could bridge across geographies. I think we get something from comparing other places, and I love being on panels with people who are not studying the countries that I study because I think that the conversations are more interesting than when I'm on panels with Latin Americanists exclusively or people who study the politics I'm studying in the countries that I'm studying. I think we can point to what we know are in certain kinds of universally recognizable conundrums and puzzles and phenomena and processes and mechanisms that we might not see as universal or as more prevalent if we only study one geographic space.

## MEET BOBBY RIVERA, INTERVIEWED BY NATE ELA

Bobby Rivera is a Ph.D. Candidate in Sociology at the University of California-Riverside, specializing in criminology, race, and inequality. His research focuses on intersections between the military and local policing, immigration, and environmental sociology. He is a retired police officer of 18 years. Nate Ela is a Ph.D. Candidate in Sociology at the University of Wisconsin-Madison. His dissertation examines how land use for urban agriculture has served as a form of redistributive social policy in Chicago.



**NE:** Not every grad student who comes to sociology after having been a police officer. What drew you to pursue a PhD in sociology?

**BR:** I started as an undergrad at California State University San Marcos (CSUSM) back in '98, and had met a professor, Richard Serpe, who's now the department chair at Kent State. I was working as a police officer at the time, taking coursework, but none in sociology. Professor Serpe told me, "You don't know this yet, but you're a sociologist." I was just taking general ed courses.

When I retired as a police officer in 2011, I re-entered CSUSM to finish my B.A., and I wrote a paper on holistic policing. The professor at the time told me, "If you don't get a book out of this, you should go to grad school and pursue it." I saw Professor Serpe again, in 2012, at the Pacific Sociological Association conference in San Diego. After about 15 years, the first words he said were, "I told you Bobby—you're a sociologist."

**NE:** What research projects are you working on?

**BR:** There are three areas I'm looking at. My current project is mass incarceration. I'm looking at California's AB 109, a public safety realignment bill that was written in 2011. Inmates had sued the State of California for living conditions in prisons. The state Supreme Court ruled that prisons were overpopulated; they were at 196 percent of capacity, and that has gone down to 137 percent.

Once that happened, California had to decide what they were going to do with all these extra inmates who were incarcerated with the terms that they had. They subsequently had to invoke two other laws —Proposition 47 and Proposition 57. From 2011 up until this past November, California has been removing all the non-violent offenders from prisons, and putting them into local custody.

In doing so, they've increased the need for a number of probation officers, deputy sheriffs, jails and so forth. Last year I took a class from a psychology professor on AB 109. And as I'm going through the class, I'm making this connection of increased incarceration of people of color, really because of Michelle Alexander's work, *The New*



Jim Crow. I'm thinking to myself, "Wait a second, if they're building new jails—and we have new jail construction in 38 of our 58 counties—the counties are going to have to somehow show the need for more jail construction."

And there's only a few ways you can do that. Primarily, it's to make more arrests. I asked myself, I wonder if they're increasing the arrest rates in these 38 California counties? It's an area of interest for me and AB 109 could be an extension of Alexander's work on the New Jim Crow.

My second area of research has to do with the identity of police officers within the police structure. I'm interested in mortality tables, and how mortality ties to officers' sense of identity. When a police officer spends 25 to 30 years on the job, and they have these strong emotional bonds to other officers, once they leave or retire, these bonds are broken. I think of this as a separation stress. I'm curious whether this stress leads to higher rates of depression and suicide.

We often see this with soldiers. A soldier who spends 20 plus years retires out, and now he or she doesn't have that camaraderie or that emotional bonding that they had with other soldiers. You do have a higher suicide rate amongst soldiers and now that I'm retired, I'm seeing it with my former colleagues. These identities seem to be woven into the structure.

Those are my two primary areas right now. My master's thesis was on officer-involved shootings. I'm interested as well in police violence and how it manifests itself in communities of color.

**NE:** You also work on holistic policing. How did you get involved in that?

**BR:** Back in 2005, we had a trio of officer-involved shootings with my department. These three shootings were all unrelated, over a five-day period. They involved five white officers as the shooters and the three deceased were all Latino males with limited English speaking skills. It was like having three Fergusons within five days without the social media attention. I was assigned to develop an initiative with my department, to improve on the trust with the Latino community after these three shootings. Eventually, because of the success of this program, in 2007, I was asked to speak at the Department of Justice annual conference. It was the first time I used the term "holistic policing." It just came to me. There was nothing structured, there was no formal evaluation of the initiative. I later met people like David Wexler, a former U.S. attorney and professor who developed the idea of therapeutic jurisprudence, and attorney Kim Wright, who has developed in the practice of holistic lawyering. So along with them, it's this holistic approach towards law that I'm looking to develop—the third piece, around holistic policing.

For police officers, we're just not quite there yet. It's a tough one. But police administrators around the country are now looking at restorative justice measures and ways of improving race relations. One real hot button is, how do you improve on trust? I'm looking at police departments and academies. Who's doing the instruction? I think

that's key. Most of the people doing the instruction on use of force and shooting instruction come from the military, primarily the Marine Corps. And then it becomes more social-psych. I'm looking at identity, and how police officers identify within the structure.

I'm also interested in aggression. This has led me to indigenous communities. I'm trying to implement principles and philosophies that you see among the indigenous people of the Andes, that you don't see in Western societies. In the Andean region of South America, everybody respects one another, and everybody respects Pachamama (mother Earth). In Ecuador, Colombia, Peru, and the Andean world, there's a collective notion of working with everyone to improve the human condition. It's not individualistic, it's about community. It's the sense of community I would like to expand within policing methods. I eventually see myself moving from a research focus on policing methods to policing global climate change issues.

**NE:** You're also working on a novel?

**BR:** Yes, I'm pretty much done with the research. This summer I start writing. It's a love story, in which an indigenous young man falls in love with an American girl from Texas. The young man represents the Amazon region and global climate change. There's a lot of symbolism involved. The aim is to raise awareness of global climate change, and our lack of acceptance in the United States. Even though 99% of the global scientific community accepts it, we don't see that percentage here in the US. So, the love story brings awareness of global climate change, and also the lack of acceptance of it here in the US.

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#### MEET KATIE YOUNG, INTERVIEWED BY ELIZABETH NALEPA

Katie Young is an Assistant Professor of Sociology at the University of Massachusetts Amherst. Her current research looks at parole release decisions, and she has a forthcoming book which is a hybrid of her empirical research on law students and a guidebook for law students themselves. Elizabeth Nalepa is a Ph.D. candidate in the Department of Sociology at Case Western Reserve University.



**EN:** What are you working on right now? What drew you to this work?

**KY:** One of my projects explores parole release decision making for lifer inmates. It's a mixed methods study that uses an unusual dataset created by coding about 700 parole hearing transcripts, plus in-depth interviews with parole commissioners. I'm looking at cases of inmates who were sentenced to life in prison with the possibility of parole and trying to understand which factors affect their chances of being released. Parole intrigues me because it's one of the least visible, least examined parts of the criminal justice system, but has an enormous

impact on people's lives. Other projects I'm working on include a Bourdieusian analysis of rights consciousness and a book about the social and psychological experience of being a law student.

**EN:** Are there any hot areas or new topics of research that you think demand analysis informed by Sociology of Law?

**KY:** Policing has become hotter in the past few years, of course, which I think will lead to more great new work like *Pulled Over* and *Down, Out, and Under Arrest*. I hope we'll see elaborations on Tom Tyler's work on legitimacy, Jennifer Eberhart's work on implicit bias, and other core social psych research on policing. I would love to see more sociologists of law take on social class in a nuanced way—the sociology of law version of *Paying for the Party* or *Those Who Work, Those Who Don't*. I can think of a few examples in the sociology of law, but we need more. I also think that as sociologists of law, we need to work on becoming more influential in legal and policy matters. We have a lot to contribute to litigation, appeals work, rule making, and legislation, but aren't typically sought out for these things, especially those of us who don't work in law schools. We need to find new ways forward—now more than ever.

**EN:** What advice would you give to aspiring sociologists of law who are still in graduate school?

**KY:** One, research what interests you rather than what seems trendy. I'm convinced that if you enjoy the work you're doing at any given point, you will end up happier and more productive. Two, develop obsessions outside of your department. Late in graduate school, I became enamored with succulent plants and they're still the big nerdy hobby into which I retreat when work gets overwhelming. Three, when you're working on an article, start writing early. Don't wait until you've read all the relevant literature—just start jotting ideas and analytical memos to yourself. I used to think it was better to research first and write second; now I'm convinced it's an iterative process.

**EN:** Tell me about your upcoming book for law students. What were your goals with this research, and how do you hope the book will be used?

**KY:** I'm writing the book I wish I could have read as a law student. It's called **How to Be Sort of Happy in Law School** and will be out late this year or early next year with Stanford University Press. I surveyed 1100 law students from over 100 different law schools and conducted in-depth interviews, site visits, conversations with alums, etc. The book is grounded in my research, but it's also a hybrid: written in a way intended to be accessible to law students who are having a tough time (which is to say, most of them). There are plenty of books that will tell students, say, how to make law review, but there aren't any to help them assess whether to do law review in the first place. While law students are the core audience, I hope it will also be useful to people who work at law schools, people considering law school, and sociologists of law.

## MEET ASHLEY T. RUBIN, INTERVIEWED BY ANYA DEGENSHIEN

Ashley Rubin is an Assistant Professor at the University of Toronto. Her research interests center around historical practices of punishment, and her work can be grouped into three broad areas of inquiry: the study prisons as organizations, the study of everyday “resistance” in prisons, and theory building on transitions away from outmoded forms of punishment. Anya Degenshein is a PhD candidate at Northwestern University and a Northwestern Presidential Fellow. Her research focuses on the legal, social, and institutional mechanisms at work in the reproduction of social inequality. Her dissertation examines the use of extreme preventative policing tactics in the “war on terror.” The following interview has been edited and condensed for clarity and length.



**AD:** You are currently working on a book project about Eastern State Penitentiary. Why is Eastern State an important case study in carceral history?

**AR:** It’s the only prison in American prison history that continued to use a highly criticized method of punishment called the “Pennsylvania System,” basically long-term solitary confinement, [in which] a person would not leave their cell or [adjoining], private yard for the duration of their confinement, often three to eight years. This is opposed to the typical model in the 19<sup>th</sup> century, which was factory-style work during the day and solitary confinement at night, called the congregate or silent model. By examining a deviant case, we can better understand the pressures that helped shape the American prison system and, importantly, their limitations. Eastern’s existence as this highly criticized prison was basically a billboard for every other state of what not to do: conform or else.

**AD:** What is the main finding of the research?

**AR:** My research question is, why does Pennsylvania and Eastern State Penitentiary retain the solitary confinement model? And my argument is that it’s the prison administrators. People often think it’s going to be the penal reformers, the local group of activists who were die-hard supporters of this system. Or you might think it’s the legislature, that they are somehow influenced by the reformers or their own cultural bearings. People [also] call it the “Quaker prison” and assume it has something to do with the local religion that it explains this, but the Quakers’ role is actually overstated. It was the prison administrators who continued to push for this system, and if you look at the three other prisons that [tested but quickly] abandoned the model, it was always the prison administrators who requested the legislature change the law, which didn’t happen until the following century [at Eastern]. So the big finding for me is that the prison administrators, rather than any other group, had more power and control over

policy. We think of them as having a lot to do with what happens behind the scenes, but they were actually policy-setters.

**AD:** What was the role of the law, then?

**AR:** The law really played a minimal role. Pennsylvania had one of the most detailed statutes setting up their prison. But it had very little defined—even what solitary confinement meant was left up to interpretation, so there was a lot of legal ambiguity. Almost everything was left up to the prison administrators' discretion. There were also a lot of violations of the law, privately and publicly. For example, [at one point] prisoners were being double-celled because the prison was so over-crowded that it was literally impossible to keep people in solitary confinement. And the legislature was very slow to try to fix this clear legal violation that was imposed by material circumstances rather than for ideological reasons; [they] didn't care that the law was being completely violated and that they were partially responsible for it.

**AD:** How does this compare with the amount of power prison administrators wield today?

**AR:** Because Eastern was a pre-bureaucratic system, [administrators] definitely had way more control than wardens do today; but at the same time, courts have been pretty deferential to prison administrators since the 1970s, and before the 1950s as well. Administrators have a lot of control over what happens behind the scenes, but they still sometimes also set penal policy. Keramet Reiter and I have a paper together focusing on the role of prison administrators in penal innovation, influenced by Laurie Edelman's work, where it's not so much the legislature that's coming up with penal change as much as things happening within the prison system. In the sociology of punishment, we're trained to look at the macro-level forces, or the local forces in terms of the culture and the politics. But looking inside, at how punishment functions, how prisons or departments of corrections function as organizations, looking at those dynamics and how they actually shape the outcome of punishment, not just in terms of gaps between law on the books and law in action, but in shaping penal policy is something that I hope we'll see more of in future research.

**AD:** You are a sociologist with interdisciplinary training. What are the particular benefits or difficulties in approaching the discipline with a multi-disciplinary background?

**AR:** The difficulties come most when it comes to concrete things like getting a job, publishing—the places where rubber hits the road, trying to convince people that even though you don't have a PhD in sociology, that you are still a sociologist. But as long as you can get the benchmarks down, I think it's great because you can come up with things that [you wouldn't] if you're too rigid in your approach. [Interdisciplinarity allows you to] ask different types of questions and be exposed to different literatures and methodologies; it lets you do things you otherwise might not do. It's also really helpful in university committee work where you are working with people beyond your

discipline: I think it's easier to see where people are coming from than if you were trained in only one discipline.

**AD:** You are currently an assistant professor at the University of Toronto, although your previous appointment and your education were in the US. Do you find any significant differences between the research and training traditions in criminal justice and the sociology of law in the two countries?

**AR:** There are definitely differences. One big one is that "criminology" means different things. In the States, it's primarily about investigating the causes and consequences of crime. In Canada, "criminology" has a much more explicitly critical bent and seems to have a bigger focus on analyzing criminal justice; it's closer to what we call punishment and society or critical criminology. Additionally, for a lot of people here, "criminology" is shorthand for sociology of law or law and society studies; law and society is seen as a subset of criminology here, which is highly problematic because there is much in law and society and the sociology of law that has nothing to do with criminal justice! Canadians are also much more interested in comparative work and more influenced by British and European approaches than in US criminology and sociology.

**AD:** Do you think that sociology in general, and the sociology of law in particular, have any special academic or public responsibility in the current political climate? Has the current global political climate shed any new light or meaning on your historically-oriented research?

**AR:** We as academics have a responsibility to educate the public and help people understand social processes. Part of our job is to help with clarifying the factual record and clear up basic misconceptions. Sociology is such a great discipline for students, helping them to see social processes and change over time. Because I do historical work I've always struggled with this idea of what value does my work actually have for a contemporary audience. I often think that my research is not going to be very important because it doesn't have a clear influence on contemporary life. But I try to emphasize contrasts with the past. In my book, for example, I highlight the aspirations and some of the policies that they tried at Eastern, such as their emphasis on prisoner anonymity and, essentially, reentry concerns, [because] it is a good illustration of how what we do today is not the way we've always done things. Especially for prisons, people have this assumption that we've always had prisons and our prisons have always been terrible places, and of course, prisons *have* always been terrible places. But they haven't always been *this* terrible. They've not always been *this* racially disproportionate. They've not always been *this* much of a life-destroying institution, they've not been as much a producer of inequality. Those things have gone up and down over time. We've normalized a lot of what we do these days and history helps correct that impression. Getting people to focus on evidence and theory instead of assumptions and ideology is pretty important in demonstrating how much has been socially constructed and is historically contingent.

[Currently] we're starting to see this shift in people studying the sociology of law, criminal justice, and the history of prisons taking a more normative tone. And I do worry about that because I think in order for people to take us seriously, especially in this climate, we can't look like we have our own biases. As social scientists, we know it's impossible to be "objective," neutral arbiters, but at the same time I do think the difference between at least trying to maintain our objectivity to the best of our abilities, cognizant of those limitations, and just completely giving up on the project of objectivity and neutrality, and just saying, 'here is what I think about this particular situation,' is important.

**AD:** Is there anything else you would like to add?

**AR:** I'm really excited to be taking a leadership role in the ASA and the sociology of law!

## SESSIONS AND EVENTS OF INTEREST AT ASA

### SOCIOLOGY OF LAW PRE-CONFERENCE WORKSHOP

The first pre-conference workshop of the Sociology of Law Section is set to take place on Friday, August 11, in Montreal, co-hosted by the Law Faculty at McGill University. The planning committee received a large number of provocative papers examining the place of law in cultural processes of exclusion and inclusion. The program promises an engaging day of networking and conversation over law and culture. While the deadline for submitting papers has passed, the committee warmly invites you to join us for the day. The program and information for how to register to attend can be found at this link: <https://goo.gl/4Pm3ZE>

### ENCOUNTERING THE LAW

**Sun, August 14, 8:30 to 10:10am, 511A**

Now more than ever, people across the world are encountering law in manifold areas of social life. As human rights are implemented, institutions and cultures of rights are created and sometimes suppressed. Newcomers encounter different ideas, languages, beliefs, and practices, often through legal systems, whether local, national, or international. Actors running these legal systems, which are often corrupt, may take a dim view of strangers' legal concerns. Individuals who are vulnerable may turn to "law" for protection, even while many people are discovering that law increasingly serves as a panopticon across multiple hierarchies and in many parts of their societies. Sociologists participating in this panel will present cutting-edge ideas and research on multiple encounters people experience with law in all areas of contemporary social life. While this panel will remind us that law is everywhere, panelists will offer insights into new questions for sociological scholarship on law.

Organizer and Presider: **Brian Gran**, Case Western Reserve University

- **Christopher Nigel Roberts**, University of Minnesota, “Right Without Duties ? The Sociological Origins of an Absence”
- **Mary Romero**, Arizona State University, “Navigating U.S. Law along the United States-Mexico Borderlands”
- **Poulami Roychowdhury**, McGill University, “Against the Law : Mob Violence and the Politics of Vigilante Justice in India”
- **Bryan Turner**, City University of New York Graduate Center, “Law’s Struggle with Religion : Equality and Inclusion”

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## SECTION RECEPTION

Co-sponsored with the Section on Human Rights and the Section on Crime, Law, and Deviance

**Sun, August 13, 6-9 pm, [Hotel William Gray](#) at 421 Rue Saint Vincent**

**NOTE THAT THE TIME AND DATE LISTED IN THE PRINTED AND ONLINE PROGRAMS IS LIKELY TO BE INCORRECT!**

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## LAW AND INEQUALITY: CRIMINAL, CIVIL, AND THE INTERSECTION OF THE TWO

**Mon, August 14, 8:30 to 10:10am, 514B**

This session features papers exploring topics in the area of law and inequality, broadly construed, including how law and civil or criminal justice systems create or support social or economic inequality; inequalities in people's civil or criminal justice experiences; tensions between goals of legal systems and other policy goals; and inequality at the intersection of criminal and civil justice.

Organizer: **Erin York Cornwell**, Cornell University

Presider: **Daanika Gordon**, University of Wisconsin-Madison

Discussant: **Justine Eatenson Tinkler**, University of Georgia

- **Emily Ryo**, USC Gould School of Law, “Predicting Danger in Immigration Bond Hearings”
- **Katherine Hood**, UC Berkeley, “The Welfarization of Criminal Justice? Poverty, Punishment, and Rehabilitation in Criminal Courts”
- **Spencer Headworth**, Purdue University, “Broke People, Broke Rules: The Production of the Welfare Rule Violator through Fraud Enforcement”
- **Mary Rose**, UT Austin; **Shari Seidman Diamond**, Northwestern University School of Law, “Juries Judging Injuries: The Special Role of Special Damages in Personal Injury Civil Cases”



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## THE STATE OF HUMAN RIGHTS ACROSS DIFFERENT CONTEXTS.

**Mon, August 14, 8:30 to 9:30am, 520A**

Papers in this roundtable session explore the state of human rights in a domestic context, within an international body, and cross-nationally. Respectively, they explore the enforcement of human rights law in the U.S., how the UNHCR responded to the Syrian humanitarian crisis, and cross-national variations in providing protections to internationally displaced population.

Organizer: **Lynette Chua**, National University of Singapore

- **Angela Elena Fillingim**, University of California at Irvine, “Para-Sociology: Policymaking as a Parallel Site for Sociological Analysis”
- **Nir Rotem**, University of Minnesota, “Know the Reports, Know the Organization: UNHCR and the Syrian Crisis”
- **Ralph Ittonen Hosoki**, University of California at Irvine, “Cross-national Variations in Protections for Internationally Displaced Persons”

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## MAKING ORGANIZATIONAL COMPLIANCE REAL

**Mon, August 14, 10:30am to 12:10pm, 516D**

Organizational sociologists have theorized and documented the range and diverse forms of ceremonial conformity to rules and norms. This session will explore when, where, and how law, regulation, and practice generate substantial—if very rarely complete—conformity to rules and expectations.

Session Organizer: **Eunmi Min**, University of Illinois Urbana-Champaign

- **Stacy E. Lom**, University of Central Arkansas, “How Did That Happen? The Effects of Perceived Legitimacy on the Formality of Evaluative Cultures”
- **Minjae Kim**, MIT Sloan School of Management, “A Man Is Known by His Cup: Signaling Commitment via Costly Conformity”
- **Hana Shepherd**, Rutgers University; **Idit Fast**, Rutgers University, “Putting an Anti-Bullying Law in Place: Implementation Styles in Schools”
- **Julia DiBenigno**, Yale University, “Rapid Relationality: Staff Influence Over Line Members for Soldier Mental Healthcare”
- **Rebecca Ann Johnson**, Princeton University, “The Uneven Distribution of Professional Discretion: Parental Monitoring, Fiscal Reform, and Special Education Placement”

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## LAW AND CULTURE.

**Mon, August 14, 10:30am to 12:10pm, 513D**

Organizer: **Kathryne M. Young**, University of Massachusetts, Amherst

Presider: **Nathan Shelton**, University of Wisconsin, Madison

- **Anna Kirkland**, University of Michigan, “Integrating Organizational Legal Cultures: Sex Discrimination in Health Care Settings”
- **Anna Reosti**, University of Washington, “Landlord Constructions of Fair Housing Compliance in the Information Age”
- **Ioana Sendroiu**, University of Toronto; **Ron Levi**, University of Toronto, “Legality and Exclusion: Discrimination, Legal Cynicism and System Avoidance across the European Roma Experience”
- **Kathryn Hendricks**, University of Chicago, “Vulnerability and the College Kid: Legal Consciousness, Categories of Risk, and the Contestation of Title IX”
- **Kevin Revier**, State University of New York at Binghamton, “‘Once Again, a Meth Lab Exploded and Somebody Died:’ Constructing a Rural War on Drugs”

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## HUMAN RIGHTS AND LAW FROM ABOVE AND BELOW: COMPARATIVE PERSPECTIVES.

**Mon, August 14, 10:30am to 12:10pm, 512F**

Papers in this session will explore the relationship between law and human rights in comparative perspective—across social groups, between regional and national contexts, and in different historical periods. Questions addressed by the papers include how legal guarantees secure or fail to secure human rights, how human rights guarantees generate mobilization of law, and how human rights and legal consciousness mutually shape one another.

Session organizer: **Frank Munger**, New York Law School

Presider and discussant: **Kiyoteru Tsutsui**, University of Michigan

- **Jackie Smith**, University of Pittsburgh, “Inclusive Placemaking: Localizing Human Rights in Response to Global Urban Crises and Right-Wing Populism”
- **Ori Swed**, University of Texas at Austin, “Too Much Pressure: The Intended and Unintended Consequences of Sousveillance”
- **Michael Rosino**, University of Connecticut, “‘A Problem of Humanity’: The Human Rights Framework and the Struggle for Racial Justice”
- **Shanna Corner**, University of Notre Dame, “Secular Global Elites? Religious Identities, Context-Based Knowledge, and Meaning-Making Processes within UN Spaces”

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## SOCIOLOGY OF LAW SECTION REFEREED ROUNDTABLES

**Mon, August 14, 2:30-3:30, 520A**

Organizer: Michael Yarbrough, John Jay College of the City University of New York

*Table 1: Accountability and Surveillance*

- **Dennis Molinaro**, "Wiretapping and the Law: Canada's Entrance into the Five Eyes Intelligence Community"
- **Jorge Derpic**, University of Texas at Austin, "'Me Van a Procesar': Reducing Corruption, Increasing Uncertainty in Prosecutors' Decision Making in Bolivia"

*Table 2: Education and Disciplinary Processes in Law and Legal Institutions*

- **Ana Cristina Butera**, University of Houston Law Center, "A Failing Grade For the Post-BAPCPA Credit Counseling and Bankruptcy Education Industry"
- **Ruth Elizabeth Delaney**, CUNY Graduate Center, "Punitive Liminality: Identity Transformation among College Students in Prison"
- **Sarah Gaby**, University of North Carolina, Chapel Hill, and **Amy M. Magnus**, University of California, Irvine, "Teen Courts as Alternative Justice: Intervening in the Lives of Modern "Wayward" Youth?"

*Table 3: Law and Intimate Relations*

- **Katherine Maich**, University of California, Berkley, "Domestic Vulnerability: Navigating Labor Rights at Home in New York"
- **Elizabeth Cozzolino**, University of Texas at Austin, "Flat Broke without Children: Policing Nonresident Parents in Child Support Court"

*Table 4: Law and the Production of Knowledge*

- **Timothy O'Brien**, University of Wisconsin-Milwaukee, "Gender, Deference to Authority, and Judicial Gatekeeping in Civil Rights Litigation"
- **Michael W. Raphael**, CUNY Graduate Center, "The Culture of Legal Education: Indeterminacy and Methods of Constructing Legal Competence"
- **Daniel N. Kluttz**, UC Berkeley, "The Path of the Law Review: How Inter-field Ties Enable Institutional Emergence and Reinforce Persistence"
- **Zachary Webster Griffen** and **Aaron Panofsky**, University of California-Los Angeles, "VAM on Trial: Rationality and Expertise in Teacher Evaluation Lawsuits"

*Table 5: Mobilization, Meaning, and the Law*

- **Sam Jackson**, Syracuse University, "Principled Law Breaking in America: Nullification and Civil Disobedience"
- **Lauren M. Brenzel**, "Regulating Abortion: The Role of Legislation Type in Predicting Legislative Success"
- **Victoria I. Piehowski**, "Under the Punitive Aegis: Discipline as Empowerment in the Family Justice Center Model"

*Table 6: Stratification in Legal Processes and the Legal Profession*

- **Alan James Kluegel**, University of California-Berkeley, "The Ties That Bind: The Relationship Between Law Firm Growth And Law Firm Survival"
- **Ronit Dinovitzer**, University of Toronto, and Bryant Garth, American Bar Foundation, "The New Place of Corporate Law Firms in the Structuring of Elite Legal Careers"

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**SECTION BUSINESS MEETING**

**Mon, August 14, 3:30-4:10, 520A**

Immediately following the section roundtables

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**HUMAN RIGHTS AND LAW FROM ABOVE AND BELOW: COMPARATIVE PERSPECTIVES.**

**Mon, August 14, 4:30 to 6:10pm, 512G**

One of two paired sessions, co-sponsored by the sections on the Sociology of Law and Human Rights. Papers in these sessions will explore the relationship between law and human rights. Questions include: how do legal guarantees secure human rights, and how do they fail to do so? How do human rights guarantees generate (or not) mobilization of law? How do human rights shape legal consciousness, and how does legal consciousness shape human rights? Papers will address these issues from a comparative perspective, across social groups, regional and national contexts. Law established by states and international actors, as well as legal mobilization from below and legal consciousness will be addressed.

Organizer: **Joachim J. Savelsberg**, University of Minnesota

Discussant: **Christopher Roberts**, University of Minnesota

- **David John Frank**, University of California Irvine, "Beyond the State: Implementing Human Rights in Everyday Life"
- **Elizabeth Heger Boyle**, University of Minnesota, "The Promise of Shifting Human Rights from a Legal to a Sociological Framework"
- **Monika Krause**, London School of Economics, "Repertoires of Practice in Human Rights NGOs: The Role of the Law"
- **Hassan Abdel Salam**, Dartmouth College, "Stories of Resisting Invention: Human Rights and Islamic Tradition in History"

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**LAW AND SOCIETY PERSPECTIVE ON CRIME CONTROL, CITIZENSHIP, AND PERSISTENCE OF INEQUALITY**

**Tue, August 15, 10:30am to 12:10pm, 514C**

The Law and Society tradition of scholarship examines the disjuncture between the "law on the books" and the "law in practice." This panel explores crime control, citizenship

and inequality through this lens in across an array of empirical settings like criminal justice, immigration, human trafficking and other social locations where human rights are precarious and even, contested.

Organizer: **Nicole Gonzalez Van Cleve**, Temple University

Presider: **Anya Degenshein**, Northwestern University

- **Pantea Javidan**, London School of Economics and Political Science, “A Multidimensional Sociology of “Trafficking””
- **Devon Magliozzi**, Stanford University, “Crime Control as Customer Service in an Advantaged Community”
- **Dana Hayward**, Yale University, “Does Decriminalization Mean Destigmatization? Law Reform, Sex Work, and Stigma”
- **Eric LaPlant**, Ohio State University, “Racial Threat, Criminal History, and Employment: Examining the Determinants of Ban the Box Passage:”
- **Patrisia Macias-Rojas**, University of Illinois-Chicago, “Tangled Exclusion: Felons, Illegals, and the Stratification of Citizenship through U.S.-Mexico Border Policing”

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## LAW, SOCIETY, AND VIOLENCE

**Tue, August 15, 2:30 to 4:10pm, 512E**

The papers in this session primarily examine the interactions between perceived legitimacy of legal and state structures and acts of violence by citizens.

Organizer: **Angela P. Taylor**, Fayetteville State University

Presider: **Kerice Doten-Snitker**, University of Washington

Discussant: **Lesley Erin Schneider**, The Ohio State University

- **Justin Steil**, Massachusetts Institute of Technology, “Collective Violence, Status Ambiguity, and Elite Signals : Urban Lynchings 1910-1920”
- **Luisa Farah Schwartzman**, University of Toronto, “Color Violence, Deadly Geographies and the Meanings of ‘Race’ in Brazil”
- **Mark Gross**, University of Maryland College Park, “Perceptions of State (il)legitimacy, the Provision of Security, and Vigilante Violence in South Africa”
- **Lisa D. Bush**, University of Pittsburgh; **Elizabeth Miller**, Children’s Hospital of Pittsburgh, University of Pittsburgh School of Medicine, “Trouble in Paradigm: ‘Gender Transformative Programming’ in Violence Prevention”
- **Carol S. Trent**, St. Francis University, “The Effects of Corruption and Organized Crime on Homicide Rates Cross-Nationally”

## SECTION AWARDS

### **DISTINGUISHED UNDERGRADUATE STUDENT PAPER IN THE SOCIOLOGY OF LAW**

Winner: Neharika Goyal, "Incentivizing Social Innovation: The Role of Intellectual Property Protections in Social Ventures." Nominated by Dr. Mark Suchman, Brown University

Honorable Mention: Jessica M. Zawadzki, "Forgetful of Their Free Condition: Antimiscegenation Law in Colonial Maryland from 1664-1717." Nominated by Dr. Joanna Grisinger, Northwestern University

### **DISTINGUISHED GRADUATE STUDENT PAPER IN THE SOCIOLOGY OF LAW**

The Graduate Student Paper Prize Committee gives the award to Katherine Eva Maich. The paper's title is, "Perpetuating the Past, Perpetuating the Present: Labor Rights and Colonial Fantasies of the Peruvian Home." Maich is a Sociology doctoral candidate enrolled in the University of California, Berkeley, and a Berkeley Empirical Legal Studies Fellow.

### **DISTINGUISHED ARTICLE IN THE SOCIOLOGY OF LAW**

We'd like to thank everyone who took time to nominate an article for this prize. We had a very competitive field of over 20 articles spanning three years of scholarship across a wide range of journals.

The committee chose as the winner Armando Lara-Millán and Nicole Gonzalez Van Cleve's 2017 article in the journal *Criminology*, "Interorganizational Utility of Welfare Stigma in the Criminal Justice System."

In this article, Dr. Lara-Millán and Dr. Van Cleve take central ideas from the sociology of law—including the importance of discretion, culture, and institutionalized practices—to analyze poor people's experiences in the criminal justice system. The authors demonstrate that frontline criminal justice gatekeepers rely on stereotypes about poor people's overreliance and abuse of public aid to allocate criminal justice resources such as court appearances, motions, trials, jail beds, food, showers, and medical services. Through a comparative ethnography, the authors argue that welfare stigma actively shapes how discretion unfolds as criminal justice professionals view their role as preventing, rather than granting, access to criminal justice resources. The authors show that welfare stigma serves two different organizational goals: It streamlines convictions in courts, which pushes defendants through adjudication, and conversely, it expands early release from jails, which pulls inmates out of the custody population. Using over 20 months of comparative ethnographic data, Lara-Millán and Van Cleve show how this

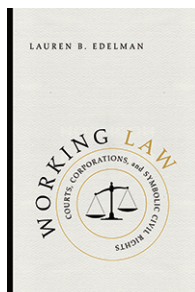
“push and pull” effect of welfare stigma is connected to the changing penal landscape in contemporary America.

Committee members described Lara-Millán and Van Cleve’s article as “innovative,” “thoughtful,” and “impressive,” with an “excellent integration of theory and data,” and commended the authors for “demonstrating the utility of analyzing common processes occurring across ethnographic field sites, enabling them to create theory that is readily generalizable across contexts.” Congratulations!

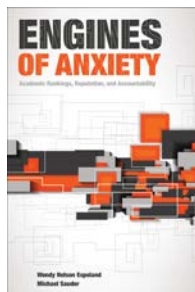
Full citation: Lara-Millán, Armando and Nicole Gonzalez Van Cleve. 2017. “Interorganizational Utility of Welfare Stigma in the Criminal Justice System.” *Criminology* 55(1):59-84.

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## DISTINGUISHED BOOK IN THE SOCIOLOGY OF LAW



Winner: Lauren Edelman, *Working Law: Courts, Corporations, and Symbolic Civil Rights* (University of Chicago Press, 2016).



Honorable Mention goes to: Wendy Nelson Espeland and Michael Sauder, *Engines of Anxiety: Academic Rankings, Reputation, and Accountability* (Russell Sage Foundation, 2016).

Winners of all four awards will be recognized at the 2017 ASA Annual Meeting in Montreal. See [http://www.asanet.org/sections/law\\_awards.cfm](http://www.asanet.org/sections/law_awards.cfm) for more information.

## JOB MARKET PROFILES

*Here, we profile graduate students and recent graduates on the job market in Fall 2017.*

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## ELIZABETH COZZOLINO

Ph.D. candidate in Sociology and Population Research Center, University of Texas Austin

[elizabeth.cozzolino@utexas.edu](mailto:elizabeth.cozzolino@utexas.edu)

Elizabeth's dissertation situates punitive child support enforcement at the intersection of the civil and criminal justice systems. Using a mixed methods design, this project investigates the prevalence, process, and consequences of jailing nonresident parents for child support debt. This project, supported by the National Science Foundation (NSF-DDRIG #1628128), has three aims. The first aim is to provide a quantitative overview of jailing for child support nonpayment using Fragile Families data. The second aim is to understand the processes by which enforcement courts decide whom to jail, drawing on court observation in two Texas counties. The third aim is to understand how individual family members experience child support court and jail, through in-depth interviews with resident and nonresident parents. This project has the potential to contribute to the national conversation about legal debt, family change, and criminal justice reform, as well as to inform policy about potentially negative collateral consequences.

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### **MILTONETTE OLIVIA CRAIG**

Ph.D. candidate in Criminology and Criminal Justice, Florida State University  
[moc13b@my.fsu.edu](mailto:moc13b@my.fsu.edu)

Miltonette's dissertation focuses on racial/ethnic profiling, an enduring social problem, and draws on a popular sociological theory, Sykes and Matza's (1957) Techniques of Neutralization, as a potential explanation of the thought processes of social control agents. The goals of this mixed-method research are to: (a) Assess the temporal patterns of racial/ethnic profiling in Missouri—one of the most prominent states within the profiling debate, particularly following the fatal shooting of Michael Brown in 2014 and the subsequent U.S. Department of Justice consent decree aimed at the Ferguson Police Department—based on more than a decade of official statistics on statewide vehicle stops; and (b) Analyze the neutralizing patterns, if any, within official agency responses to evidence of racial/ethnic disparities within their annual state-mandated vehicle stop reports.

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### **MICHAEL GIBSON-LIGHT**

Ph.D. candidate in Sociology, University of Arizona  
[mgibson@email.arizona.edu](mailto:mgibson@email.arizona.edu)

Michael is a scholar of punishment, work, culture, and economic practice specializing in the study of prison labor and ethnographic methods. His dissertation research entails an 18 month ethnography within one U.S. men's state prison complex and over 80 in-depth interviews with prisoners and prison staff. This work investigates the structure and practice of inmate labor, revealing a stratified prison employment system in which inmates compete for few "good prison jobs." Certain prisoner groups, such as racial and ethnic minorities, foreign nationals, and those lacking valued forms of cultural and social capital or marketable work skills, face significant additional hurdles to securing meaningful work, impacting their resources within prison along with their resumes upon release. Outside inequalities are reinforced through how inmates are assigned to work sites, how individual jobs are organized and managed, and the practices and



dispositions of inmate workers—that is, through the interplay of the structure of the prison employment system and the strategic action of actors within it. Social barriers are here reproduced not between the poor and rich or the incarcerated and free, but within the narrower range of social class occupied by the inmate population. Hence, while incarceration “marks” all offenders, the skills and qualifications with which they enter prison have powerful effects as well. Early findings regarding informal inmate practices—including the adoption of ramen noodles as the de facto informal currency within the prison black market—have drawn considerable public attention to Michael’s work.

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### **KATHERINE JENSEN**

Ph.D. candidate in Sociology at the University of Texas Austin

[kajensen@utexas.edu](mailto:kajensen@utexas.edu)

Katherine Jensen is a Fulbright Fellow, a P.E.O. Scholar, and a Graduate Fellow of the Urban Ethnography Lab. Her dissertation, entitled "Worthy of Safe Haven: The Politics of Asylum in Contemporary Brazil," is a relational ethnography of the process through which a state decides someone qualifies for refugee status. With hard-won access inside the asylum apparatus, this study traces the sequences of perceptions, actions, and interactions—of and between various state, civil society and migrant actors—that constitute the refugee status determination process in Brazil. As forced migration has become a pressing global concern, we learn much by studying up close and over time the process through which a state decides to grant some, but not others, safe haven. Her work has been published in *Qualitative Sociology*, *City & Community*, and *Contexts*.

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### **JACK JIN GARY LEE**

Ph.D. candidate in Sociology, University of California San Diego

M.A. Sociology, University of California San Diego; B.A. Sociology University of Chicago

[jackjin@ucsd.edu](mailto:jackjin@ucsd.edu)

Currently a Visiting Scholar at the American Bar Foundation, Jack will begin a Visiting Assistant Professorship at Oberlin College in Fall 2017. His dissertation contributes to the sociology of colonialism and empire by investigating two questions: First, how does a conquering state govern a foreign territory and its inhabitants from afar? Second, why was modern British colonialism marked by the authoritarian rule of multi-racial colonies? To answer these questions, he focuses on the institutionalization of Crown Colony government in the Straits Settlements (Singapore, Penang and Malacca) and Jamaica over the nineteenth century, and theorizes Crown Colony government as a legalistic, long-distance mode of imperial control. By examining the crafting and circulation of colonial constitutions and laws across an expanding empire, he also demonstrate how Crown Colony government operated according to principles that differed from English principles of law and government because of officials’ concerns over the implementation of English liberties in societies that were marked by racial difference.

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**DAVID MCELHATTAN**

Ph.D. candidate in sociology, Northwestern University  
[davidmcelhattan2017@u.northwestern.edu](mailto:davidmcelhattan2017@u.northwestern.edu)

David is a Doctoral Fellow at the American Bar Foundation. He studies criminalization, race, and the social organization of risk. His dissertation uses mixed quantitative and historical methods to examine the social and political conditions driving the widespread use of criminal background screening in the United States. Drawing from an original national dataset and state case studies, his research demonstrates the important role that racial threat plays in shaping the public availability of criminal record information. His work has been published in *Law & Society Review* and *Sociological Science*.

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**SUZY MAVES MCELRATH**

Ph.D. candidate in Sociology, University of Minnesota  
[mave0013@umn.edu](mailto:mave0013@umn.edu)

Motivated by research demonstrating the primacy of national judiciaries in the enforcement of international criminal law, Suzy's dissertation traces the proliferation and evolution of national genocide laws. The project builds on original research that identifies relevant criminal statutes in two-thirds of all former and current members of the United Nations. A theoretical framework integrating sociological insights on criminal law-making and the globalization of law informs the mixed-methods empirical study. Quantitative analyses identify the domestic and global social conditions associated with criminalization while qualitative analyses of the legal texts reveal the various ways that countries have expanded and contracted the scope of the crime over the past seven decades.

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**H.C. ROBINSON**

Ph.D. candidate in History, Anthropology, and Science, Technology, and Society,  
Massachusetts Institute of Technology  
[hc\\_r@mit.edu](mailto:hc_r@mit.edu)

H.C.'s work concerns the interaction of law and technology in processes of social change. Her dissertation reports the results of a field study of Uber drivers (including working as one herself), in which she describes this group as a "digital working class" within an algorithmically-organized labor market that requires workers to breach the regulatory system as a routine part of the work (drivers have to violate laws requiring specific kinds of licenses and insurance to transport passengers for commerce). She analyzes what kind of organizational form Uber has, and what kind of authority it exercises; she contextualizes her field data within a history of disputing between labor and employer organizations, using analytic tools and perspectives from the study of science, technology, and society. Robinson received her J.D. from Harvard Law School and A.B.

from Harvard College. She will be a visiting assistant professor in the Science in Society Program at Wesleyan University during 2017-18.

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**CHRISTOPHER SEEDS**

Ph.D. candidate in Sociology, New York University  
J.D., Cornell Law School; B.A., Oberlin College  
[cws296@nyu.edu](mailto:cws296@nyu.edu)

Since the early 1970s, life imprisonment without the possibility of parole (LWOP)—an extreme prison sentence under which an individual convicted of a criminal offense is ineligible for administrative release during natural life—has emerged as a routine legal sanction and penal practice in the United States. Yet while LWOP is a normal and expanding part of American punishment, just how it came to be so has not been carefully articulated or explained. Christopher's dissertation project investigates the conditions and processes of LWOP's rise along several lines. He begins by researching the history of life sentencing and other practices under which prisoners faced the remainder of their natural lives in prison. The study then turns to state-level research, focusing on transformations in laws and practices and in the understandings of key actors—including the anti-death-penalty movement, the United States Supreme Court, and state legislators and prison administrators.

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**STEFAN VOGLER**

Ph.D. candidate in Sociology, Northwestern University  
[stefanvogler2012@u.northwestern.edu](mailto:stefanvogler2012@u.northwestern.edu)

Stefan's research revolves around the topics of law, science and knowledge, and sexualities. His work has been published in *Law & Society Review* and the *Journal of Homosexuality* and awarded a Mellon/ACLS Dissertation Completion Fellowship as well as the Martin P. Levine Memorial Dissertation Award from the ASA Section on Sexualities. His dissertation, "Ruling Sexuality: Law, Expertise, and the Making of Sexual Knowledge," asks how legal bureaucracies attempt to measure sexuality for legal decision-making in the United States in order to analyze how measurement and classification practices get institutionalized in the law. Juxtaposing two sites where individuals must prove their sexualities—asylum claims by sexual minorities and risk assessments of sex offenders—his project argues that science and law coproduce sexuality as a regulatory category and cooperate to render sexual subjects legible to the state. It shows that different networks of expertise formed to support competing conceptions of sexuality in each area of law, resulting in divergent ways of understanding sexuality and disparate governance outcomes.

## ANNOUNCEMENTS

### NEXT AMICI DEADLINE

The deadline for submission for the *Amici* summer issue will be December 15, 2016, so plan ahead. Besides news and announcements, submissions of short essays are encouraged. Please consider writing something for the summer issue, and if you have graduate students, encourage them to consider a submission as well. For questions and inquiries, please contact the editor, Mikaila Mariel Lemonik Arthur, at [marthur@ric.edu](mailto:marthur@ric.edu); when a new editor is in place, Mikaila will forward queries.

### NEW SECTION OFFICERS

Chair-elect: Sandra Levitsky (to serve as chair 2018-19)  
 Secretary/treasurer: Shauhin Talesh  
 Council member: Tianna Paschel  
 Council member: Ashley Rubin  
 Council member: Kathryn Young  
 Graduate student council member: Roberto Rivera

### SUBMIT TEACHING RESOURCES TO TRAILS

TRAILS, a peer-reviewed online database of teaching resources. We accept course syllabi, class activities, assignments, PowerPoints, or anything else you have related to law and society or sociology of law courses. Submissions are processed, and subscriptions purchased, through the TRAILS site at <http://trails.asanet.org>; while they cannot be submitted to area editors directly, I ([marthur@ric.edu](mailto:marthur@ric.edu)) am happy to answer questions about the site and the submission process. Submissions from your graduate students/teaching assistants are welcome too!

### CALL FOR PAPERS: A WORKSHOP ON LEGAL TRANSITIONS AND THE VULNERABLE SUBJECT—FOSTERING RESILIENCE THROUGH LAW'S DYNAMISM

December 8-9, 2017, Emory University School of Law

There is a widespread perception that we live in a moment of change that is unprecedented in its scope and pace. Climate change, mass movements of dislocated persons, technological innovation, shifts in recognition of sexual and gender diversity, and new information networks challenge identities, institutions, and political coalitions. The law plays a critical role in creating and responding to change. A significant dimension of individuals' and groups' experience of change involves transformation in legal regulation. Relationships previously outside the law may gain recognition; the social insurance of risk may shift dramatically; entire legal status categories may disappear. As the law transforms, individuals and groups also transition across legal boundaries.

Vulnerability theory provides a framework for understanding how individuals and groups experience change, as they transition across legal categories. Vulnerability theory seeks to shift our understanding of law's paradigmatic subject, from a static and autonomous one to a dynamic and socially embedded subject. The legal subject is not a universal adult but rather an evolving being who traverses across the life course from childhood to agedness, experiencing periods of heightened biological and derivative dependency along the way. Furthermore, both individuals and multiple social groupings are constantly susceptible to change in their ecological, economic, social, and political environments. Social institutions, including law, may form to promote human resilience—the capacity to adapt to change.

The purpose of this workshop will be to investigate how individuals' and groups' transitions between legal status categories expose vulnerability and also offer opportunities for fostering resilience. While legal scholarship often examines static legal categories, explaining how and why these categories privilege and advantage various individuals and groups, the movement of individuals and groups across legal categories itself deserves analysis. These transitions across legal categories—for example, from contracting strangers to corporate partners, non-married to married couples, employee to manager, insured to uninsured, incarcerated to released, or undocumented to documented—involve transformations in individual identity, relational dynamics, social networks, and institutional forms. The way in which law facilitates transitions itself will affect individuals' and groups' experience of legal change, as injurious or empowering, fair or unjust.

We invite papers that consider three main themes centered in the relationship between legal transition, vulnerability, and resilience. First, papers might consider how the movement between legal status categories transforms both individual and group identities and relationships. How does the process of change, itself, variously expose vulnerability and generate resilience? Second, papers may consider how legal categories and institutions change when law requires them to open their boundaries to individuals who do not conform to traditional norms. In this manner, the movement across legal status categories not only changes those in the process of transition but also fosters dynamism in institutions. Third, papers might examine how transitions in individuals' and groups' legal statuses reveal challenges and opportunities for achieving the just distribution of social, economic, and other benefits and advantages. How should law allocate the costs and benefits generated by the movement across legal status categories?

Workshop Contacts: Deborah Dinner, [deborah.dinner@emory.edu](mailto:deborah.dinner@emory.edu) | Suzanne Kim, [skim@kinoy.rutgers.edu](mailto:skim@kinoy.rutgers.edu) | Martha Albertson Fineman, [mlfinem@emory.edu](mailto:mlfinem@emory.edu)

Submission Procedure: Email a proposal of several paragraphs as a Word or PDF document by July 21, 2017 to Rachel Ezrol, [rezrol@emory.edu](mailto:rezrol@emory.edu). To attend as a registered guest click [here](#).

## POST-DOCTORAL FELLOWSHIP IN LAW AND SOCIETY

Newcomb College Institute of Tulane University

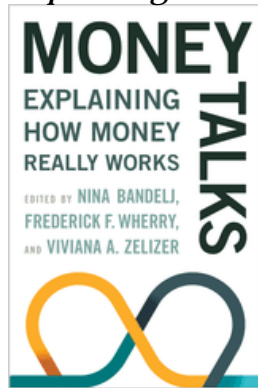
Details and application instructions available at

<http://www2.tulane.edu/nccrow/postdoctoral-fellows-in-law-and-society.cfm>

## NEW PUBLICATIONS AND MEMBER NEWS

**Angeletti, Thomas.** 2017. "Finance on Trial: Rules and Justifications in the Libor Case," *European Journal of Sociology* 58:1, 113-41.

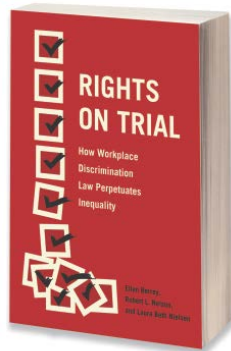
**Bandelj, Nina, Frederick F. Wherry, and Viviana A. Zelizer.** 2017. *Money Talks: Explaining How Money Really Works*. Princeton University Press.



The world of money is being transformed as households and organizations face changing economies, and new currencies and payment systems like Bitcoin and Apple Pay gain ground. What is money, and how do we make sense of it? *Money Talks* is the first book to offer a wide range of alternative and unexpected explanations of how social relations, emotions, moral concerns, and institutions shape how we create, mark, and use money. This collection brings together a stellar group of international experts from multiple disciplines—sociology, economics, history, law, anthropology, political science, and philosophy—to propose fresh

explanations for money's origins, uses, effects, and future. At a time of growing concern over financial inequality, *Money Talks* overturns conventional views about money by revealing its profound social potential. The volume includes essays by **Christine Desan** (Harvard law School) and **David Grewal** (Yale Law School) that may be of special interest to sociologists of law.

**Berrey, Ellen, Robert L. Nelson, and Laura Beth Nielson.** 2017. *Rights on Trial: How Workplace Discrimination Law Perpetuates Inequality*. University of Chicago Press.



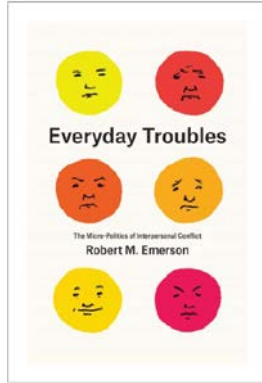
*Rights on Trial* argues that America's formal commitment to equal employment opportunity has never been stronger and yet this promise falls far short in the workplace and in courts. Numerous workplace civil rights laws exist on the books and virtually every company has an antidiscrimination policy, but when aggrieved individuals turn to dispute mechanisms at work and eventually to the law, the adversarial character of litigation imposes considerable personal and financial costs on them. And even when the case is resolved in the plaintiff's favor, the conditions that gave rise to the lawsuit rarely change. Based on interviews with plaintiffs, attorneys,

and representatives of defendants (with audio recordings available at <http://www.rightsontrial.com>) and an original national dataset on case outcomes, *Rights on Trial* reveals the fundamental flaws of workplace

discrimination law and offers practical recommendations for how we might better respond to persistent patterns of discrimination.

**Burkhardt, Brett C.** 2017 (advance online). "Who is in Private Prisons? Demographic Profiles of Prisoners and Workers in American Private Prisons." *International Journal of Law, Crime and Justice*. <https://doi.org/10.1016/j.ijlcrj.2017.04.004>

**Emerson, Robert M.** 2015. *Everyday Troubles: The Micro-Politics of Interpersonal Conflict*. University of Chicago Press.



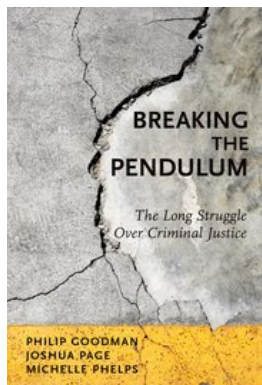
From roommate disputes to family arguments, trouble is inevitable in interpersonal relationships. In *Everyday Troubles*, Robert M. Emerson draws on interviews with college roommates, diaries documenting a wide range of irritation with others, conversations with people caring for family members suffering from Alzheimer's, studies of family interactions, neighborly disputes, and other personal accounts. He considers how people respond to everyday troubles: in non-confrontational fashion, by making low-visibility, often secretive, changes in the relationship; more openly by directly complaining to the other person; or by involving a third party, such as friends or family. He then examines how some relational troubles escalate toward extreme and even violent responses, in some cases leading to the involvement of outside authorities like the police or mental health specialists.

**FitzGerald, David S., David Cook-Martín, Angela S. García, and Rawan Arar.** In press. "Can You Become One of Us? Legal Selection of 'Assimilable' Immigrants." *Journal of Ethnic Migration Studies*. <http://dx.doi.org/10.1080/1369183X.2017.1313106>

**Frank, David John, and Dana M. Moss.** 2017. "Cross-National and Longitudinal Variations in the Criminal Regulation of Sex, 1965 to 2005." *Social Forces* 95:3, 941-69.

**García, Angela S.** 2017. "Labour Market Limbo: The Uneven Integration of Co-Ethnic Argentines in Spain." *International Migration* 55:1, 175-88.

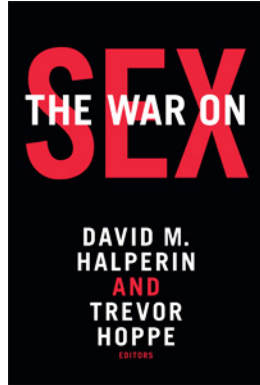
**Goodman, Phillip, Joshua Page, and Michelle Phelps.** 2017. *Breaking the Pendulum: The Long Struggle Over Criminal Justice*. Oxford University Press.



The history of criminal justice in the U.S. is often described as a pendulum, swinging back and forth between strict punishment and lenient rehabilitation. While this view is common wisdom, it is wrong. In *Breaking the Pendulum*, Philip Goodman, Joshua Page, and Michelle Phelps systematically debunk the pendulum perspective, showing that it distorts how and why criminal justice changes. The authors offer an alternative approach to conceptualizing penal development. Their perspective posits that struggle is the motor force of criminal justice history. Punishment

expands, contracts, and morphs because of contestation between real people in real contexts, not a mechanical "swing" of the pendulum.

**Hoppe, Trevor and David Halperin, eds.** 2017. *The War on Sex*. Duke University Press.



The past fifty years are conventionally understood to have witnessed an uninterrupted expansion of sexual rights and liberties in the United States. This state-of-the-art collection tells a different story: while progress has been made in marriage equality, reproductive rights, access to birth control, and other areas, government and civil society are waging a war on stigmatized sex by means of law, surveillance, and social control. By examining how the ever-intensifying war on sex affects both privileged and marginalized communities, the essays collected here show why sexual liberation is indispensable to social justice and human rights.

**López, Jane Lilly.** 2017. "Redefining American Families: The Disparate Effects of IIRIRA's Automatic Bars to Reentry and Sponsorship Requirements on Mixed-Citizenship Couples." *Journal on Migration and Human Security* 5:2, 236-51. <http://jmhs.cmsny.org/index.php/jmhs/article/view/82>

**Cecilia Menjivar** was awarded a 2017 [Andrew Carnegie Fellowship](#). The fellowship will allow her to expand her research on U.S.-bound migrants from Central America with a focus on immigrants living between legal statuses.

**Cecilia Menjivar and Shannon Drysdale Walsh.** 2016. "Subverting Justice: Socio-Legal Determinants of Impunity for Violence against Women in Guatemala." *Laws* 5:3, 1-20.

**Shannon Drysdale Walsh and Cecilia Menjivar.** 2016. "What Guarantees Do We Have?" Legal Tolls and Persistent Impunity for Femicide in Guatemala." *Latin American Politics and Society* 58:4, 31-55.

**Ryo, Emily.** 2017. "The Promise of a Subject-Centered Approach to Understanding Immigration Noncompliance." *Journal on Migration and Human Security* 5:2, 285-96.

**Ryo, Emily.** 2017. "Legal Attitudes of Immigrant Detainees." *Law & Society Review* 51:1, 99-131.

**Ryo, Emily.** 2017. "On Normative Effects of Immigration Law." *Stanford Journal of Civil Rights and Civil Liberties* 13, 95-135.

**Emily Ryo** was awarded a 2017 [Andrew Carnegie Fellowship](#). During her fellowship she will work on a large-scale empirical study of the nature and consequences of U.S. immigration detention.



**Savelsberg, Joachim J.** 2017. "Formal and Substantive Rationality in Max Weber's Sociology of Law: Tensions in International Criminal Law." Pp. 493-510 in Werner Gephart, ed., *Law as Culture: Max Weber's Comparative Sociology of Law*. Vittorio Klostermann.

**Savelsberg, Joachim J.** 2017. "International Criminal Law as One Response to World Suffering: General Observations and the Case of Darfur." Pp. 361-74 in Ronald E. Anderson, ed., *Alleviating World Suffering*. Springer.

**Savelsberg, Joachim J.** 2017. *Repräsentationen von Massengewalt: Strafrechtliche, humanitäre, diplomatische und journalistische Perspektiven auf den Darfurkonflikt*. Frankfurt: Vittorio Klostermann Publ. (translation of *Representing Mass Violence*, University of California Press, which is also available open access online: <http://www.luminoso.org/site/books/10.1525/luminos.4/>)

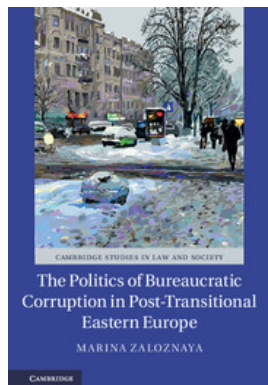
**Sommers, Zach.** 2016. "Missing White Woman Syndrome: An Empirical Analysis of Race and Gender Disparities in Online News Coverage of Missing Persons." *The Journal of Criminal Law and Criminology* 106:2. Related op-ed published in April 2017 in John Jay College's *The Crime Report*, <https://thecrimereport.org/2017/04/03/missing-white-woman-syndrome-its-not-a-media-myth/>

**Talesh, Shauhin.** 2017. "Data Breach, Privacy, and Cyber Liability Insurance: How Insurance Companies Act as 'Compliance Managers' for Businesses." *Law & Social Inquiry* online early, [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1747-4469/earlyview](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1747-4469/earlyview)

**Tomassetti, Julia.** 2016. "Does Uber Redefine the Firm? The Postindustrial Corporation and Advanced Information Technology." *Hofstra Labor & Employment Law Journal*. 34:2, 1-78.

**Vissing, Yvonne.** 2017. "Child Rights in the United States: 25 Years Later and Counting." Chapter 6 in Ton Liefwaard and Julia Sloth-Nielsen, eds. *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*. Brill.

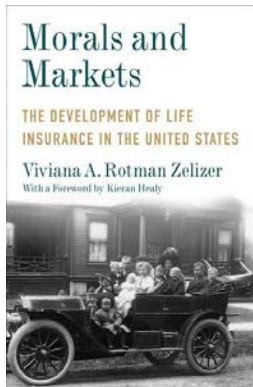
**Zaloznaya, Marina.** 2017. *The Politics of Bureaucratic Corruption in Post-Transitional Eastern Europe*. Cambridge University Press.



Using a mix of ethnographic, survey, and comparative historical methodologies, this book offers an unprecedented insight into the corruption economies of Ukrainian and Belarusian universities, hospitals, and secondary schools. Its detailed analysis suggests that political turnover in hybrid political regimes has a strong impact on petty economic crime in service-provision bureaucracies. Theoretically, the book rejects the dominant paradigm that attributes corruption to the allegedly ongoing political transition. Instead, it develops a more nuanced approach that appreciates the complexity of corruption economies in non-Western societies,

embraces the local meanings and functions of corruption, and recognizes the stability of new post-transitional regimes in Eastern Europe and beyond. This book offers a critical look at the social costs of transparency, develops a blueprint for a 'sociology of corruption', and offers concrete and feasible policy recommendations.

**Zelizer, Viviana.** 2017. *Morals and Markets: The Development of Life Insurance in the United States*. Columbia University Press.



Life insurance—the promise of an insurer to pay a sum upon a person's death in exchange for a regular premium—is a bizarre enterprise. How can we monetize human life? Should we? What statistics do we use, what assumptions do we make, and what behavioral factors do we consider? First published in 1979, *Morals and Markets* was a pathbreaking study exploring the development of life insurance in the United States by combining economic history and a sociological perspective to advance a novel interpretation of the life insurance industry. The book begins in the mid-nineteenth century with the rise of the life insurance industry, a contentious chapter in the history of American business. Life insurance was

stigmatized at first, denounced in newspapers and condemned by religious leaders as an immoral and sacrilegious gamble on human life. Over time, the business became a widely praised arrangement to secure a family's future. The evolution of the industry in the United States matched evolving attitudes toward death, money, family relations, property, and personal legacy. This reissued volume includes a new foreword by **Kieran Healy**.

**Zelizer, Viviana.** 2017. *The Social Meaning of Money: Pin Money, Paychecks, Poor Relief, and Other Currencies*. Princeton University Press.



A dollar is a dollar—or so most of us believe. Indeed, it is part of the ideology of our time that money is a single, impersonal instrument that impoverishes social life by reducing relations to cold, hard cash. After all, it's just money. Or is it? Distinguished social scientist and a-winning author Viviana Zelizer argues against this conventional wisdom. She shows how people have invented their own forms of currency, earmarking money in ways that baffle market theorists, incorporating funds into webs of friendship and family relations, and otherwise varying the process by which spending and saving takes place. Zelizer concentrates on domestic transactions, bestowals of gifts and charitable donations in order to show how individuals,

families, governments, and businesses have all prescribed social meaning to money in ways previously unimagined. This reissued volume include a new foreword by **Nigel Dodd** and a new afterword by the author.