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**Chair's Column for AMICI Newsletter**

Kitty Calavita, UC Irvine

I sit down to write this on November 8, the day after the election that reversed twelve years of Republican rule of the legislative branch and signaled an end to the current Administration's grip on power. Perhaps this momentous occasion explains my inclination towards rumination about the state of our sub-discipline and its links to the broader socio-political setting.

The ASA has a terrific webpage ([www.asanet.org](http://www.asanet.org)) with links to the history of the Association, written for its centennial in 2004. Here you can find fascinating tidbits about the history of ASA sections. For example, sections were first introduced in 1921, spurred by the Rural Sociology Group, which no doubt felt the need for a special home at a time when sociology must have seemed almost wholly taken over by urban ethnographers in the Chicago tradition. Rural Sociology and Social Research thus became the first two sections of the ASA at the annual meeting in 1922. A section on International Relations formed two years later and participated in the 1924 meeting, but, as the webpage tells us cryptically, "did not return."

By 1925, the ASA included seven sections: Social Research, Rural Sociology, Community Organization, Teaching of the Social Sciences in the Schools, Family, Sociology of Religion, and Educational Sociology. Five years later, Sociology and Social Work, and Sociology and Psychiatry were added, bringing the total number of sections to nine. In 2004, at the

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organization's centennial mark, there were forty-two sections, comprising 20,000 members, with several sections in various stages of formation, including one focusing on Animals and Society. Among the fastest growing sections of the last several decades are the Sociology of Sex and Gender, Collective Behavior and Social Movements, Racial and Ethnic Minorities, and, most recently, Economic Sociology and the Sociology of Religion.

A sociological analysis of the emergence and growth (or decline) of specific sections would point to their socio-political context and world events. Thus, the increased study of gender, race, and social movements is almost certainly related to the civil rights and feminist movements and the concomitant proliferation of feminist scholars and scholars of color. Less obviously perhaps, the recent meteoric rise in the study of religion may be linked to the increasing visibility of religious extremists in the U.S. and abroad, and the world events of which they are such an integral part.

Our Sociology of Law section is a relative newcomer, achieving official status as a section in 1994, three years after Joachim Savelsberg introduced the idea and a team including Terry Halliday, Donald Black, Lauren Edelman, Butler Jones, Bob Kidder, Rick Lempert, Setsuo Miyazawa, Frank Munger, Al Reiss, Robert Rosen, Larry Ross, Joachim Savelsberg, and Kim Scheppele, spearheaded the effort (for a good history of our section, see the *Amici* Newsletter, Volume 9, Number 2, 2002). Terry Halliday wrote of the "original ideals" in his 2002 Chair's Column (*ibid.*, pp 1,3):

"...Sociology's theoretical tradition since the 19<sup>th</sup> century took law seriously, perhaps most notably in Weber's sociology of law and the economy. Echoes of this centrality appeared in Talcott Parson's

theory, where law was elevated to a 'medium of exchange' and legal institutions were an integral element of social structure....In the drift away from law in the post-Parsonian era of social theory, law...seemed marginal to most subfields of sociology."

Reminiscent of the motivation of rural sociologists to reinvigorate their field back in 1922, Halliday explains, "Part of our vision...was a zeal to 'bring law back in'."

If it is useful to think sociologically about what triggers the formation of new sections or their precipitous rise/decline, it might also be of interest to apply this (admittedly off-the-cuff) sociology of knowledge internally to our subfield. One noteworthy development in legal scholarship is the emergence of what is being called "empirical legal studies," based primarily in U.S. law schools. A new journal, the *Journal of Empirical Legal Studies*, is celebrating its third year of publication, and the group held its first conference this fall. The sociology of law has always been empirically grounded to greater or lesser degrees, but even here I detect a subtle, renewed appreciation for empirical inquiry. The turn to "empirical legal studies" is controversial on several, sometimes mutually contradictory fronts, with some saying we shouldn't be rigidly "Empirical" (with a capital E) as that is epistemologically naive, and others saying we are already empirical and do not need a label, the only conceivable purpose of which is to flex disciplinary and methodological muscle. Mostly, however, the move is welcomed by those of us who study law as a social phenomenon.

The November (2006) Law and Society Association *Newsletter* includes an article by Thomas Mitchell and Elizabeth Mertz describing another very interesting

recent effort, entitled the New Legal Realism project (NLR; [www.newlegalrealism.org](http://www.newlegalrealism.org)). The NLR was spawned by a conference on empirical methods sponsored by the American Bar Foundation and the University of Wisconsin's Institute for Legal Studies. Among its major foci are "how to translate between the vast differences that characterize law and social science;" "making empirical knowledge accessible;" and "the need to combine multiple methods when we seek to understand sociolegal phenomena—qualitative as well as quantitative, ethnographic as well as experimental."

Beyond noting the excitement (and in some quarters, controversy) these developments have triggered, we can speculate about the meaning of privileging empirical inquiry at this particular historical juncture. Is it just that some influential scholars wish to re-establish the empirical paradigm in the face of legal scholarship that had become increasingly normative and unmoored from empirical research? Is it simply an indicator of fragmentation and splintering that always characterize a maturing field? An alternative approach might suggest this empirical turn is a creature of these socio-political times, much as is the sudden increase in interest in religion.

Two years ago, Ron Suskind reported in a *New York Times Magazine* article (October 17, 2004) that a senior White House aide in the Bush Administration dismissed his reporter's obsession with "reality." Suskind quoted the official, "The aide said that guys like me were 'in what we call the reality-based community', which he defined as people who 'believe that solutions emerge from your judicious study of discernable reality.... That's not the way the world works anymore. We're an empire now, and when we act, we create our own reality.'" Suskind and others document not just this official dismissal of "reality," but the powerful rise of "faith-based knowledge" grounded in religious zeal and ideological purity.

In this socio-political context that privileges faith and the manipulation of symbols over facts and information, the renewed scholarly appreciation for empirical research may represent a kind of counter-thrust, an announcement that, as the bumper stickers say, we're "Proud to be members of the reality-based community." As this post-election season rivets our attention to the causes and consequences of the last decade's dramatic turn to the right in the United States and the rise to power of religious extremists of every stripe worldwide, it is at least interesting to ponder the effects of such developments on us as a subfield, on what we choose to study and how.

## Panels, Organizers, and Contact Information for the 2007 Annual ASA Meeting

1. Sociology of Law, Open Submissions  
(refereed) Organizer:

Elizabeth Hoffmann  
Department of Sociology and  
Anthropology  
Purdue University  
700 W. State Street  
West Lafayette, Indiana 47907-2059  
765-496-2225  
[hoffmanne@purdue.edu](mailto:hoffmanne@purdue.edu)

3. A joint session with the Economic  
Sociology section: Law and the Economy  
(refereed) Organizer:

Mark Suchman  
(Current contact information)  
304 Myron Taylor Hall  
Cornell Law School  
Ithaca, NY 14853  
607-255-3890  
[suchman@ssc.wisc.edu](mailto:suchman@ssc.wisc.edu)

2. Law and Institutions (refereed) Organizer:

Kathleen L. Hull  
Sociology Dept.  
909 Social Sciences Tower  
267 19<sup>th</sup> Ave. South  
University of Minnesota  
Minneapolis, MN 55455  
612-624-4339  
[hull@umn.edu](mailto:hull@umn.edu)

4. The Social Construction of Human Rights  
(invited panel) Organizer:

Elizabeth Heger Boyle  
Sociology Dept  
909 Social Sciences Tower  
267 19<sup>th</sup> Ave. South  
University of Minnesota  
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Elaboration: This session will feature papers that examine the relationship between law and social institutions such as the state, the workplace, and the family. Papers might consider the effects of law on institutions, or the way institutional contexts shape the development, interpretation or implementation of law. For the purposes of this session, "law" is defined broadly to include not only official law but also other manifestations of legality in the social world. Papers focusing on legal institutions (e.g. legal professions, courts, legislatures, law enforcement agencies, regulatory bodies) are also welcome.

5. Roundtables Organizer:

Erik Larson  
Department of Sociology  
Macalester College  
1600 Grand Ave.  
St. Paul, Minnesota 55105

## Advising Undergraduate Students about Law School

Erik Larson, Macalester College, Annette Nierobisz, Carleton College & Canadian Human Rights Commission

As professors who teach courses in the Sociology of Law at liberal arts colleges, students often seek our advice about applying to law school despite the fact that neither of us attended or worked in a law program. To improve our capacity as advisors and to help others in similar situations, we organized a session for the 2006 annual meetings of the Law & Society Association that focused on advising undergraduate students about law school. We invited Collins Byrd, Assistant Dean for Admissions at the University of Iowa School of Law, and Derek Meeker, Associate Dean of Admissions and Financial Aid at the University of Pennsylvania School of Law to share their professional insights. Session participants received much valuable information through lively dialogue and an engaging set of questions-and-answers. Realizing that others in similar situations might also benefit from this information, we write this short summary of the session to share insights about five key themes that emerged.

### 1. Is law school a good fit for this person?

Interest about law and intellectual curiosity are two necessary and obvious prerequisites for a successful law school career. Understanding the practical realities of law school, however, can help candidates make more informed decisions about whether they should pursue a law degree or other graduate study.

Byrd began by offering six characteristics that are important for a successful first year of law school. In his words, students who thrive will:

1. Be able to read a lot – Byrd characterized the amount of reading by stating, “You may love to read now, but by the time law school is done you might not want to crack open another book as long as you live.”
2. Be able to write a lot – Both in law classes and in practice, people write a great deal. “It is like writing a life-long

term paper. It’s like writing a term paper every day.”

3. Be proficient at research – “Students who don’t like to do a lot of research and don’t like to spend some quality time in the library are not going to have a good time in law school.”
4. Be comfortable speaking in public – Students will have some activities that require standing in front of people and speaking. In many firms, there is a requirement for *pro bono* service to making partner, which requires speaking in front of groups of people.
5. Be able to think critically – As Byrd noted, “Don’t believe everything you see or everything you hear.”
6. Have a healthy respect for history – Because law is based on precedent, students need to be able to read the historical record and understand what happened and why it happened.

Whether students will be successful also hinges on how much work they put into their studies. Byrd noted that applicants “need to be smart to get into law school, but the people who are the most successful in getting the degree are the people that know how to manage the grind. They show up every day having the work done, they’ve done the reading, they’ve briefed, and they’ve written the outlines.” These students also understand that a short document that looks like a quick read is often packed with information and thus requires a close, careful read.

Time and financial commitments also should be important considerations in the decision to attend law school. The recent American Bar Association report *Lifting the Burden* (2003) highlighted escalating tuition fees for a legal education and the accompanying rise in student loans to finance this education. With

the median student finishing law school with over \$85,000 in school debt, graduates may face difficult choices about the trade-offs involved in their career options. For example, many students are drawn to law for social justice reasons. But the economic realities of law school means that some applicants may need to adjust their expectations about career trajectories. Byrd noted that working for a few years before joining a public interest or non-profit may be wise: “You make some money, pay down the debt, and you get great work experience. You have to remember, a lot of these non-profit and public interest firms don’t have time to teach you how to practice law. Law school doesn’t teach you how to practice law. It teaches you how to think like a lawyer and how to write like a lawyer. Law firms, or the attorney general’s office or whatever that first job is, they’re the ones that teach you *how* to practice.” Meeker added that lawyers with such experience also become attractive candidates for public service jobs: “The public interest jobs are harder to get. There’s more demand for them than they are available, so you almost have to get other experience.”

## **2. If law school is a good fit, which schools are attractive prospects?**

When considering law schools, candidates should not be blinded by rankings or tier categories. Instead, students should apply to a range of schools that fit their interests.

For students who are concerned about the career outcomes of attending a third- or fourth-tier school, Meeker noted that, “It doesn’t mean that they can’t have a successful career. Geography becomes more important, chances are that they are going to end up in a job in that city or state because there aren’t going to be employers recruiting from outside. The reality is that they are not going to [get a job elsewhere] until they have some experience. A higher percentage tends to go into government jobs and smaller firms. As long as they’re okay with that, they shouldn’t feel bad about it.” Applying to a range of schools, then, gives students multiple options once they graduate

## **3. How do law schools evaluate applications?**

Most advisors are familiar with the basic elements of a law school application – an

undergraduate transcript, LSAT scores, letters of recommendation, and a personal statement. But for those of us who have not attended law school, we may have little sense of how admissions officers use these elements to select candidates.

According to Meeker, admissions professionals complete “first reads” of the files. As he explained, “front to back, we read every file. We don’t use any sort of index, we don’t employ some sort of cut-offs.” Files are then forwarded to the director of admissions who either makes a decision (admit, deny, or wait-list) or refers the file to an admissions committee that reviews files that raise questions (Was there academic misconduct? Was there academic probation? Was there a really high LSAT but low GPA? Is the undergraduate institution not well known?). The committee then either makes a decision or recommendation.

In putting together an incoming class, law schools seek students from diverse undergraduate institutions and geographic regions. When it comes down to the final places in the class, students with strong but not necessarily standout credentials may nonetheless be considered attractive candidates. As Meeker noted, “You have to be able to assess the whole picture of people you are advising.... We don’t get as many candidates from the Midwest as we do from the East and West Coast. To say that somebody with our 25<sup>th</sup> percentile SAT – 166 at Penn – to say that somebody that’s below a 166 from a Midwest school is not going to be competitive is not really true. If they did really well there, they’ll be far more competitive than somebody from a school with hundreds of applicants.”

## **4. What else makes a candidate look attractive?**

While students often enroll in our Sociology of Law classes believing that the course will prepare them for law school, there is no one prescribed course of study that undergraduate students interested in law school should follow (unless the student has very strong interests in some particular aspects of the law, such as intellectual property, where a stronger background in science is advisable). Admissions committees are instead interested in the breadth

of the courses taken. In fact, when comparing two candidates with similar grades from similar institutions, admissions officers often favor the student who took courses across the curriculum. According to Meeker, “I like to see applicants who take risks with the classes that they are taking, that they’ve stepped outside of their comfort zone or the box. We want to see that they’ve continually challenged themselves throughout their college career.” At the same time, students who took courses in departments that typically assign lower grades will not necessarily be penalized in the admissions process.

After taking the LSAT, the Law School Data Assembly Service compiles reports of the students’ score and GPA. While applicants might use this information along with data from the Law School Admissions Council ([officialguide.lsat.org](http://officialguide.lsat.org)) to gauge their relative standing, they need to keep in mind that their academic performance is also reported relative to *students from their undergraduate institution who have taken the LSAT within the last three years*. “It allows you to compare that person to other students who are taking the LSAT – you can get a good idea of how the analytical skills compare to other students at that school, the students with whom they were competing to get their grades,” said Meeker. Additionally, in considering the data reported about LSAT scores by the LSAC, Byrd suggested that it may be better to add a point to the quartile ranges because students offered admission typically have higher scores than those who enroll.

Schools vary in their use of the LSAT writing sample – some use it only in limited circumstances while others consider it for nearly every applicant. The practical advice about the writing sample matches what many of us tell our students about papers: make an argument, choose an answer, support it, and explain why you did not choose the alternative. When reading these essays, admissions counselors focus on the ability to make and support an argument clearly, rather than evaluating the substantive conclusion.

Applicants’ personal statements give admissions officials the opportunity to assess the contribution the applicant will make to the law school and the surrounding community. Much

like a personal interview, applicants should think of their statement as the means to make a positive and favorable impression: “If they forget everything else about me, they will not forget these things.” To begin this statement, students should follow the guidelines specified by each school to which they are applying. Then, they should perform a brief life inventory, listing all the things that they have accomplished, important life experiences they have had, and significant challenges they have faced. These preliminary steps can help candidates write statements that connect their experiences to their aspirations. As Meeker noted, “If they are going to talk about an interest, there should be something there to back it up: what have they done, what experiences have they had.” Without such detail, the statement may simply ring hollow.

Personal statements are best if they incorporate a reasonable amount of detail. According to Byrd, a coherent essay will address some but not necessarily all of these topics:

1. Demonstrating good interpersonal skills – The ability to have civil disagreement and dialogue make for a superior learning environment and provide the foundation for a more successful career after law school.
2. Highlighting work experience – Applicants should explain what they have gained from this experience.
3. Explaining the relevance of activities in which they have been involved – Applicants should not provide a long list, but focus on those things that really stood out and were important to the point of impacting their life to the point that law school is important to their goals.
4. Providing details of a career focus – While it is not required to have a specific focus, applicants who demonstrate some sense of how training in the law is important to their future goals come across more prepared for law school.

5. Demonstrating motivation – Simply put, applicants should show that they can ‘manage the grind’ of law school.
6. Showing the ability to have empathy – Having sensitivity to others’ conditions and the ability to look at the world through others’ eyes are important skills.
7. Possessing problem-solving skills – To succeed with law, an individual needs to be able to step back, rise above a problem and solve it. Byrd noted: “If you are not interested in solving another person’s problems or another entity’s problems, then law school isn’t for you.”

If anything in a student’s application will raise questions, such as poor grades in a particular semester or year of study, an explanation should be included as an addendum. “Whether it was illness, work, family emergencies, or a change in choice of major, there are factors that might influence a particular semester’s or year’s grades,” said Byrd. Such an addendum provides applicants the opportunity to discuss factors that may have influenced their life and academic career, whether positively or negatively.

### 5. The reference letter

Writing letters of recommendation requires the greatest direct involvement on the part of faculty but they can be challenging for faculty who are not familiar with the law school environment and its expectations for students. Byrd and Meeker imparted this wisdom: it is better to err on the side of providing more specific information than less. This information may include detailed examples of the candidate’s work, comparisons between the candidate and other law school applicants, and putting the candidate’s course performance into a more specific perspective by providing

benchmarks by which to judge the course grades. Admissions officers also find it helpful when letters provide an assessment of candidates’ personality and intellectual curiosity.

In selecting letter writers, law school applicants should ask individuals who are best able to write about their work. Meeker noted “One of the most common mistakes with letters of recommendations that applicants make is that [they think] who writes the letter is more important than the content.” Applicants should meet with potential letter writers and assess whether these individuals can write a strong, positive letter. For those applicants who are applying directly from their undergraduate education or within two years of the bachelor’s degree, most law schools will prefer to receive two letters from former professors.

Byrd and Meeker also offered this final piece of advice to faculty members: Don’t be afraid to call admissions offices with questions or to discuss a student whom you believe is a strong candidate for law school. While these offices are often busy, they also want to ensure that applications are complete and that both applicants and their letter writers are well informed about law school and the application process.

<b>Trivia Section:</b>	
<b>Interesting Ex-Lawyers Dept.</b>	
Howard Cosell	Julio Iglesias
Otto Preminger	John Cleese
Geraldo Rivera	Robert Louis Stevenson
Charlie Rose	Noah Webster

## NEW BOOKS

*Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement.* (David N. Pellow and Robert J. Brulle, Eds, MIT Press 2005).

For almost 30 years, the environmental justice movement (EJM) has challenged the environmental and health inequities that are often linked with social inequities, calling attention to the disproportionate burden of pollution borne by low-income and minority communities. This book examines the EJM's tactics, strategies, rhetoric, organizational structure, and resource base. With chapters by both scholars and activists, the book links theory and practice with the aim of contributing to a more effective movement.

Hull, Kathleen E. 2006. *Same-Sex Marriage: The Cultural Politics of Love and Law.* Cambridge University Press.

Description: Fierce and often ugly battles are being waged, especially in the United States, over who is allowed to marry, what marriage signifies, and where marriage is headed. Kathleen Hull examines these debates, and data from interviews with over seventy people in same-sex relationships, to explore the cultural practices surrounding same-sex marriage and the legal battle for recognition. Arguing that the cultural and legal dimensions of marriage are closely intertwined, she shows how same-sex couples use marriage-related cultural practices, such as public commitment rituals, to assert the reality of their commitments despite lack of legal recognition. Though many same-sex couples see the law of the state to hold a unique cultural power to legitimate their relationships and identities, Hull finds that their opponents equally look to the law to re-establish a social normalcy that excludes same-sex relationships. This is a timely look at a contentious issue.

*Challenging the Chip: Labor Rights and Environmental Justice in the Global Electronics Industry* (Ted Smith, David Sonnenfeld, and David Pellow, Eds, Temple University Press 2006).

Challenging the Chip is the first comprehensive examination of the impacts of electronics manufacturing on workers and local environments across the planet. Contributors to this pioneering volume include many of the world's most articulate, passionate and progressive visionaries, scholars and advocates. Here they not only document the unsustainable and often devastating practices of the global electronics industry but also chronicle creative ways in which activists, government agencies, and others have attempted to reform the industry—through resistance, persuasion, and regulation.

Helena Silverstein, *Girls on the Stand: How Courts Fail Pregnant Minors* (Forthcoming from NYU Press, Spring 2007)

The law enjoys a privileged status among social institutions. The law and its judicial servants are thought to transcend the political and bureaucratic muck and mire in which other institutions may wade, or so it is generally believed. Through examining the implementation of laws that regulate the abortion rights of pregnant minors, *Girls on the Stand* contributes to a body of work aimed at debunking this popular myth. The U.S. Supreme Court has decided that states may require parental involvement in the abortion decisions of pregnant minors as long as minors have the opportunity to petition for a bypass of that involvement. Virtually all of the 34 states that mandate parental involvement have put judges in charge of the bypass process. In *Girls on the Stand*, Silverstein presents a disturbing picture of how the bypass process actually functions. She finds that institutional ignorance, bureaucratic roadblocks, and ideological opposition plague the bypass route. She also finds bold acts of judicial discretion, wherein judges structure bypass proceedings in a shameless and calculated effort to communicate their religious and political views and persuade minors to carry their pregnancies to term. *Girls on the Stand* demonstrates that the safeguards promised by parental involvement laws fail in practice. In making this case, the book casts doubt not only on the structure of parental involvement mandates but also on the naïve faith in law that sustains them.

An Interdisciplinary Approach to Teaching Law & Society

David O. Friedrichs  
University of Scranton

I have taught a Law & Society course for almost thirty years now, and from the outset I made a deliberate decision to teach this course with an interdisciplinary approach, as opposed to a purely sociology of law approach. As it happens, my graduate education was in sociology, and I took a graduate course in the Sociology of Law at New York University with the late H. Laurence Ross, some forty years ago. But I have taught for many years in a joint Sociology/Criminal Justice department, with the overwhelming majority of our majors in criminal justice, not sociology. The Law & Society course is required for criminal justice majors, and in a typical section of some 30-35 students as many as 85% might be criminal justice majors, with a scattering of other majors. In some sections of the course about one third of the students indicate an aspiration to go to law school and become lawyers, with the largest number of other students aspiring to federal, state or local law enforcement careers; other students mention career objectives such as teacher or professor, psychologist, guidance counselor, and social worker. I long ago concluded that such students are best served by an interdisciplinary law-focused course that would provide them with a basic literacy about law as a social phenomenon. I believe a broad sociolegal course framework provides students with a solid foundation for moving on to more narrowly focused law-related courses, and provides a context for understanding these more formal courses. Originally, and for many years, I used Lawrence Friedman's (1977) Law & Society as an abbreviated text in this course, and I have used the John Bonsignore et al. (2006) Before the Law reader through eight editions. This volume exemplifies an interdisciplinary approach. Many of the selections shed light on many dimensions of law as a social phenomenon, or promote the adoption of alternatives to the predominant conceptions of law. The Friedman text eventually went out of print (as all readers of this essay surely know,

Friedman moved on to many other book projects), and as I was dissatisfied with the approach taken by all the existing texts in this realm, I began to write my own. This textbook, Law in Our Lives: An Introduction (Roxbury, 2002; 2006) is presently in a second edition. My text attempts to provide a mapping of the broad realm of law as a social phenomenon.

I offer as a premise here that it is indeed useful to attempt to formulate "maps" of a scholarly terrain. First, for the novice student of law and society it is absolutely essential to have some rudimentary understanding of the scope and character of the field, of the different parts as they might relate to the whole, and to acquire a general "literacy" about the field. Without some such map, students are likely to adopt limited and distorted understandings of whatever aspects of law and society they might study. Of course, no truly ideal map is available to us; we have to settle for partial maps, but the best of these would at least approach the character of an imagined ideal map. A provisional map itself performs a useful function by promoting debate or discussion. My mapping does have one very general premise: the legal and the social are best construed as interactive, rather than autonomous or epiphenomenal. Of course this is a guiding premise for virtually all law and society scholarship. But I rejected the imposition of a unifying theme or thesis for this map, insofar as I regard the sociolegal terrain as too complex and multi-faceted to lend itself to any such unifying theme.

The approach to mapping the law and society terrain taken in my text has a few basic premises, then, that I will briefly summarize. First, that law is indeed a pervasive feature of our social environment, and that the legal and the social interact in many different ways. Second, that the nature of the relationship between the legal and the social is multi-faceted and endlessly complex, and does not lend itself to broad generalizations or overarching themes, but must be understood on many different levels, and from many different vantage points. And third, that the novice "explorer" of the sociolegal terrain must become literate about the language, concepts, and perspectives that have been generated both from within law, and from

perspectives outside law, that provide a foundation for making sense of the interaction of the legal and the social.

First, I believe you must begin with addressing commonplace images of the law, and the basic conflicts between the celebration of the law and the critique of law. An understanding of law in American society must also identify some of the principal public policy issues currently before the law, and the character of law in America today. Next, one has to address the different orders of law, and law as a form of social control. Specific definitions of law, origins of law, and what I call models of law follow. The nature of legal reasoning – and both internal and external influences on legal reasoning – comes next. It seems to me that any mapping of law in society must then locate law in relation to justice, morality, religion, and interests.

Attempts to make sense of law come from within law, and from outside of law. In my approach I identify seven traditional schools of jurisprudence and seven more recent schools of jurisprudence. On the other hand, attempts to make sense of law also come from without, and in the context of a “law and society movement” I explore some of these attempts, with special attention to the sociology of law. Law, as well, must be understood in comparative and historical terms, so attention is devoted to anthropological, cross-cultural, historical, and contextual attempts to make sense of law.

Any mapping of the sociolegal will inevitably devote some attention to the profession that is central to the operation of the law, the legal profession, including everything from its history to its ethical conundrums.

A mapping of the sociolegal must also attend to the various different institutions that address “disputes,” broadly defined: i.e., the criminal justice system; the juvenile justice system; the civil justice system; the administrative system; the military justice system; and the informal justice system.

Certain processes and concepts also seem central to the realm of sociolegal scholarship. The ones that seem central to me (although some others would surely make different choices here) are: legal culture; law-making; law as communication; legal socialization; compliance and discretion; and legitimation of the legal order.

Finally, a high level of consensus exists among those who have attempted to map the sociolegal terrain that law and social change – or law in flux – is basic. Law must be addressed here as both object and instrument of social change. In my approach I also address some specific cases of legal reform in the United States, and the emerging character of law in a globalized world.

*David O. Friedrichs is Professor of Sociology and Criminal Justice and Distinguished University Fellow at the University of Scranton.*

**“You #@S\*! Teaching Law and Inequality  
Through “Great Objects” and With Students as Cultural Informants**

Beth A. Quinn  
Montana State University

Last year, Matt Silverman asked if I would join him on a “Teaching Sociology of Law” panel at the ASA meetings in Montreal. Matt wanted me to address the question of integrating gender into our sociology of law courses. No problem – I’ve been doing this for a decade! Then, this past spring semester I was teaching my basic Law and Society course with a new reader (one that, on the whole, is wonderful). We spent a week

reading a couple of very good pieces on rape law, a topic that I cover in depth in my other course, Law and Inequality. Simply put, it was a dismal failure! Too many of my students — both men and women — just didn’t get it. The sexism and rape myths were flying, and I was appalled and baffled and just sick. Rather than clarifying and enlightening, the discussions that week were muddying and harmful. How could I have failed

at this? In my Law & Inequality course I sometimes spend five weeks on the topic of rape. I know this topic, I have taught this topic many times, I have had phenomenal success getting conservative Montana boys to see the problem of inequality and domination as it plays out in rape law.

But that's the difference; *I spend five weeks on the topic*. We look at the history of rape law drawing primarily from Estrich's (1988) excellent historical analysis in her classic book, *Real Rape*. I drive home Estrich's point about the intersection of race and class in rape law by introducing some pieces on the use of rape charges against Black men. Students are usually appalled by it all but most shrug it off as examples of "those bad old times" when people weren't so enlightened. We then we read some contemporary cases, including some from Montana.<sup>1</sup> We look at some feminist critiques (e.g., MacKinnon) and consider some recent reforms, such as rape shield laws. I often use Schulhofer's (2000) book as a review of current legal concepts, reforms, and as an example of a rearticulation of reforms. We also consider rape statistics and sometimes look to recent work on prosecutorial decision-making (the exact articles vary). It's all solidified with some works on rape culture and sexuality. To this end, I often assign some essays from Stan's (1995) excellent compilation, "Debating Sexual Correctness." I particularly like Gaitskill's essay entitled, "On Not Being a Victim," Carter's "Two Good People," and pairing Roiphe's "Date Rape's Other Victim" with Pollitt's "Not Just Bad Sex."

In short, I surround them, I give them little room to maneuver to glib dismissals or facile sexism. And, importantly, I seal the section with a one-day exercise which I call "*Learning through Dissing*." It is inspired by an old women's studies exercise (the source of which I have unfortunately forgotten.) The point is to use students as "cultural informants" to examine messages about men, women, and sex that *they send each other now*. We then compare their "data" to the cultural messages we've examined from courts, prosecutors, victims, date rape advocates and critics, etc. Here's how I do it.

### *An Exercise in "Dissing"*

The (class) day before we're to do the exercise I tell students that in our next class they will be acting as "cultural informants" in an exploration of the "sociology of insults." Their homework, I announce, is to think of all the insults, "diss's," and nasty things you can call someone. (They usually laugh at this point). I also warn them that this is a "no holds barred" exercise and that offensive language, by definition, will be part of the classroom environment that day. Because of this, I make it clear that the class is optional and that during the class they can leave at any time without repercussion. (I've never had less than 95% attendance on this day.) Don't skip either of these steps!

On the day of the exercise, I close the door and cover any windows to the hall or common areas. Believe me, you definitely don't want people outside the classroom to read what you are writing on the board or to hear your discussion.<sup>2</sup> I ask the students if they've done their homework and if they are willing to share some of their "findings." If the class is acting shy, I will start by suggesting a few bland old favorites (e.g., "bitch," "jerk"). Once I get a few terms, I ask if they can be applied equally to men or women. Invariably, they are gendered. So I then write "Women" on the top of one side of the board, "Men" on the other, and "Either" in the Middle. I don't do any filtering, judging, editing or analysis at this point. The goal is to brainstorm and break through their inhibitions. I also tell students that if they can't bring themselves to say a word, they can write it down on a slip of paper to give to another student or to me.

If I don't know what a term means, or suspect that some students might not, I ask the contributor to define it. "It is important to have a common understanding of our terms," I suggest with a grin. In fact, this is one of those rare situations as an instructor where the more clueless you are, the better! If students have to explain to me what a word means, then it is crystal clear that the data we are producing is coming from the students' experiences and not mine.

Once the board is covered, we move into analysis phase. I ask the students to

categorize the terms into themes. (I use colored markers.) I sometimes ask a couple of students to come to the board to do this; other times I have students work in small groups. Invariably — and sadly — the students produce a set of terms that illustrates that we still expect women to be sexy but not too interested or sexually active, to be heterosexual, pretty and thin, and all while not being too aggressive, mean, or angry. By far, the most populous category of terms aimed at men are those that police a compulsory — and hyperactive — heterosexuality. Also, the students always produce many more offensive words for women than for men, and disturbingly, the terms have been getting more — rather than less — virulent over the years. Once we have discussed the themes that are present, I ask the students to look for what's *not there*. For example, I ask why there are no insults about men being too sexually active. Are there terms that describe that? “Yes,” they respond, “but they are compliments!” And so on.... I ask two students to make a record of the terms and categories for our next discussion. The next class day we do a summary of the section, using our new data (in the form of a handout I've made up summarizing the categories) as a jumping off point for discussion.

So what have I learned from my two experiences teaching about rape law? In the first class, the section on rape was a response to the question, “How do we add gender to a Law and Society course?” But my experience suggests that it's not an effective answer to simply add a couple of weeks and a smattering of readings (to the end, usually) of a standard “Sociology of Law” course. These issues are simply too personally challenging, too overdetermined by FOX news, Cosmo, and MTV to yield easily to abbreviated approaches. In contrast, my Law and Inequality course — I have come to realize — answers a different, and I think more fruitful, question: “How do we teach Sociology of Law through the lens of inequality?” As we go about our in-depth exploration of the issue of rape, my students learn about the gap between law on the books and law in action, they examine the interaction of law and culture, they explore the roles and work of prosecutors and police, they are introduced to precedent and judicial

reasoning, they see the complex intersectionalities of race, class, sexuality, and gender, and so on. This is an approach that structures teaching, as Parker Palmer (1998) advises, around a “great object” rather than an academic field. In my case, the “great object” is the topic of rape. And by carefully examining the various and complex facts of this “object,” the lessons of sociology of law — including issues of gender, race, class, and sexuality — may be revealed.

### Endnotes

1. This includes a case from Montana that illustrates the problem of force as an element of rape. A high school principal coerced a graduating senior into sex by threatening to not let her graduate. Montana's rape law at the time required an explicit showing of physical force. While his actions were definitely quid pro quo sexual harassment, no criminal charges could be brought. The legislature responded by passing one of the more encompassing rape laws in the country. This case is especially effective because there is always someone in the class who knows someone involved in the case. We're still “small town” here in Montana!
2. I forgot to do this once when my class was meeting in the chemistry building. A full professor of Chemistry walked by, saw what I was writing on the board, and had called both my Department Chair and the Affirmative Action officer with a complaint of sexual harassment before I had even gotten back to my office. Luckily for me — at that time an untenured woman — my chair was a staunch defender of academic freedom and the AA officer was an old-time feminist who knew my work and recognized the exercise! Interestingly, this professor never contacted me directly to ask what I was doing that day in class. I shared the entire event with my students and it became fodder for a very interesting discussion of sexual harassment law.

### Works Cited

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Schulhofer, Stephen 2000. *Unwanted Sex: The Culture of Intimidation and the Failure of Law*. Cambridge: Harvard University Press.

Stan, Adele (ed.) 1995. *Debating Sexual Correctness: Pornography, Sexual Harassment, Date Rape and The Politics of Sexual Equality*. New York: Dell Publishing.

**WEBBY AWARD WINNERS AND NOMINEES FOR LAW**

**WINNER: JUSTICE LEARNING**  
<http://www.justicelearning.org>

**NOMINEES: JURIST**  
<http://jurist.law.pitt.edu>

**COURT TV**  
<http://www.courtstv.com>

**FIND LAW**  
<http://www.findlaw.com>

**NOLO**  
<http://www.nolo.com>

**SECTION AWARDS**  
***Distinguished Book Prize***

First, I would like to thank the members of our awards committee. In addition to myself, they are: Alfonso Morales, Frank Munger, and Carroll Seron. Let me just say that it was a pleasure to work with these three people. They were efficient and hard working, but most importantly they engaged in the complex and spirited exchange that occurs when people really read work deeply and fully. We had the most enjoyable intellectual exchanges.

A bit about the process this year: We received nominations from many scholars. We also reviewed all of the book notes from Law & Social Inquiry graciously provided to us by Howie Erlanger. This meant that we went through an exhaustive list of several hundred books to select the 40 that we eventually reviewed. After splitting up this list of about 40 books among the four

of us, we submitted detailed notes on each books. Then, after discussion, we narrowed down the list to a set of 8 finalists. All four of us read—or in some cases, re-read-- these final 8 books--- we then had a long conference call conversation in which we arrived at an enthusiastic consensus on our award winner.

Let me just say a few words about our award winning book. Shai Lavi's *The Modern Art of Dying: A History of Euthanasia in the United States* is published by Princeton University Press. What impressed our committee about this book was its clear conceptualization, its marshalling of an impressive array of historical and cultural evidence, and its lucid, clear, and dare I say it, very elegant writing. In fact, one of the things that we all found impressive about this book is its elegant prose, which we all felt was highly unusual for a first book.

Shai Lavi convincingly argues that how we die reveals a great deal about how we live. He charts the changing meaning of euthanasia from a pious death blessed by God to a medical hastening of death. But rather than asking the expected -- how has law and medical technique changed the way we die, Shai asks instead, why has law and medical technique come to play such an important role in the way we die. For euthanasia to emerge, Lavi writes, "no significant medical breakthrough was necessary but rather fundamental changes in the ways we wish for our lives to end; namely, the decline of the art of dying and the rise of technical mastery over death."

I am very proud to present our distinguished book award to Shai Lavi.

—Kevin Delaney, Chair

## **SOCIOLOGY OF LAW STUDENT PRIZES**

Robert Dingwall would like to thank the committee members – KT Albiston, Steven Barkan and Valerie Jenness. He also encourages section members to submit more entries. There were 4 for the graduate prize and 5 for the undergraduate, with 4 entries from one program. This takes away nothing from the quality of the winners, who would have stood out in any competition, but more submissions would be healthier for the field. The committee was impressed by the strength of the empirical work here.

**Undergraduate winner** – Elizabeth Sylvester from Carleton College, nominated by Annette Nierobisz.

This is a study of judicial approaches to workplace sexual harassment in the US and Canada. It traces the identification of the issue through a series of writing, mainly by feminist scholars, during the 1970s and 1980s and the development of legal remedies over that period. Ms Sylvester then considers what judges actually do with the resources from statute and precedent that are available to them, using the population of Canadian claims (N=41) brought to trial between 1986 and 2001. Having reviewed the cases carefully 22 remained available for analysis. Ms Sylvester's detailed reading of these judgements enables her to identify the judicial construction of harassment. Their criteria are broadly consistent with those put forward by scholars and activists – frequency of harassment, loss of job-related benefits and severity of emotional or psychological damage. However, they also apply a 'reasonable woman' test to victims, whose response is expected to be proportionate. While women are not expected to be passive in the face of harassment, neither are they supposed to be

over-sensitive to managers' or workmates' conduct and are expected to take reasonable internal measures to address this before turning to law. In this respect, judges show an inversion of current thinking on legal consciousness and the way in which this may mobilize ordinary people: judges modify the administration of justice through their social consciousness, their understanding of what might be considered reasonable by ordinary people assessing the complainants' responses to provocation. The study combines careful reading of case and statute, meticulous work on the database of cases and interesting theoretical reflections – and is a worthy winner of this award.

**Graduate winner** – Mary Nell Trautner from the University of Arizona, now at SUNY Buffalo, nominated by Ronald Breiger.

This is a study of the response of personal injury lawyers to tort reform. Despite the best efforts of law and society scholars, the US thinks it has a litigation crisis, which has led legislatures in some states to introduce statutes that seek to limit access and recovery for tort victims. It has been known for some time that contingency fees are not the magic carpet into court that both enthusiasts and critics have claimed: if the value of a case does not promise to yield enough to recover the lawyer's upfront investment, then the case will not be taken on, regardless of its merits. Dr. Trautner asks how this is affected by changes that affect both the scale of potential recoveries and the odds of achieving them. She selected a sample of lawyers dealing with complex product liability and medical malpractice cases, which require high upfront investments in case preparation, from four large cities, two in pro-reform states and two in pro-plaintiff states. 83

lawyers were interviewed about their screening decisions. As expected, the lawyers discussed the relevance of the scale of recovery and the facts of the case. However, they also spoke at length about the likeability of the plaintiff. How would a jury respond to this person? Would they want to help or to refuse their claim? While likeability related to status characteristics like age, race and class, the effects varied with the local jury pool and its culture. In pro-reform states, case screening was increasingly influenced by the facts of the case, so that strong cases were being brought with 'bad' clients, while weaker cases with 'good' clients were turned away. Nevertheless, even in these contexts, considerable efforts were made to 'clean up' the clients and make them look reasonably deserving to the jury. Tort reform is not reducing the volume of cases, but it is affecting the case-mix so that clients with small economic losses – the elderly, housewives and dead children – find access more difficult. Dr. Trautner concludes by speculating whether the dimension of likeability may also be important for understanding why some people or companies get sued more often than others. Again this paper shows careful and imaginative empirical work and a particularly clear analysis of a dimension of tort litigation that has received less attention from sociologists than it merits. Its conclusions have an important contribution to make to the public sociology of tort reform, and to the evaluation of its seemingly paradoxical effects. The committee had no difficulty in identifying the outstanding quality of this paper and conferring the prize. ----Robert Dingwall

#### **DISTINGUISHED CAREER AWARD**

The Sociology of Law Section Council has selected Richard "Red" Schwartz to receive

the section's first Distinguished Career Award.

Red Schwartz is the Ernest I. White Professor Emeritus at the College of Law of Syracuse University, and he is currently a Senior Research Scholar at Yale Law School. Red earned his B.A. and Ph.D. in Sociology at Yale, and he stayed on to do a 3-year postdoctoral fellowship at Yale's Institute of Human Relations. During this time, he started teaching at Yale Law School, where he worked with Joseph Goldstein, Richard Donnelly, and (later) Alan Dershowitz on a casebook that integrated social science and criminal law materials.

Red subsequently began 10 years of teaching and research at Northwestern, where he taught in both sociology and law and where he helped to develop the still-thriving joint J.D.-PhD program in law and social science. He then went on to SUNY-Buffalo where he eventually became (I believe) the first Sociology PhD to be named Dean of a major US Law School. He was also a co-founder of the Law & Society Association, and the first editor of its journal, *Law & Society Review*.

Red is the author of many scholarly publications, including *Society and the Legal Order*, *Criminal Law: Theory and Process*, and the *Handbook of Regulation and Administrative Law*. I should add that he has also written two wonderfully teachable articles, that I use every year in my own Sociology of Law course, "Social Factors in the Development of Legal Control: A Case Study of Two Israeli Settlements," and "On Legal Sanctions."

Long before the proliferation of "Law &" crossover scholarship, Red Schwartz was a pioneer in bringing law into sociology and sociology into law. In both an intellectual and an institutional sense, he is one of the "giants" upon whose shoulders we all stand. It is therefore altogether fitting

that he should be the recipient of this our young section's *first ever* Distinguished Career Award. Thank you, Red, for your many contributions to our field, and, we hope, for many contributions still to come.  
----Mark Suchman

### **PhD Spotlight: Michael Campbell, UC-Irvine**

Theories of law and legal change should reasonably account for most of the phenomena they attempt to explain. Often even the strongest theoretical assertions fail to account for some important cases, providing ample avenues of critique that may seem to render the theory invalid. This need not always be the case. My research begins by holding particular theoretical assertions up to the widest range of empirical data possible, and searching for important cases that elude explanation within that model. Then, I consider how and why those deviant cases buck the theoretical trend, consider potential explanations for the variation, and then conduct in-depth case studies of those examples in the hope of identifying what forces have set them apart. By doing so, I aim not to trash otherwise credible theories of law and legal change, but to modify or question those explanations in ways that fruitfully advance our knowledge.

Recently, I employed this deviant case methodology in an analysis of a 1974 criminal disenfranchisement reform in California, which extended the franchise to previously disenfranchised ex-convicts. I chose California for two reasons: the sheer size of the state meant that this legal change affected more than a million citizens; and 1974, a year often noted as a turning point against rehabilitation, seemed a peculiar year for reintegrative reform. More interestingly, liberal California would have seemed more likely to have repealed such measures earlier, for example in the 1960s.

Theoretical examinations of disenfranchisement reform predicted that states would be least likely to pass inclusive reforms when the non-white population was expanding, but in 1974 California's population was rapidly becoming less white. I reconstructed the state's history of reform through archival research and found that gubernatorial veto power, the presence of advocacy organizations, African-American legislators, and, especially, the political and media context of the election cycle, were key factors in the legal change.

My future research seeks to refine and expand on this methodology in an examination of incarceration in an historical-comparative analysis of two American states with contrasting patterns of legal change affecting incarceration. Current explanations of how and why states' incarceration rates vary leave many important questions unanswered, such as what role public opinion plays in these changes, how crime emerges and changes as a political issue, how state structures affect policy change, and how changing norms of political engagement affect criminal justice policies and practice. Emphasizing the significance of powerful social changes rooted in economic transformation, my research will also seek to examine how shifting degrees of political influence and growing distrust of government affected changes in punishment in two key states.

*Michael C. Campbell is a doctoral student at the University of California, Irvine, and a graduate student fellow in the Center in Law, Society & Culture. His research on criminal disenfranchisement reform will appear in the spring issue of Punishment & Society. His future research will examine the relationship between changing standards of punishment and the nature of democratic politics in advanced capitalist polities.*

**CALL FOR SUBMISSIONS  
DISTINGUISHED ARTICLE AWARD 2007**

The Sociology of Law Section announces its biannual Distinguished Article Award. The Section will award a prize for the best article in the sociology of law published between 2004 and 2006. Articles previously submitted to the Article Committee in a prior year may *not* be submitted again. The submission deadline is **March 1, 2007**.

Winners will receive their award at the 2007 ASA Annual Meeting. Articles may be self-nominated by the author(s) or they may be nominated by other scholars, editors, or publishers.

To nominate an article, please send a brief letter of nomination and five (5) copies of the article by March 1, 2007, to:

Susan Silbey  
Dept. of Anthropology  
Mass. Institute of Technology  
77 Mass Ave.  
Cambridge, MA 02139  
Email: [ssilbey@mit.edu](mailto:ssilbey@mit.edu).

Alternatively, if the article is accessible online, you may submit by email with an attachment or URL.

The 2007 Distinguished Article Committee comprises Susan Silbey (chair), Mary Nell Trautner, Laura Beth Nielsen, and Ronit Dinovitzer.

**EDITORS NOTE**

I would like to thank all the contributors to this issue of AMICI. Please feel free to submit any suggestions for symposiums, essays or other content to me at [shulmand@lafayette.edu](mailto:shulmand@lafayette.edu)

**ASA SOCIOLOGY OF LAW SUBMISSIONS FOR  
STUDENT PAPER AWARDS 2007**

The Sociology of Law Section of the ASA announces its Annual Student Paper Awards. The section will award prizes for the best graduate and undergraduate papers. Winners will receive their award at the ASA Annual Meeting in New York City, August 2007. Papers may address any topic in the Sociology of Law. Papers may be reports of any kind of original research, including empirical and theoretical contributions or evaluations of existing scholarship. Originality, clarity, and analyses of substantive social issues are typically seen as important advantages.

**UNDERGRADUATE STUDENT PAPER AWARD**

This recognizes outstanding work in the sociology of law by undergraduates. Papers should preferably be submitted by a faculty sponsor but may be submitted directly, provided that the name and address of a faculty sponsor is given, to whom reference may be made to confirm the status of the author and the originality of the work. Entries should follow ASA style, be double-spaced and not exceed 35 pages in length (including tables, appendices, and references). They must have been written while the author was an undergraduate. Papers may have been submitted for publication but must not have been accepted by the closing date. Papers accepted for publication after the closing date will remain under consideration by the committee.

**GRADUATE STUDENT PAPER AWARD**

This recognizes outstanding work in the sociology of law by postgraduates at either the Masters or Doctoral level. Papers should preferably be submitted by a faculty sponsor but may be submitted directly, provided that the name and address of a faculty sponsor is given, to whom reference may be made to confirm the status of the author and the originality of the work. Entries should follow ASA style, be double-spaced and not exceed 35 pages in length (including tables, appendices, and references). They must have been written while the author was a postgraduate. Papers may have been submitted for publication but must not have been accepted by the closing date. Papers accepted for publication after the closing date will remain under consideration by the committee. Collaborative papers are eligible for consideration provided that all the authors are of the same status and individually eligible for the competition (i.e., papers cannot be co-authored by a graduate and an undergraduate or by a student and a faculty member).

*The deadline for submissions is March 31, 2007.*

Papers must be submitted electronically as Word or Wordperfect files to Professor Calvin Morrill ([calvin@uci.edu](mailto:calvin@uci.edu)). Hard copy submissions will not be accepted, other than by prior agreement with the committee chair. The awards committee consists of Calvin Morrill (UC Irvine), Susan Will (John Jay), John Skrentny (UC San Diego), and Ryken Grattet (UC Davis).