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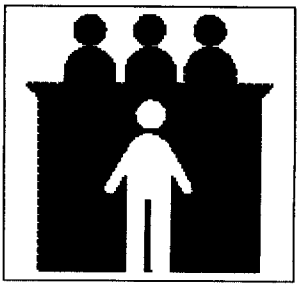
Newsletter of the Sociology of Law Section
American Sociological Association

Volume 8, No. 1, Spring 2001



FROM THE SECTION CHAIR

Dear friends and colleagues,

What should a message from the Section chair contain? As I struggled with this question, I thought I might find an answer by looking at what others have done and just do that. Gratefully, Matthew Silberman, our webmaster par excellence, posts past AMICA and looking up past AMICA was relatively easy to do. Unfortunately, finding direction was much harder. Our past chairs have used this column in a number of ways from promoting section activities, to addressing the state of the field. At the core of what on the surface often seemed to be quite singular sets of remarks were different efforts to address a similar question – why a section for the sociology of law? What difference does it make for sociology, for sociologists, and for our engagement in larger intellectual, political, and social endeavors?

Out section is at a crossroads, I believe, in many ways. Most notably our membership is flat. Indeed, without a substantial effort by a few of our members, I would have had to report it as declining. Many of our members have discussed with me their concerns about the low level of involvement in section activities, including our annual business meeting, the one opportunity we have to meet as a group. It seems, therefore, important that we take stock – measure who we are in light of what we have said we should be and continue to address the question of why a section in the sociology of law.

To begin this discussion I offer some selections from our Statement of Purpose followed by reports from the Section chairs in 1997, 1998, and 1999:

> The sociology of law is a relatively young but highly vibrant field in the discipline. It involves a commitment to linking the study of law with such core sociological issues as social change and stability, order and disorder, the nation-state and capitalism. Further, the sociology of law is committed to theoretically substantiated and methodologically sophisticated empirical investigations as the central means of studying the dynamics of law-in-society.

FROM THE SECTION CHAIR
(continued)

> The ASA Sociology of Law Section provides a forum for intellectual and personal exchange among sociologists interested in the study of law, legal institutions, and law-related structures and processes. . . A central goal of the Section is to provide younger scholars, especially graduate as well as undergraduate students, with an intellectual community and connections that will be helpul in developing their careers.

Our most recent past chairs have addressed our purpose in a number of initiatives and commentaries.

In 1996, section chair **Lauren Edelman**, reported on the establishment of the very important Sociology of Law Mentoring Program, to address its commitment to our younger scholars. We must re-energize this program as a core part of our mission.

In 1997, section chair **Frank Munger** discussed the key role section leadership played in fighting efforts to change section rules, notable efforts to increase the necessary number of section members. In his column he focused on the value of our section as a "homebase" from which sociologists of law could connect particular research interests to "wider currents in the field of sociology." Since then our program committees have worked in concert with the sections on Crime, Law, and Deviance; and Organizations, Occupations, and Work. Our immediate past chair, **Robyn Stryker**, moved us quite far in this effort with her successful initiatives for coordinated, back to back sessions with the Comparative and Historical Sociology section. Our commitment to link our work with that of other sections continues with planning for future coordination with the Section on Science, Knowledge and Technology. (This year we were thwarted in our efforts by a change in the schedule of section events.) We continue to have joint receptions with other sections that allow us an opportunity to meet with colleagues from other sections and explore new collaborations.

In 1998, section chair **Susan Silbey** began her column with the following: "The political events of this last year have provided Americans, indeed all the interested world, with abundant images of the American legal system." Of course Susan was writing about impeachment and not elections, chads, or pardons. But what she wrote then about legality as a structure of social action could easily be applied to events of the last months. I encourage you to read this. It demonstrates how we have used and can continue to use the section newsletter as an important forum for linking insights from the sociology of law to broader socio-political debates. We continue this tradition in the current newsletter with a discussion of the recent Presidential elections.

From the establishment of our section, our annual program committees, book and article prize committees have offered section members fruitful opportunities for intellectual and personal exchange. I was reminded of this once again as I "overheard" an email exchange between members of the article prize committee who were introducing themselves to each other. Committee work has been an essential part of the building our intellectual community. Thanks to all.

In this column I have provided you with our statement of purpose and some examples of initiatives that I think have helped to fulfill our purpose. Are we doing enough? Can we do more? I welcome your thoughts.

Nancy Reichman

CONFERENCES

Justice Studies Assocation

The third annual conference will be held May 30 - June 1, 2001 at Wheaton College in Norton, Massachussetts. For more information, please contact: A. Javier Trevino at:
jtrevino@wheatonma.edu

RESEARCH PROJECTS

The Executive Committee of the American Psychology-Law Society will offer up to $3000 in seed money to facilitate interdisciplinary esearch projects. We have in mind projects that would bridge the gap between psychology and other academic disciplines (e.g., sociology, political science, economics, law, public policy, medicine). Money can be used to cover travel and meeting costs and other expenses related to the research. Successful grantees will be expected to present the results of their collaborative study at a meeting of the American Psychological Association. Two such proposals will be funded each year. To apply, please send a two-page explanation of the project, including the names and addresses of all researchers as well as a description of the anticipated product of the research to Edie Greene, Dept. of Psychology, University of Colorado, Colorado Springs, CO 80933. Or email to: **egreene@mail.uccs.edu** Deadline for receipt of proposals is August 1, 2001.

MEMBERSHIP

Dear Members of the Law Section,

Each year the ASA counts members of each Section as a basis for computing the number of sessions they will be allotted at the annual meetings. They do this, I am told, in October.

I write to ask if each of you would try to enlist one new member for our group. If you come up with a name of a prospective member, please would you let me know at **mvogel@sscf.ucsb.edu** You can download the section membership form at the ASA website (search for "american sociological association") or I can mail you paper copy. **[Newsletter editor: the form is printed at the end of the newsletter.]**

Please think of a colleague whose work would make our Section of interest to them and ask if they might like to join our rolls. Comparison of current membership to my syllabi reveals that many sociologists of law are not yet with us. A gift of Section affiliation to one of your grad students who is already an ASA member could also be a nice thought.

Many thanks for giving this your thought. I look forward to hearing from you.

With best regards,
Membership Chair 2000-2001
Mary E. Vogel
Visiting Assistant Professor
Law and Society Program
1831A Ellison Hall
University of California at Santa Barbara
Santa Barbara, California 93107
805-893-2645 (no voice mail at this number)

[Edie Greene informs us that as of 10/12/00 the number of members had reached 299, one short of the crucial number of 300.]

AWARD NOMINATIONS

STUDENT PAPER AWARDS 2001

The Sociology of Law Section of the American Sociological Association announces its Annual Student Paper Awards. The Section will award prizes for both the best graduate and undergraduate paper. Winners will receive their award at the ASA Annual Meeting in Anaheim, CA, August, 2001.

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.

Entries should be double-spaced and not exceed 35 pages in length (including tables, appendices, and references). Entries should follow ASA style. Papers must have been written while the student was a graduate or undergraduate student. Please specify whether the paper is to be considered for the undergraduate or graduate level award. Papers that have been accepted for publication or already published at the time of submission are not eligible. The deadline for submissions is March 30, 2001. Papers may be submitted by students or by professors on behalf of their students.

Three copies of the paper should be mailed to:

Prof. Kevin Delaney
Department of Sociology
Temple University
Philadephia, PA 19122

OUTSTANDING ARTICLE AWARD

THE ASA SOCIOLOGY OF LAW SECTION invites nominations for its annual Outstanding Article in the Sociology of Law Award. The award committee solicits one or more nominations by members of the American Sociological Association. Nominations may be offered for articles published in sociological and socio-legal journals or in law reviews, published in 1999 and 2000. Deadline for submitting nominations is March 31, 2001. Please send a letter, providing name of author, title of article, all relevant publication details, and a short statement explaining the merit of the article to:

Alfonso Morales
UTEP fax: 5505
Department of Sociology and Anthropology
500 W. University Ave.
El Paso TX 79902
Email: alfonso@utep.edu

ELECTION FORUM

The newsletter editor sent out a call for comments on the presidential election and its judicial aftermath. The following are the comments that were received in their entirety.

Mathieu Deflem:

On Depoliticizing Sociology -

As a sociologist committed to the scientific study of social life, I have severe problems with politics that poses as sociology as well as with the acceptance, even encouragement, of such posturing which recently seems to have gotten hold of our profession and discipline. I therefore object, for instance, to the use of the ASA Sociology of Law email listserve to voice personal opinions on a political, non-sociological issue. I consider such abuse to be profoundly unethical at worst, misguided at best. The normativity of social facts should not lead us as sociologists to give up on a sober and committed description and explanation of variation in social reality. Whatever sociological dimensions the recent presidential elections have for those of us interested in the study of law (and surely there are many), they cannot be rationally reduced to any post facto pseudo-intellectualizations based on a certain ethical position. From taking into account a person's sex and color in our professional hiring process to the wholesale political sell-out of sociological scholarship, it will be our efforts to curb such nonscience that will be an important indication of the measure of our sociological work.

Sandra S. Stephenson:

I believe the way the Florida case was handled by the attorneys for both sides was very narrow and, well, legal. This seems particularly true of Gore's legal team. I base my opinion on the fact that in modern society it seems to be common for us to believe that once technology is introduced, it is fool-proof and perfect. This assumption causes us to incorporate the Technology into everyday life, and then forget about it. It is just as common, however, for this assumption to later attack us, usually in the form of some catastrophic unintended consequence resulting from the so-called technological "improvement." I would offer modern pesticides as an example of one such dilemma. At the outset, the introduction of pesticides seemed like an aid to higher yields and a means to eradicate pesky critters. It was only when farm workers became ill and even died that authorities began investigating the unintended consequences of pesticides, resulting in new more stringent laws regulating pesticide use.

In the case of Florida, it appears as though technology was introduced that would provide fool-proof, 100% perfect vote counting - Voila! The "Vote-omatic." An assumption became commonplace that the Vote-omatic would not err, and would count every single ballot, without fail. This assumption has governed automated voting, as far as I can tell, until the catastrophic, unintended consequence of the 2000 election in which it suddenly came to our attention that, indeed, the Vote-omatic was not as perfect as we had assumed. This technology required reevaluation - not unlike the reevaluation of pesticide use - in order to devise new standards to ensure more uniform practice, a higher percentage of "countable" votes, and so on. (This can be said independent of the fact that intentional inequities appear to have existed with respect to which districts were given the most technologically advanced equipment.)

Had the Gore legal team consulted with a sociologist or two (or a sociologically-minded attorney), I believe they would have abandoned their narrow, legal argument dealing with a few hundred votes here or there. After all, such is not the substance from which new law is made. Instead, they could have argued not only for a reevaluation of the instant case, but a

reconsideration of the overall condition of automated voting in this country. They could have advanced the argument that the unintended catastrophic consequences of this presumed perfect system demanded the Court's intervention to insure future justice. They could have argued that we suddenly had become witness to inequities existing statewide – even nationwide - which up until the time of this election were unknown to have existed at all. I think this is a perfect example of a case in which a sociolegal, rather than strictly legal, interpretation of the facts could have resulted in a much different and, arguably, better outcome.

James Tucker:

Predicting the Aftermath of the Election

Sociologists of law should not be surprised by either the Florida Supreme Court's reversal of a lower court's decision in favor of Bush and the US Supreme Court's subsequent reversal of the Florida Supreme Court's reversal. Both of these higher court decisions conformed to what we know about the behavior of third parties: Closeness breeds partisanship (Donald Black, The Social Structure of Right and Wrong). Thus, we could have predicted that, all else equal, the Democratic dominated Florida Supreme Court would likely find in favor of a fellow Democrat and the Republican dominated US Supreme Court would likely find in favor of a fellow Republican. The typical reaction to these court decisions by readers of this newsletter is also predictable. Most readers strongly identify with the left-liberal politics of the Democratic party and thus act like partisans themselves, supporting the Florida Supreme Court decision that favored their ally while criticizing the US Supreme Court decision that favored their adversary.

Editor's comments:

The election of 2000 and attendant judicial decisions will probably be the basis of much sociological study. Certainly the lawyers have wasted no time as evidenced by an item in my Stanford Alumni website news announcing that Pamela Karlan, Stanford Law professor, has co-authored **The Making of the President 2000**, a legal casebook focusing on lawsuits generated by the 2000 election.

For my part, I was most distressed by the fact that the Supreme Court intervened in a political process which the Constitution had already foreseen. The court could have refused to hear the case, been true to its 5-4 states rights stance and protected its reputation. The result would probably still have been the election of George Bush, although it would have been the House of Representatives making the final call. Many speculated that we might have wound up with Lieberman as vice-president since Gore would have been the tie-breaking vote in a perfectly divided Senate. It would have been a legislative fracas but such a close election deserved to end in such a way and a Lieberman vice-presidency would have been a fortuitous acknowledgment of the fact that Bush did not receive more popular votes than any his opponents.

However, that is all water under the bridge and there are new, more aggravating developments to be found within the legal universe of discourse. As a result of the election, it looks like the previously vetoed Bankruptcy Reform Act will become law and probably so by the time you read this newsletter. I shall not mince words here. In my opinion, this is one of the most cynical and contemptible pieces of legislation to have found its way to a president's desk. It literally turns this country into Company Store – USA. For a great many people who get into debt over their heads, Chapter 7 (discharge of debt) will no longer be an option. A formula has been devised to determine whether a debtor's future income qualifies them for Chapter 7 or not. The bar is set rather low. There are many reasons to hold this piece of legislation in contempt beside the enormous amount of lobbying which took place on the part of banks and credit card companies. I will state two. First, for generations Americans have made economic decisions and gone into debt on the understanding that if they get into trouble, bankruptcy is a viable option. Our present prosperity is in no small way dependent on the willingness of individuals to contract debt. Even Treasury Secretary O'Neill before the Senate Finance Committee, attempting to sell the tax cut, made the argument that for those of modest income a cut of $180 could provide some serious debt service. Second, why are banks complaining? Whatever happened to TRW? Why do lenders further extend the debt of people they know are in way over their heads? We all know about the credit card solicitations of students on campus, sucking them into the credit lifestyle. If people are bad credit risks, don't lend them money. If you do, suffer the consequences. What will happen instead is that people who need relief from catastrophic medical bills will not get it and mothers and children will have to compete for support money with a husband's creditors. This kind of arrangement used to be called the company store.

FROM THE EDITOR'S DESK

The construction of this issue of the newsletter seemed to be more difficult to coordinate than my first issue. The membership needs to be encouraged to be proactive in sending pertinent professional and personal news to the newsletter editor so that we can have timely and informative newsletters. I feel somewhat handicapped in coming into this position without knowing many in the section. When I took on the editorship of the mental health newsletter it was at the very moment that the section was forming; thus, contacts were already made and the lines of communications were open. Unfortunately, I do not feel in the same situation today. I want very much to edit a useful and professional newsletter, but without your assistance that is very difficult.

This issue has within it a number of comments concerning the nature of the last presidential election which were solicited from the membership. Very of few you responded and all responses received have been included in full. In addition, I have added my own voice to the mix in a short article that I hope to expand. I would like to heartily second the comments made by our section chair, Nancy Reichman and make the further comment that the newsletter, if developed properly, could provide a needed outlet for the expression and debate of ideas within a discipline that is almost tailor-made for rich discussion and debate.

Again, please renew your membership in the section or recruit some new members so that this can continue to be a vibrant arena for the sociological study of law, an area that is crucial in forming the conditions under which we will all have to live.

Marvin Prosono, Ph.D.
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417-836-5683

RENEW YOUR MEMBERSHIP!!

Sociology of Law Section
Membership Application

Type of Membership:
_____ Regular ($12)
_____ Student ($5)
_____ I am not an ASA member. Please send a membership form.

Name _____
Address _____
_____
Phone/Fax _____
E-mail _____

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Mail to: ASA, 1307 New York Avenue, NW, Suite 700, Washington, DC 20005.