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# AMICI

Newsletter of the Sociology of Law Section of the American Sociological Association.

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2004-2005**

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**Symposium: Book (Author) Meets Dissertation (Authors):  
*Policing World Society* by Mathieu Deflem**

This symposium provides a discussion on Mathieu Deflem's *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford University Press, 2002; paperback: 2004). The author is exposed to learned feedback from students who are at various stages of completion towards their dissertation. Penney Alldredge and Kimberly Lyons are busy writing their dissertations, while Sarah Takahama is currently finishing her senior undergraduate year and Erik Larson has in the meantime completed the Ph.D. requirements and entered the professorial rank. It is only appropriate that students serve as critics of Deflem's book, because it is a reworking of his dissertation. This panel was previously featured as a roundtable discussion at the ASA meeting in San Francisco, August 2004. The participants are grateful to Brian Gran for organizing the panels and to James Mahoney for acting as moderator.

**Comments on Mathieu Deflem's *Policing World Society***

**Erik Larson**  
*Macalaster College*

In *Policing World Society*, Mathieu Deflem's main theoretical points – international police cooperation results from the rise of a Weberian police bureaucracy characterized by autonomy and the rise of an international police culture– are well-supported and well-argued. There are, however, four areas of critical comments I offer about the arguments in PWS.

I. The comparison of the United States to Europe in PWS suggests additional conditions necessary to establishing international police cooperation. Given the lack of a national policing institution in the U.S. in the 19th century, the limited involvement in international cooperation is not surprising, as the existence of a national police institution is precedent to this institution gaining sufficient bureaucratic independence to engage in cooperation. Deflem argues that the distance and isolation of the United States contributed to its lack of international cooperation. Another precedent condition becomes apparent: to achieve international police cooperation, a sufficient number of potential cooperative partners must exist and one must be recognized as a potential partner. Less convincing is Deflem's argument that the issues that the United States faced in relation to the

*(Erik Larson's Comments continues on page 3)*

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**Note from your Section Chair:**

Thanks to an extraordinary initiative by Kim Scheppele, chair of our local arrangements committee and member of the ASA Local Arrangements Committee (LAC), the following session will be added to the Sociology of Law Section program in Philadelphia. Co-sponsored by the ASA LAC, this session will not be counted against the section's pool of session time. It will be held in the National Constitution Center (NCC), just a short foot walking distance from the Convention Center and the conference hotels. The NCC is a spectacular location, with a view overlooking Independence Hall. (You can see more at <http://www.constitutioncenter.org/index.shtml>). The Constitution Center is between Race and Arch Streets and 5th and 6th Streets, close to the Convention Center. It's a 5-6 block walk, and these are short blocks. At most, it will take you 10-15 minutes (though Chinatown and past the City Jail!) straight down Arch Street. You may want to supplement the session with a visit of the museum and its exhibits. For maps, see <http://www.paconvention.com/visit/park.asp> and <http://www.constitutioncenter.org/visiting/VisitorInformation/index.shtml#Map>.

Title of Session:

**The Constitution as Museum: Capturing America's Constitutional History for Public Exhibit** (Monday, August 15, 10:30AM-12:15PM)

Moderator: Kim Lane Scheppele, Princeton University

Panelists:

Joachim Savelsberg, University of Minnesota  
Robin Wagner-Pacifici, Swarthmore College  
Steven Frank, Vice President for Exhibits and Research, National Constitution Center

TBA, National Constitution Center

Again, this is a supplement to the outstanding program that Mark Suchman as our chair-elect put together. I look forward to seeing as many of you as possible at all of the events, beginning with an exceptional Chinatown reception on Sunday night (see separate announcement in this newsletter) and extending seamlessly through the entire Monday, August 15. Our activities will be completed by the section's business meeting at 5:30PM, when our prizewinners will be announced and when I will be happy to pass the gavel on to Mark Suchman. Please see the program information in this newsletter and do join us!

Joachim J. Savelsberg  
Chair, Section for Sociology of Law

**\*\*Sociology of Law Section Election Results\*\***

The Nominations Committee congratulates the winners of the 2005 section election:

Chair-Elect: Kitty Calavita

Council Members for a term of 2005-2007:

Erin Kelly  
Richard Lempert  
John Sutton

The Committee thanks all the section members who ran for office.

Kathleen Hull, Chair  
Nominations Committee

**Sociology of Law Section Officers for 2004-05****Publications Committee**

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David Shulman, Amici Editor (Lafayette College)  
Nancy Fisher (Macalester College),  
Ryan King, Graduate Student Member (University of Minnesota)

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Kim Lane Scheppele, Chair (University of Pennsylvania).

internationalization of crime were insufficient to develop a professional mythology to support internationalization and that these issues were distinct from those faced in Europe. Yet, the examples listed of issues in the U.S. and Europe do not seem so distinct. These criticisms of the foundations of the comparative analysis, though, do little to undermine Deflem's theoretical argument, largely because the best comparative-historical analysis concerns not the differences between the U.S. and Germany, but the differences between the international meetings and the development of cooperation over the time period. The criticisms, however, suggest precedent conditions to Deflem's theoretical model.

II. Deflem's focus on bureaucratic autonomy might obscure the impact of democratization on police cooperation. Police institutions in Europe began to develop bureaucratic autonomy in the aftermath of the events of 1848. Deflem traces the shift in international policing as a change in orientation from politics to crime, locating this change in "international police culture." Left unexplained is why international police culture should focus on crime, particularly given the institutional histories of the national police in protecting national governmental regimes. There is an affinity between the goals of democracy and the change in policing, with crime prevention focusing on protection of citizens and the nation, rather than protection of the ruler. Also, a focus on democratization is not inconsistent with Weber's theory on bureaucratic development.

III. There are a number of potential gaps in Deflem's theoretical and substantive discussions of international police cooperation. First, international police cooperation implies a certain form of internationalization, limiting the application of the findings to other processes of globalization. By definition, international police cooperation would seem to exclude analysis of hierarchical impositions of policing requirements, limiting the types of international processes that the theoretical model developed in the book can explain.

Second, the focus on police culture gives this culture undue independence at the global level. The theoretical argument and empirical evidence focus on police and their particular nation states. There may be other global structures that have historically worked to limit or channel the development of international policing (e.g., human rights accords). It seems reasonable to begin from the position that if there is an international or global police culture that there may be other global structures and forces that impact the police culture.

Third, although treated as a variable, the concept of bureaucratic autonomy is not sufficiently operationalized. Deflem connects variation in the participation of five communist-bloc countries in the International Criminal Police Commission (ICPC) to

bureaucratic autonomy, arguing that after 1952 these police forces could "no longer maintain formal bureaucratic autonomy" (208). There are, however, no measurements of the level of bureaucratic autonomy that show the difference in these countries from 1945 to 1952. Further, Deflem earlier suggests that the lack of Soviet participation in ICPC could be partially explained by the USSR's influence on satellite countries, suggesting that there may not have been much bureaucratic autonomy in those participating bloc states.

Fourth, PWS offers conclusions about globalization that go beyond the evidence in the book. For instance, in discussing the implications of the argument about the differential impacts of globalization, Deflem writes that national policing systems have not trended to uniformity. There is, however, limited evidence about national cultures and police system traits. The evidence that there is focuses largely on the U.S. and Germany, but given the lack of participation of the U.S. in international police cooperation, one could hardly expect that U.S. policing would be equally influenced by world policing culture.

IV. PWS presents the development of international police cooperation as related to one social process: the development of Weberian-bureaucratic policing. Once developed, however, other social processes may shape the trajectories of further developments in international policing. Evidence from Deflem's book concerning the re-establishment of the ICPC after World War Two shows a greater level of direct government involvement in international policing than in earlier eras. After the war, European governments may have had an interest in having a rejuvenated ICPC to signal a return to normalcy and professional, apolitical policing.

In sum, Policing World Society offers a fascinating argument. My critique owes much to the careful work of Deflem in constructing an elegant theoretical model and collecting an impressive array of empirical data. Deflem's theory and data provide sociologists good ground to extend and apply the ideas from the book.

## **Review of Policing World Society**

**Penney Aildredge**

*University of California at Davis*

Mathieu Deflem's Policing World Society uses a Weberian theory of bureaucratization, influenced by studies of globalization, to explain the development of international police cooperation and present a theoretical model of the history of international policing. Deflem's study specifically focuses on German and US international policing from mid-19<sup>th</sup> century to the end of World War II. Deflem develops three specific propositions. First, a structural argument: as police institutions become more

institutionally independent from their political centers, they are increasingly able to cooperate at the international level. Second, an action-oriented argument: as police institutions increasingly share an interest in fighting international crime, those institutions are increasingly likely to cooperate with an international policing organization. Third, an argument regarding the international context of policing: national interests remain of primary importance when considering the planning and execution of international police activity.

The first two propositions are arrived at through a neo-Weberian perspective that views increasing police bureaucratization and professionalization as complementary processes. This reasoning explains why early 19<sup>th</sup> century police activities were limited in their scope, and policing limited due to issues of national sovereignty. Deflem claims that ideological differences cannot be held accountable for the exclusion of certain police in international organizations. This point is well taken, but there is still a question of whether ideological differences may have simply been more of a deterrent to international cooperation for some countries than for others. Mention of the relative success of other international cooperative efforts, such as in science and medicine, would help to demonstrate whether lack of participation in ICPC has more to do with the bureaucratic autonomy of the police specifically or the political climate generally.

The second proposition demonstrates how structural conditions were not sufficient to ensure successful cooperative international policing. But what would have added to his explanation is discussion of specific instances of international policing and criminal activity, and whether the targets of ICPC did in fact represent examples of this myth. Without specific discussion of who was being targeted, it is difficult to tell the extent to which this professional myth was in operation. Additionally, further discussion of how “myth” is operationally being defined in this instance is in order, such as in *Mythologies* by Roland Barthes.

Deflem’s third proposition draws from the perspective of globalization. Deflem operationally defines globalization as “designating a degree of interdependence between geographically distinct social units, especially national states and their institutions” (5). International policing consists of collaborative networks between independent, national systems of policing, and that international police activities typically do not conflict with national tasks. Nationality continues to be of importance, as participation in international police organizations were aimed to advance national interests. This is perhaps most evident in the discussion of the breakdown of international policing – the Nazification of the ICPC and the US ambivalence and withdrawal from the organization.

Deflem’s study encompasses the period from the mid-19<sup>th</sup> century to the end of World War II. While this study is not meant to focus on and explain current developments in international policing, Deflem does briefly address the events of September 11 in his concluding chapter in terms of his overall model. He argues that while post-September 11, like during World War I and World War II, represents a functional and organizational expansion of police duties to include political interests (namely, terrorism), international policing has not entirely become politicized and narrowly tied to state political interests. Deflem claims that “International terrorism provides a global battlefield on which many of the nations of the world are at war” (229). This statement, however, neglects to take into account how terrorism has historically been treated as a problem specifically of policing rather than an instance of war. Expansion of the time period to be analyzed in this book to include the years leading up to September 11 and greater detailed analysis of the event itself would have added considerably to the analysis. As it is, the treatment of September 11 is overly short and seems like a forced afterthought.

Perhaps a New Institutional perspective could help to explain the persistence of the independent culture of international policing in light of very significant challenges. In *The Role of Institutionalism in Cultural Persistence* (1991), Lynne Zucker finds that with increased institutionalization, cultural understandings are also increasingly uniform, allowing greater resistance to change. Additionally, Steven Brint and Jerome Karabel’s study on institutional origins and transformations is interesting to consider because their analysis considers both structural constraint and also gives an autonomous role to actors that is not as present in Deflem’s more structure and organizationally-oriented argument. Considering the roles of elites in the development of the field of international policing would add an additional layer of depth and micro-level understanding to this study that would seem to increase its explanatory power. Overall, however, the level of nuanced detail in this study is extraordinary. It provides a welcome and needed addition to the field.

### **Comments on Policing World Society**

**Sarah Takahama**

*University of San Francisco*

I don’t really know where to begin except to convey my respect and interest in Professor Deflem’s research and thesis of the internationalization of policing. Having in a recent fieldwork paper applied Max Weber’s ideal-type bureaucracy to San Francisco District Attorney’s Office, I was delighted to read material that was so well aligned with my

recent endeavors. However, the beauty of the book is not that an individual with extensive sociological training can comprehend its message, but rather that a person with absolutely no training whatsoever can still understand and grasp the book's significance. In stating this, I by no means think Deflem's book is simplistic. On the contrary, it is dense in nature, but not wrought with an over extended vocabulary and "name-dropping" as are many academia books. The material is mapped out concisely and cohesively.

To me, there is nothing more impressive in academia than to challenge traditional theories and concepts—and this is exactly what Deflem did. What my fieldwork at the District Attorney's revealed about bureaucracy is what Deflem discovered about policing—rationalization and professionalism do not always inhibit society. On the contrary, bureaucracy is often needed to execute specific functions at a faster rate in addition to seeking autonomy from state-centered institutions. Therefore, I thought it was absolutely genius to use the Weberian model of bureaucracy in application to understanding the internationalization of policing. Utilizing this model forced the reader to reconceptualize his/her preconceived notions of bureaucracy and its supposed "inhibitive" nature. As Deflem discussed, in order to dismantle national and cultural boundaries, bureaucratization of policing was the essential tool that many researchers have overlooked. By enhancing professionalism, international police began to grasp independence by means of shifting power relations from the political leader to the professional expert.

It was in the idea of the "machine-like" police that I found most fascinating aspect of Deflem's theory. While many criticize bureaucracy for eliminating the personal relationships between individuals, I argue that bureaucracy satisfies the need for efficiency and overall human interest in contemporary society. For example, there are two main styles of policing: the micro-subjective "watchman" and the macro-objective "legalistic" approach. In Deflem's study, police who hold to political ideology are the watchmen and the professional experts are the legalists. I would suggest that the police ought to take a legalist approach to crime because it eliminates bias as professionalism debilitates state control over policing interests.

On a larger scale, I compared the United Nations to the internationalization of policing. In lieu of globalization, particularly with the spread of technology, individual nations can no longer ignore the threat of exterior forces. Accompanying the fear of external attack (via terrorism, war, etc.), there ought to be instated laws that are upheld by all nations. Given, laws are difficult if not impossible to make universal. However, certain ideals such as

human rights and international crime must be upheld if an overall sense of peace is to exist.

When I reviewed the section on the ICPC, and the United States failure to produce a successful international tie, I came across a few thoughts that need clarification. In Professor Santos' class, I wrote a paper on the U.S. inability to support the International Criminal Court. Being that our sovereignty as a nation would be in jeopardy, I wondered if the same fears would resurface when discussing the internationalization of policing. Deflem mentioned that would not be so. However, if an international criminal of U.S. citizenship was under surveillance by international police, how and by whom would this person be brought to justice? I absolutely agree with the reasons that Deflem mentioned like geographic location as being inhibitive factors in U.S. involvement. However, in the case of the U.S., do political ideology and sovereignty issues overshadow its ability to take part in international affairs such as policing and the ICPC?

Another thought that crossed my mind extends beyond the use of bureaucracy to produce international policing. The globalization of technology and free market has produced new international ties. However, being that the U.S.' market has dominated the economic realm at a global level, I was wondering how U.S. dominance in the globalization phenomenon would affect the internationalization of policing. For example, if the McDonaldization of culture can exist, then is it not possible for the McDonaldization of law to exist as well? Being that the U.S. controls much of globalization's flow, is it possible for the U.S. to control the overall structure of policing? In other words, how much authority does America have in regards to policing?

Again, these are just a few questions that have crossed my mind in the course of reading this book. Also, Deflem's topic is of much relevance in lieu of 9/11 and international terrorism. This is a very interesting topic and study that has helped me to understand Weber's bureaucracy, international ties, and the history of policing. Reviewing this book was well worth my time, and I enjoyed discussing this with fellow sociologists... although I am far from writing a dissertation!

**Review of *Policing World Society***  
**Kimberly A. Lyons**  
*Stony Brook University*

In *Policing World Society*, Mathieu Deflem offers an absorbing analysis of international cooperation among national police agencies. This work makes a significant contribution to the burgeoning field of global criminology, tapping into the largely unexplored dimension of organizational

developments in international police cooperation. In applying a Weberian perspective to his analysis, Deflem moves beyond the Marxian and state-centered models of social control and policing to explore the dynamics of social organization as a critical factor. Deflem provides impressive empirical support for his argument that police autonomy and bureaucratization are vital to the establishment of international police cooperation. *Policing World Society* is certainly a thought-provoking book.

The central argument of the book is that the development of widespread participation of national police agencies is related to the *bureaucratic processes* of those agencies once they have become sufficiently emancipated from their political contexts and have developed a specialized agenda for the control of international crime. Deflem's Weberian perspective breaks clear of the functionalist, Marxian, state-centered, legalistic, and Foucauldian post-modernist approaches that dominate sociological research in this area. Deflem takes particular issue with state-centered and Marxian models of international policing. However, I wonder if the state-centered and Marxian perspectives themselves "fall short in terms of empirical adequacy requirements of constructing theoretical models that can account for variation in reality" (p. 31). I would argue that they do not.

While *some* state-centered scholars argue that international police strategies "are deliberately constructed and executed as a politically motivated contribution to a powerful state's international security agenda and quest for international dominance" (p.30), this is not, as Deflem implies, an accurate description of the state-centered perspective in general. One may argue, from a state-centered perspective, that the state seeks an efficient route to the pursuit of its goals as a social organization, to sustain and protect itself, to pursue an efficient means towards its goals of success among other nation states, and to variously constrain and permit the activities of its various bureaus that it has charged with the responsibility of assisting in such matters.

Is then the bureaucratic model presented here a "contrasting perspective" (p. 15) that breaks clear from the state-centered approach? I would, again, argue not. Indeed, the work presented here is far more syncretical than it is contrasting. By augmenting the state-centered perspective with a focus on bureaucratic factors, Deflem extends the scope of the extant research on this topic, introducing a multi-causal argument. While a bureaucratically mature national police force enjoys a modicum of institutional freedom owing to its professional legitimacy, as Deflem has demonstrated, the national police nonetheless remain agents of the modern state, which maintains its monopoly over the legitimate means of violence.

Is it not the case, then, that the only such liberties enjoyed by the police are those that the state permits? Could a highly developed bureaucratic structural autonomy of a national police agency undermine or at the very least circumvent the state's monopoly over the legitimate means of violence? Or is a bureaucracy of the state so inextricably linked to the state that the political agenda of a bureau is, de facto, the political agenda of the state if the political centre fails to countervail? Deflem's argument does not affirm any of these scenarios. Rather, Deflem implies that the formal bureaucratic autonomy and associated legitimate authority of a national police agency strengthens its ability to pursue its "apolitical" bureaucratic agenda by not inspiring state resistance. That the state would allow for the formal bureaucratic autonomy of the national police is a necessary (though insufficient) structural precursor to cooperation is, I would argue, a state-centered perspective. The Weberian argument presented here, it thus seems to me, is not a contrasting argument to the state-centered view, but rather one that moves forward from, builds upon, or augments the state-centered perspective, rendering it complex without abandoning its foundation.

My defense of the state-centered perspective notwithstanding, a critical examination of the power elite is necessarily borne of cynicism and unfortunately enjoys a wealth of empirical support that, not surprisingly, blinds some researchers to the extra-political forces driving social control and policing. Moreover, with the growing fusion between military affairs and policing, and the outsourcing of social control to private companies, the extent of formal bureaucratic autonomy would seem to be increasingly difficult to identify. This is particularly so when faced with questions of culpability in cases of impropriety akin to those as seen in the atrocities at Abu Ghraib. Is the President of the United States, for example, who simultaneously serves as the political leader of the state and the commander in chief of the military, responsible for the actions of agents serving in a bureaucratically autonomous set of institutions? Is a semblance of formal bureaucratic autonomy a resource for those political agents seeking release from culpability? Does formal bureaucratic autonomy inspire structural conditions conducive to a rational amoral pursuit of the most efficient means to a valued end? The empirical evidence available thus far seems to suggest that all three scenarios, simultaneously, may be true.

## **Response to the Discussants**

**Mathieu Deflem**

*University of South Carolina*

I am very grateful to the discussants for having commented on my book in such an exciting manner.

Their thoughtful reflections have given me the opportunity to revisit my arguments. Erik Larson takes me to task for having presented a theory that is too elegant. In response to Larson's first critique I respond that whatever formally similar conditions existed between the U.S. and Germany, they played out differently in terms of international police activities. To this day, police systems in European nations are far more centralized and militaristic than is the case in the United States.

Larson's second critique, that I neglected the process of democratization that affected the internationalization of policing, is very well taken. While there must always be a police culture that defines and justifies its playing field, such a culture can only flourish under conditions of democratic (industrial) societies. In my book I take these issues only implicitly into account, such as when I adopt the Weberian argument that police cultures can only flourish in societies that are pacified.

Next come two critiques by Larson that have occasionally plagued the reception of my work these past years: I would have insufficiently operationalized my concepts and I would have reached some conclusions that go beyond the evidence. I have some trouble dealing with these critiques, perhaps because instead of asking only questions that can be measured with super methods, my book addresses the questions that have to be asked with super theories. But I could indeed have provided more concrete indicators to back up some of the secondary statements in my work. Yet the task would have been phenomenal, for research on international developments is faced with the problem that in order to provide a comprehensive picture, one would have to work bottom down from international developments to all of its participating institutions.

Finally, Larson is not entirely mistaken in arguing that my work was primarily oriented at explaining the establishment of international police cooperation. However, apart from this transformation from politics to crime and from temporary cooperation to a permanent organization, my book addresses many other developments over a 100-year period, including the late 19<sup>th</sup>-century failed attempts to establish police cooperation by means of intergovernmental agreements; the international dimensions of the police professionalism movement in the United States; the changes affecting international policing during World War I and as a result of the Bolshevik Revolution; the establishment in 1923 of the International Criminal Police Commission, the organization today known as Interpol, and the latter's Nazification and subsequent reformation after World War II. I do not think I can be faulted for not having written another book, one dealing with the more recent history of international policing since the 1950s. I would also

question Larson's claim that governments have been more involved in recent years in influencing international police work. To this day, Interpol is not an inter-governmental organization but a professional association of police.

Penney Alldredge is generally more supportive of the institutionalist orientation she recognizes in my work. However, Alldredge uncovers a missing element in my book that I freely admit to: the book is primarily oriented at the organization of international police structures but has less to say about specific instances of police operations and international criminal activity. Also, in retrospect, I somewhat regret having used the term myth, not because it is incorrect, but because it is often misunderstood, and therefore now prefer to speak of knowledge systems.

Alldredge also faults me for having neglected more recent developments of international policing. In *Policing World Society* I only touch on contemporary issues in the Conclusion where I devote the final section to 'September 11.' Alldredge refers to the section as a "forced afterthought" and I could not agree more. The section is an afterthought because that is all it was meant to be, as a provocative instance of how my theoretical model might be transposed to the contemporary scene at least in order to raise relevant questions rather than provide definite answers. The afterthought is forced because it was written not long after the events of 9/11, when in January of 2002 I finished the final version of my manuscript. But I did already argue in my book not only that international terrorism provides an internationally divisive issue, but also that terrorism is criminalized at the level of police institutions.

Sarah Takahama is happy, as am I, that she can tie in her work with mine. Takahama unnecessarily apologizes because, as an undergraduate student, she claims to have no relevant training. But I am sure that she will have developed plenty of intellectual insight, as sure as I know many with much more formal education than her who don't. It is very gratifying for me to read that Takahama praises my work for its clarity and comprehensiveness. I hope she will be selected as a reviewer for my next NSF proposal.

Takahama points out that the rationalization of international policing, like the bureaucratization of policing in general, brings about certain gains in terms of rights and justice. In theoretical respects, indeed, my work implies a rejection of the conflict-theoretical appropriation of Weber's work. But we also have to be careful not to respond to an unnecessarily normative approach with an alternative normative perspective. As sociologists we cannot be moralists.

Takahama also addresses the issue of how international developments relate to national and

regional concerns. Indeed, sovereignty is a central issue and, as I argue in my book, at the level of policing there is a persistence of national considerations even in international activities. This tendency of national persistence is also revealed in the differential impact that the police institutions of various nations have on the international scene. As Takahama rightly points out, the metaphor of McDonalidization might be useful here, not only because the perspective is indebted to Weber's theories, but also because it hints at the dual process of exporting police standards, on the one hand, and consuming them, on the other.

Kimberly Lyons offers thoughtful reflections on my book from the viewpoint of the critique my bureaucratization model implies against state-centered perspectives of international policing. Lyons finds that I have construed an intellectual enemy of a state theory that is all too simplistic and too easy to criticize. Lyons' critique is one to consider seriously. My critique of state-centered theories of international policing indeed implies a specific critique of those theories that view of international policing operations as the political efforts of certain (politically strong) nations to control other (politically weaker) nations. I have to concede that my critique on certain state-centered perspectives of policing and social control at times led me to adopt in the book, at least implicitly, a perspective of the state that in fact I do not adhere to. Lyons is perfectly correct to suggest that we ought to look at the state itself as a (multi-dimensional) rationalized structure. I should in that sense have been more cognizant of the implications of the Weberian definition of the state on which my work relies.

I can agree with Lyons that my bureaucratization theory does not imply a critique of all state perspectives, but, instead, that it is congruent with and amplifying of a perspective of the state that does not reduce police activities in the political-ideological terms of government directives. Such a more suitable perspective of the state, in other words, will not focus unduly on the presumed powers and underlying ideological motives of the center of the state alone. My theory is not at odds with an intellectually sound theory of the state, but only with one that refuses to take police (and other) bureaucracies seriously. Perhaps the at times somewhat too strongly articulated claims in my book can be attributed to, if not excused by, my eagerness to make the point that sociologists should take policing seriously and not just assume that police behavior can be accounted for by reference to political and/or economic forces, or, worse yet, need not be addressed by sociologists at all. Therefore, I tend to formulate my theses in the book very sharply, and sometimes a little too much perhaps. I have never been known to be very subtle.

I can honestly say that I have learned much from the informed feedback of the discussants in this roundtable and that it was a pleasure to write this response. Hopefully, the issues we have collectively raised not only make sense to us, but also as such.

#### Applications for Visiting Scholars

The Center for the Study of Law and Society invites applications for visiting scholars for 2006-2007. Since 1961, the Center has fostered empirical research and theoretical analysis concerning legal institutions, legal processes, legal change, and the social consequences of law. Closely linked to Boalt Hall School of Law, the Center creates a multidisciplinary milieu with a faculty of distinguished socio-legal scholars in sociology of law, political science, criminal justice studies, law and economics, legal history, and legal and social philosophy, along with visiting socio-legal scholars from the United States and around the world. Faculty members affiliated with the Center include K.T. Albiston, Robert Cooter, Lauren B. Edelman, Malcolm M. Feeley, Robert A. Kagan, Linda Krieger, Christopher Kutz, David Lieberman, Kristin Luker, Robert MacCoun, Laura Nader, Daniel L. Rubinfeld, Harry N. Scheiber, Jonathan Simon, David Vogel and Frank Zimring.

#### Application Requirements

1. Applicants normally must possess a Ph.D. or J.D. (or foreign equivalent).
2. Applicants must submit a full curriculum vitae.
3. Applicants must submit a cover letter specifying the time period they wish to be in residence at the Center and describing their proposed program of research or study. Applicants must pursue a program of research or study which is of mutual interest to faculty members at the Center for the Study of Law and Society.
4. Applicants must indicate the source of funding while visiting Berkeley, e.g., sabbatical pay, scholarship, government funding, personal funds, etc. Unfortunately, the Center cannot offer stipends or other financial assistance. Monthly minimum requirements for foreign exchange scholars are: \$1600 per month for the J-1 scholar, \$500 per month for the J-2 spouse, \$200 per month for each J-2 child. Among privileges and opportunities of Center visiting scholars are: library privileges at the Law School and all campus libraries; invitations to our weekly bag lunch speaker series and other scholarly exchanges; other campus privileges, including use of athletic facilities; and, when possible, assignment to shared or other office accommodations. The Center will consider applications for varying time periods, from one-month duration to the full academic year.

Applicants should submit the information listed above by November 15, 2005 by e-mail to [csls@uclink.berkeley.edu](mailto:csls@uclink.berkeley.edu) or by mail to: Visiting Scholars Program, Center for the Study of Law and Society, University of California, Berkeley, CA 94720-2150. Inquiries may be made to the Director, Professor Lauren B. Edelman, [ledelman@law.berkeley.edu](mailto:ledelman@law.berkeley.edu) (until August 15, 2005) or to the Acting Director, Professor Malcolm Feeley, [mmf@law.berkeley.edu](mailto:mmf@law.berkeley.edu) (after August 15, 2005); or to the Associate Director, Dr. Rosann Greenspan, [rgreenspan@law.berkeley.edu](mailto:rgreenspan@law.berkeley.edu). For additional information, visit the Center's website at <http://www.law.berkeley.edu/institutes/csls/>

**SOCIOLOGY OF LAW SECTION ACTIVITIES****ASA ANNUAL MEETING, PHILADELPHIA,  
AUGUST 13-16, 2005****\*\*ASA Reception\*\*****Sunday, 14 August 2005****Sociology of Law & Law, Crime and Deviance Sections****7:00-9:30 pm****Joy Tsin Lau Restaurant****1026 Race Street, Chinatown, Philadelphia  
(near the corner of 11<sup>th</sup> and Race Streets)**

This year, we are bringing you a bigger and better reception! To do this, we are going outside the conference hotels to Chinatown, which is right next to the Convention Center. And within Chinatown, we are going to Joy Tsin Lau restaurant, one of the best (and also closest) restaurants in the area. We will have their banquet room and lots of food – enough for dinner for our expected crowd. Plan to come and stay awhile!

How to get to Joy Tsin Lau: Walk out of the Convention Center's main door at 12<sup>th</sup> and Arch Streets. Turn left and go one block to the corner of 11<sup>th</sup> and Arch. Turn left again and go one block to the corner of 11<sup>th</sup> and Race Streets. Turn right onto Race Street. The restaurant is on Race Street between 10<sup>th</sup> and 11<sup>th</sup> Streets – the first restaurant on the right side of the street that you will get to when walking toward 10<sup>th</sup> from 11<sup>th</sup> Streets. (If you are very clever and have figured out how to get out of the Convention Center's doors on 11<sup>th</sup> Street, then the restaurant is less than one block away.)

For more on the restaurant, see

<http://www.phillychinatown.com/joytsinlau.htm>.



Joy Tsin Lau is #12 on this map!

**The Section's Regular Paper Session****Law and Representation of Interests:****Possibilities and Problems Aug 15 8:30-10:10**

Organizer/Discussant: Jerry Van Hoy (Univ. of Toledo)

Mary Nell Trautner (Univ. of Arizona) "Legal Environments and the Constitution of Clients: How Lawyers Screen Cases and Clients"

Rebecca Sandefur (Stanford) "Effects of Representation in Civil Matters"

Robin Patterson (Case Western), Brian Gran (Case Western), Lynn Gannon (Case Western) "Law and Independence: Children's Ombudspersons from a Comparative Perspective"

Cheryl Holzmeyer (UC-Berkeley) "Human Rights in an Era of Globalization: The Alien Tort Claims Act and Unocal-Burma Case"

**The Constitution as Museum: Capturing America's Constitutional History for Public Exhibit**

Monday, August 15, 10:30AM-12:15PM

(For details, see page 2 of this newsletter)

**Legal Dynamics in the Economy/Economic Dynamics in the Law Aug 15 2:30-4:10***A joint session co-sponsored with Economic Sociology*Organizer: Mark Suchman (Wisconsin)  
Discussant: Richard Swedberg (Cornell)

John Sutton & Michael Bourgeois (UCSB), "Rethinking the Employment Rights Revolution"

Jason Kaufman (Harvard), "Origins of the Asymmetric Society: The Socio-Legal Construction of States and Markets in Pre-Revolutionary America"

Mark Suchman (Wisconsin), "Taming the Market for Medical Information: 'Sharing is [S]caring' on the Digital Frontier"

Brandon Lee & Michael Lounsbury (Cornell), "The Legal Foundations of the U.S. Organic Food Market"

**Sociology of Law Roundtables Aug 15 4:30-5:30**

## 1. Comparative Perspectives on Law

Tabachnick, David. (Muskingum) "Local Democratic Governance, Environmental Justice and Women's Rights to Land in Africa."

Jackson, Pamela. (Rhode Island College) "The Embeddedness of Criminal Justice Systems: Germany and France, 1970-2001."

Subramanian, Narendra. (McGill University) "Legal Change and Gender Inequality: Changes in Muslim Family Law in India."

## 2. Legal Discourse

Short, Jodi. (U Cal. Berkeley) "From Command-and-Control to Corporate Self-Regulation: How Legal Discourse and Practice Shape Regulatory Governance."

Davis, Boyd (UNC Charlotte) and Peyton Mason (Linguistic Insights) "Stance Shifting: Its Application to Depositions by Lay Witnesses."

## 3. On the Relevance of Race in American Law

Gurevich, Liena. (Hofstra) "The 'Unproductive Tensions': Using Injuries of Race in Child Abuse and Homicide Trials."

Kent, Stephanie and David Jacobs (Ohio State) "Minority Threat & Police Strength from 1980-2000: A Fixed-Effects Analysis of Large U.S. Cities."

## 4. The Diffusion of Law

Pedriana, Nicholas and Amanda Abraham. (LSU) "Legal Ambiguity, Legal Explicitness and the Erosion of Sex-Segregated Help Wanted Ads 1965-75."

Kelly, Erin. (Univ. of Minnesota) "Explaining Non-Compliance with the Family and Medical Leave Act."

## 5. Theoretical Issues in the Sociology of Law

Sahni, Isher-Paul. (McGill University) "Vanished Mediators: On the Residual Status of Judges in Max Weber's Theory of Legal Rationalization."

Shalin, Dmitri. (UNLV) "Law, Morality, and Emotional Intelligence."

*The section Business Meeting – to which all members are invited – is scheduled on August 15 from 5:30 to 6:15.*

**Other Law-Related Sessions at this Year's ASA**

## Islam: Fate, Law and Revival

Aug 13 10:30-12:10

Gulseren Kozak-Isik (University of Minnesota) Weber's Misunderstanding of Traditional Islamic Law

Gabriel Acevedo (Yale University) Is there Such a Thing as Islamic Fatalism: Classic Social Theory Speaks to the Clash of Civilizations Debate

Mark Gould (Haverford College) The Sovereignty of God, Natural Law and Legitimation through Shared Values: Constitutional Processes in Islam and Christianity

Louise Cainkar (University of Illinois-Chicago) Islamic Revival Among Second-Generation Arab Muslims in Chicago: The American Experience and Globalization Intersect

Gwendolyn Yvonne Alexis (Monmouth University) Sorry, But It's The Law: The Westernization of Islam

Discussant: Mahmoud Sadri (Texas Women's University)

## Moving Beyond the Public-Private Dichotomy for Law and Social Policy? Aug. 15 2:30-4:10

Jesse Jerome Norris (University of Wisconsin-Madison) A New Agenda for State-Society Relations or Politics as Usual? The Portuguese Experience with the Open Method of Coordination

Gerald M. Turkel (University of Delaware) Personal Privacy, Government Secrecy and the Rule of Law

Mary E. Pattillo (Northwestern University) Policing Buildings, Streets, Stoops, and Bodies

Elizabeth Heger Boyle (University of Minnesota) Shifting in Passage: Migrants, Marital Conflict, and the State

Javier H. Pereira Bruno (University of Texas at Austin) Against the State, With the State, Within the State: The Risks of Being an NGO in a Context of Health Reform in Santiago and Montevideo

Discussants: Mark Schlesinger (Yale University School of Medicine) and Robin Stryker (University of Minnesota)

**Section on Crime, Law and Deviance Invited Session 100 Years of Sociological Criminology** Aug. 15 8:30-10:10

Karen Heimer (University of Iowa), Maria Beatriz Velez, Bringing in Gender and Race: Moving Toward Inclusiveness in Criminology  
Lawrence W. Sherman (University of Pennsylvania) Legal, Extra-Legal and Illegal Responses to Crime and Deviance: A Century of Sociology

Graham C. Ousey (University of Delaware) The Behavior of Distributional Studies of Misbehavior Across Space And Time: A Review of Past, Current and Future Directions

Terence Thornberry (University of Colorado Boulder) From Adolescence to Childhood: the Developmental Evolution in Explanations for Crime

**Is Multi-Disciplinarity Necessary in the Study of Crime, Law and Deviance?** Aug 14 2:30-4:10

Robert J. Sampson (Harvard University) Causal Inference and Social Inquiry: Disciplinary Moves in the Study of Crime

Lee Ellis (Minot State University) The Bio-Social Challenge

Phillip Cook (Duke University) Economic Perspectives on Violent Crime

D. Wayne Osgood (Penn State University) Psychological Views of Crime, Law and Deviance: A Challenge to Sociology

**The Impact of Law on Social Inequality** Aug 13 4:30-6:10

Tamara Kay (UC San Diego) Transnational Law, Governance, and Labor Movements: The Emergence of a Labor Rights Regime in North America

William T. Bielby Managerial Discretion, 'Subtle' Bias, and the Politics of Expertise: Litigating Statistical Proof of Employment Discrimination

Paul John Becker, Brian Byers, Arthur J. Jipson (University of Dayton) Hate Crime Legislation in Indiana, Kentucky and Ohio: A Regional Analysis

Traci Schlesinger (Princeton University) The Impact of Determinate Sentencing Policies on Imprisonment

Discussant: Tamara Kay (UC San Diego)

**Section on Collective Behavior and Social Movements Invited Session. Awkward Movements: How to Study Illegal, Unpopular, Too Popular, and Strange Movement Groups** Aug 13 2:30-4:10

Session Organizer: Francesca Polletta (Columbia University) Panelists:

Kathleen A. Blee (University of Pittsburgh)  
Janice M. Irvine (University of Massachusetts)  
David A. Snow (University of California-Irvine)  
Gay W. Seidman

**Race and Legal Institutions** Aug 16 12:30-2:10  
Wendy Leo Moore (University of Minnesota)  
Indignities Real and Perceived: Negotiating Color-blind Racism in America's Elite Law School

William T. Armaline (University of Connecticut)  
Sidestepping Racism: "Color Blind" Ideology, Commission Discourse, and Criminal Justice Reform

**FELLOW MEMBERS, THANK YOU FOR KEEPING UP YOUR MEMBERSHIP IN THE SOCIOLOGY OF LAW SECTION!**

Your Sociology of Law Section continues to provide the best forum for exchange among sociologists interested in law and legal institutions, structures and processes. We therefore encourage current members to renew their membership and kindly ask them to advertise our section to their colleagues and students.

We also ask all section members who are faculty to consider sponsoring the section membership of at least one or more of their students. There is no formal ASA procedure on sponsoring a student's membership, but you can arrange this informally with your students. Our student members are the future of our section, so it is important we help them the best we can.

**YOU CAN (RE) JOIN THE SOCIOLOGY OF LAW SECTION ONLINE AT:**

<http://www.asanet.org/members/membership.html>

**PER FORM:**

<http://www.asanet.org/forms/membapp.pdf>

Membership is on a calendar-year basis and can be applied from October onwards. If you have any questions, please get in touch with: American Sociological Association Membership Office, 1307 New York Avenue, N.W., Suite 700, Washington, DC 20005, (202) 383-9005 [membership@asanet.org](mailto:membership@asanet.org)

*On behalf of the Membership Committee, we hope you will (re) join our section this coming year!*

**Editor's Note:** *This section, "PhD Spotlight," publicizes important dissertation scholarship in the sociology of law. This section will identify new PhDs in the sociology of law and give their ideas additional exposure.*

### PhD Spotlight on:

Ryan King (PhD University of Minnesota)  
SUNY Albany

### When Law and Society Disagree: Group Threat, Legacies of the Past, and the Organizational Context of Hate Crime Law Enforcement

This research examines police and prosecutorial responses to hate crime in the United States to investigate how the state responds to inter-group conflict and to better understand how legal environments impact law enforcement actions. Most states and the federal government have some form of hate crimes legislation on the books, yet the degree to which these laws are implemented and enforced by local authorities varies considerably. For example, the 2001 hate crime statistics furnished by the Department of Justice suggest more hate crimes reported in Northfield Minnesota, a small town of 17,000 people, than in the states of Alabama, Arkansas and Mississippi combined. To understand such variation in hate crime law enforcement, I link theories of government social control, which draw attention to the demographic and political correlates of punishment, with neo-institutional arguments concerning organizations and law. Further, I demonstrate how a specific facet of culture, collective memory, impacts law enforcement responses to hate crime.

Analyses of two law enforcement surveys and interviews with district attorneys suggest several facets of communities and law enforcement agencies are associated with hate crime policing and prosecution. In contrast to much prior work finding greater use of criminal sanctions in racially heterogeneous and politically conservative jurisdictions, the present research suggests *less* vigorous enforcement of hate crime law in areas with larger black populations and in conservative strongholds. This association between politics and hate crime law enforcement is partly attributable to differences in the bureaucratic organization of law enforcement agencies and the presence of hate crime law advocates in these communities. Moreover, police departments and district attorneys' offices with linkages to the community, for instance through community policing and prosecution, are more likely to implement and enforce hate crime policies. Such state-society interaction also conditions the effect of race on hate crime law enforcement. Finally, districts that commemorate

eras of gross inequity and violence, such as the Holocaust, and places with sizeable "carrier group" populations supportive of hate crime law are more apt to implement and enforce hate crime policies. The findings not only shed light on the efficacy of hate crimes legislation, but also have implications for debates concerning community oriented law enforcement, race and the administration of justice, and the impact of politics and culture on criminal punishment.

*Ryan D. King received his PhD in sociology from the University of Minnesota, and will join the sociology faculty at SUNY-Albany in September. His present research investigates jurisdictional variation in the implementation of hate crime policies in the U.S., the precursors of punitive attitudes, and contemporary American anti-Semitism. Related work on the politics of crime control, European anti-Semitism, and the construction of hate crime law in Germany and the U.S. appears in Social Problems (2002), Social Forces (2004, 2005) and the American Journal of Sociology (forthcoming).*

### The ASA Sociology of Law Mentoring Program

*The Sociology of Law Mentoring Program seeks to provide assistant professors in the sociology of law with a senior mentor at a different institution. The idea is to offer assistant professors informal guidance on a wide variety of academic and institutional issues, although each mentor/mentee pair works out the parameters of their relationship. If you are interested in participating as a mentee or willing to serve as a mentor, please send your e-mail to:*

Mark Suchman  
Associate Professor of Sociology and Law  
Department of Sociology  
University of Wisconsin - Madison  
Madison, WI 53706  
Email: [suchman@ssc.wisc.edu](mailto:suchman@ssc.wisc.edu)  
Phone: 608-262-6261

### Editorial Notes

I'd like to thank the symposium participants for their contributions. A reminder: All section members are welcome to submit any ideas for contributions to this newsletter. Original research essays in the sociology of law, essays on teaching issues in the sociology of law, and books in our sociological specialty can all be considered for a symposium. Please send contributions to:

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