



SSSP

Pro Bono



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Notes From the Chair

Once again warm greetings from San Francisco, and welcome both to those recently joining the Law and Society Division, and to those returning. As I write this, the state of Maryland has just voted to abolish the death penalty and replace it with life without the possibility of parole- a feat that my own state of California narrowly missed in the last election, but one that seems to be at the frontal tide of a slowly gathering shift in the national consciousness about the functions of law and punishment. The images of death row exonerees- alongside the family members of victims who support abolition- in the legislative chambers testified to the urgency and complexity of the vote to be had, but mostly to the *human* dimension of law and punishment. It reminded me, as does the featured article in this newsletter by **Lori Sexton**, how deeply personal the institution we study is, and how important it remains to render visible the human “life of the law” -- or, in this case, death of the law.

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This is a theme, in fact, that brings together the work of several of the prominent members of this section. Both this year's Chambliss Lifetime Achievement Award winner, **Richard Leo**, and the first Chambliss Award winner, **Michael Radelet**, have dedicated their distinguished careers to the study of wrongful convictions, as have **Kim Cook** and **Sandra Westervelt**, whose book *Life After Death Row* will be featured in an author-meets-readers session the Law and Society Division is sponsoring at this year's conference. Our new Vice Chair **Lori Sexton** writes about penal consciousness and the subjective experience of punishment and incarceration in her two part series appearing in this newsletter and the last. This year's Lindesmith Student Paper Award winner **Abigail Adams** explores the human dimension of immigration law, uncovering how local policies and practices shape undocumented migrants' sense of belonging, political agency, and identity. These works, and others in this division, demonstrate just how vital an enterprise Law and Society remains.

We look forward to exploring these themes and others at the upcoming SSSP meetings this August in New York. You will find in this newsletter a list of the many panels our division will be sponsoring and cosponsoring, as well as attendance information for the conference. Please join us for as many of these fascinating panels as possible, the Law and Society Division business meeting, where we will present this year's Lindesmith and Chambliss Awards, and the joint reception we will be co-sponsoring with several other special problems divisions.

Finally, I extend my deep gratitude to those who served on this year's award committees: the Lindesmith Award Committee, chaired by **Lloyd Klein** (members **Lori Sexton** and **Judith Gordon**); and the Chambliss Award Committee, chaired by **Tim Berard** (members **Kristen Budd** and **Javier Trevino**). On behalf of the entire section, I congratulate winners **Abigail Adams** and **Richard Leo**, as well as Lindesmith runner-up **Liam Martin**. I also wish to thank our panel organizers for this year's conference: **Jay Borchart**, **Kathy Asbury**, **Kristen Budd**, **Nancy Mezey**, **Lloyd Klein**, **Steve Morewitz**, **Patrick O'Brien**, and **Tim Berard**. Finally, I would like to thank Newsletter Editor **Kristen Desjarlais deKlerk**, as well as **Lloyd Klein**, for their tremendous assistance in the Division.

I look forward to seeing you all in New York!



The Society for the Study of Social Problems 63rd Annual Meeting August 9-11, 2013 The Westin New York New York City, NY

Law and Society Panels for 2013

SESSION TITLE
Critical Issues in the American Legal System (Critical Dialogue)
Law, Policy and Social Justice
Sex, Justice and the Law
*Reproductive Rights in the 21st Century (Co-sponsored with Crime and Juvenile Delinquency)
*LGBT Families and Law (Co-sponsored with Sexual Behavior, Politics and Communities)
*Reimagining Human Rights [THEMATIC PANEL]
*Violence and Law I: Police and State (Co-sponsored with Crime and Juvenile Delinquency)
Violence and the Law II: The Courts and Punishment (Co-sponsored with Crime and Juvenile Delinquency)
Violence and the Law III: Need for Legislation or Legislative Changes? (Co-sponsored with Crime and Juvenile Delinquency)
*Author meets Critic: Life After Death Row by Sandra Westervelt and Kim Cook (Co-sponsored with Crime and Juvenile Delinquency)
*Rethinking Distinctions between Crime, Deviance and Delinquency [THEMATIC PANEL]
* Delinquency, Deviance, Schools, and Socialization (Co-sponsored with Crime and Juvenile Delinquency)
*Recidivism, Defiance, and Rehabilitation (Co-sponsored with Crime and Juvenile Delinquency)
Crime, Delinquency and Law Enforcement (Co-sponsored with Crime and Juvenile Delinquency)

*denotes co-sponsored sessions



Announcements

Election of Vice Chair, Lori Sexton

Lori is an Assistant Professor in the department of Criminal Justice and Criminology at the University of Missouri, Kansas City. She came to UMKC with a Ph.D. in Criminology, Law and Society from the University of California, Irvine and an M.A. in Criminology from the University of Pennsylvania. Lori's interests lie at the intersection of criminology and sociolegal studies, with a specific focus on prisons, punishment and the lived experience of penal sanctions. Congratulations, Lori!



The Chambliss Lifetime Achievement Award



The William J. Chambliss Lifetime Achievement Award, granted by the Law & Society Division of the Society for the Study of Social Problems (SSSP), recognizes "career-spanning excellence and achievement" in the study of law and society. The Division's Award Committee was pleased to bestow the 2013 Chambliss Award upon **Dr. Richard Leo** (pictured left) in recognition of his long and distinguished record of groundbreaking, insightful, interdisciplinary and practically relevant scholarship on overlapping empirical research topics including police interviewing and interrogation, the practical impact of the *Miranda v. Arizona* ruling, false confessions, and wrongful convictions.

Tim Berard, Ph.D. on behalf of the 2013 William J. Chambliss Lifetime Achievement Award Committee

Lindesmith Graduate Student Paper Award

I am pleased to announce the recipient of the 2013 Lindesmith Graduate Student Paper Award. The winner is Abigail Andrews, UC-Berkeley for her paper entitled "'States of Illegality': How Local Immigration Regimes Shape Migrants' Agency." Abigail has a very impressive profile on the UC-Berkeley sociology department website.

I am also recommending a 2nd place paper for honorable mention. The author is Liam Martin, a graduate student at Boston College, and the paper is entitled "Prison as Crime School: Towards a Cultural Capital Model of Recidivism."

Thanks to everyone on this year's committee for your thorough review of the papers. This was a difficult decision given the excellent quality of several submissions. I offer my gratitude for lending your expertise to the reading and ranking of the leading papers in this prestigious competition. I will send out documentation letters for inclusion in your professional files.

Please join us in New York City at our division business meeting as we honor the work of our student paper winner.

Lloyd Klein

2013 Lindesmith Graduate Student Paper Award Abstract

The recipient of the 2013 Lindesmith Graduate Student Paper Award is Abigail Andrews, a doctoral student in sociology at U.C. Berkeley, for her paper entitled " 'States of Illegality': How Local Immigration Regimes Shape Migrants' Agency." The paper offers a significant analysis of immigration from the ground level stressing immigrant reactions. Abigail examines the day-to-day experiences of undocumented migrants in studying local immigration laws and the issue of agency in understanding reactions toward social exclusion by residents and law enforcement officials.

One reviewer noted that the paper offered a significant "distinction between proposed ideal types of moralizing." There was good data collection within an in-depth case study of two communities. The reviewers noted that this was a timely topic examining police and social service agencies response to migrants. Another reviewer stated that Abigail's paper was compelling, thorough, and well-written. The paper was also praised for the methodological decision to focus on migrant communities rather than government agencies. Further, the reviewer commented on the dual focus of constraint and agency. In addition, Abigail's paper was praised for offering an analysis foregrounding subjects' agency and attendant conceptual framework.

Please join us in New York City at our division business meeting as we honor our student paper award winner and Chambliss Lifetime Achievement Award winner.

Honorable Mention

Liam Martin, Department of Sociology, Boston College, was awarded honorable mention for his paper entitled "Prison as Crime School: Towards a Cultural Capital Model of Recidivism." In this paper, Liam utilizes a paid co-investigator who is an ex-offender. One reviewer noted that the paper added a "fresh and welcome perspective to the well-worn literature on recidivism." The committee was impressed with the level of scholarship demonstrated by sociology graduate student enrolled in doctoral programs across in the country, and congratulates Liam on his excellent work.

Punishment as Life, Death, or Something in Between:

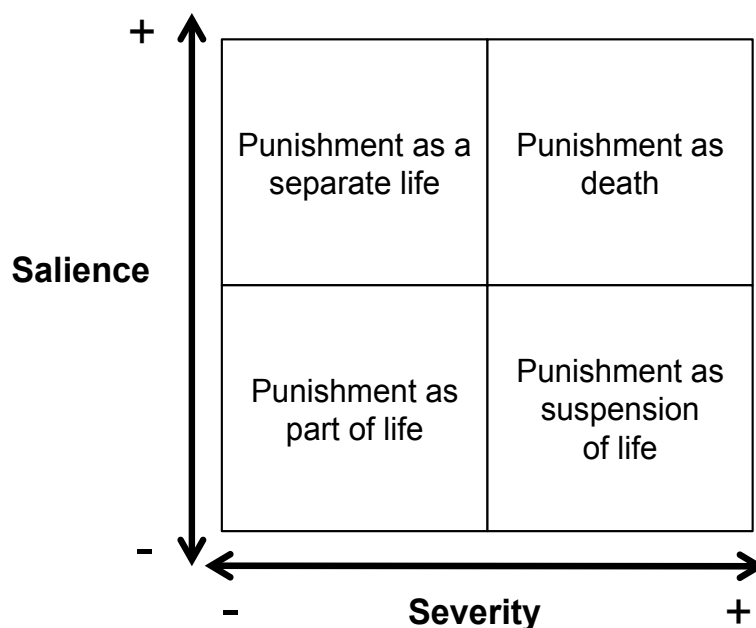
Developing a Grounded Theoretical Framework for Penal Consciousness, Part II

By Lori Sexton, University of Missouri – Kansas City

In the last issue of *Pro Bono*, I described the beginnings of the penal consciousness theoretical framework—a new way of examining punishment that attends to both objective and subjective factors in order to uncover the processes by which penalty is constructed by those who experience it first-hand. The penal consciousness framework examines variation in punishment along two key dimensions: salience and severity. In this piece, I move beyond the separate treatment of salience and severity, examining these two dimensions in concert in order to more fully explore the ways in which prisoners make meaning of their punishment.

An examination of the interplay between severity and salience reveals four distinct narratives of penal consciousness, or stories that prisoners tell about the meaning and place of punishment in their lives. Each narrative of penal consciousness is the result of a particular combination of high or low salience and high or low severity (see Figure 1). These narratives differ according to the place that punishment is afforded in the larger landscape of prisoners' lives. By pivoting upon the relationship between punishment and what prisoners commonly referred to as their “real” lives, the four narratives of penal consciousness imply difference along two axes: reality and life. These axes overlay the two key dimensions of punishment implicated in the penal consciousness framework: salience and severity. Salience of punishment is coupled with the perceived reality of punishment. The more salient punishment is, the more “real” it is experienced to be in comparison to life outside prison. Severity of punishment is linked to the degree to which punishment is experienced as life at all. The more severe punishment is, the less it is viewed as compatible with life in any form, real or otherwise.

Figure 1. Narratives of Penal Consciousness



The first narrative, *punishment as part of life*, relates the experience of punishment to, or fits punishment neatly within, a “real” life that transcends the boundaries of prison. In this narrative, the punishment a prisoner experiences inside prison is congruent or continuous with the life she lived outside of prison, rather than something divorced from or contrary to it. Low severity facilitates this lack of differentiation between prison and life by reducing the qualitative differences between a life punished and a life unpunished. Low salience allows punishment to recede into the background of prisoners’ everyday lives as they go about living them. Rather than living lives defined by—and therefore bounded by—punishment, prisoners can lead lives in prison that resemble in many ways the lives they lived outside prison walls. Even though the features and constraints of respondents’ lives are undoubtedly different inside prison, their lives in confinement remain closely linked to their lives on the outside.

Respondents often discussed punishment as part of their real lives through descriptions of punishment as one of many discrete phases in the lifecourse. Quite a few prisoners explicitly compared their incarceration to their experiences as children growing up in their parents’ household. These experiences were described in terms of paternalistic supervision and control, or childlike anticipation of emancipation from such control. Rachel, a 30-year old white woman serving time for complicity in multiple violent felonies, noted that “It’s kind of like being grounded, or somethin’ taken away from you that you really, really loved. You know, freedom.” While some prisoners saw elements of their childhoods in prison, others likened incarceration to the college experience they never had. For these respondents, prison occupied a space in their lives that college might have otherwise filled. Dorm rooms were exchanged for prison cells, classmates took the form of fellow prisoners, and law books or Bibles replaced textbooks. Miles, a black man in his mid-forties serving ten years for a string of violent crimes, described how he has “learned a lot about myself... matured and grown” during his time in prison: “I thought I was grown, but I realized I really wasn’t.”

In the second narrative of punishment, prisoners described a slightly more complex relationship between punishment and life. This narrative, *punishment as a separate life*, is associated with punishment that is characterized by low salience and high severity. According to this narrative, punishment is experienced as a wholly real life, but one that is decoupled from the life that was lived prior to incarceration, and the one that will be lived upon release. Whereas the narrative *punishment as part of life* reflects a seamlessness between life in prison and life on the outside, *punishment as a separate life* is characterized by a clear and impermeable boundary between a life dictated by punishment and a life relatively free of punishment. Christopher described the effect this boundary has on the tension that arises between himself and the world outside prison walls:

Outta sight, outta mind. Keepin’ it real, I mean, it, it goes both ways—bein’ locked up and bein’ on the streets—‘cause you got two different worlds where you feel as if they don’t know what’s goin’ on in here, the things we go through... So, you got two worlds battlin’ against each other.

For Christopher, the life that he leads while in prison is not only separate from the lives that his friends and family lead on the outside, but actually exists in an autonomous world at odds with the outside world. The third narrative, *punishment as suspension of life*, describes punishment as having no place at all in the “real” landscape of prisoners’ lives. In this narrative, characterized by punishment that is low in salience but high in severity, punishment is experienced as distinct or separate from both reality and life. According to this narrative, life outside prison continues under the auspices of “reality,” while punishment inside prison walls is experienced as an atemporal suspension of both reality and life. While in prison, life is seen as coming to a standstill, as though incarceration is less real than the rest of life, and in fact quite divorced from the reality of life altogether. In this narrative, respondents characterized themselves as “stagnant,” “stuck,” and “on hold,” while life on the outside passed by “in a blur.” Declan, a young white man halfway through an eight year sentence for burglary, described the atemporality of punishment as being in “purgatory, stuck in a non-moving state, basically.” As Reggie, a middle aged black man serving three years for a parole violation, put

it: “Society just pass you on by” while you’re in prison because “This ain’t no life in here. Life stops when you come in here.” Dave, a black man who has served fifteen years of a life sentence for murder, eloquently described his sense that not only is prison less real than life on the outside, but that he himself is less real while incarcerated:

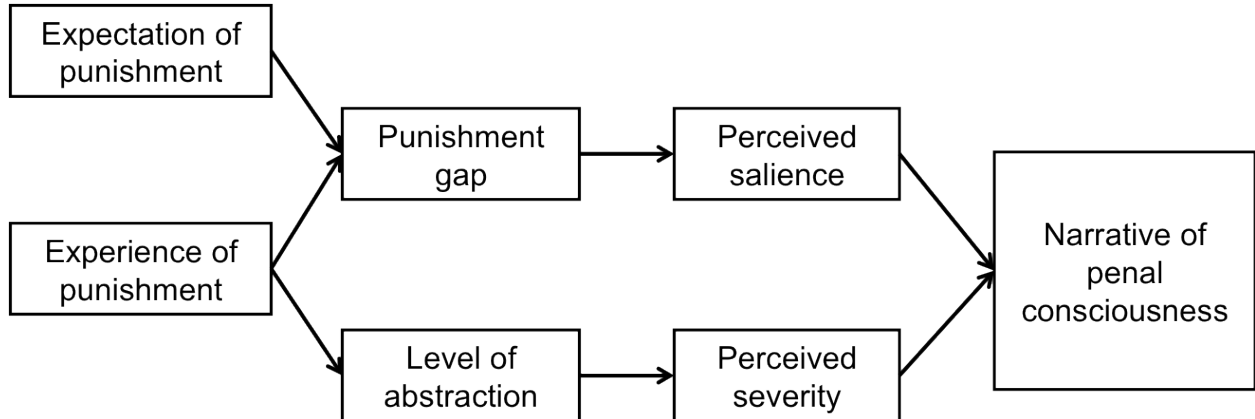
You know, you’re not a man for real because you’re in these places, and you’re just functioning—but you can’t raise a family, you can’t be a, you can’t contribute to society or community. You know, you don’t build anything. You just kind of exist for right now.

For Dave, being “a man for real” is predicated upon being a productive, contributing member of society—something that he will likely never do again.

While punishment can sometimes result in a life suspended, there are times when prisoners did not see incarceration as related to life at all—quite the opposite, in fact. The fourth narrative, *punishment as death*, is similar to punishment as a suspension of life with one notable exception: the severing of a person from her life is viewed as permanent, rendering the fact that the outside world is passing by of no consequence. When punishment is experienced as high in severity, prisoners feel the full weight of punishment constraining and constricting their lives—virtually squeezing the life out of them. When punishment is also high in salience, prisoners find this vice grip to be an unbearably prominent part of their every waking hour. From this perspective, punishment defines prisoners’ lives to the point that it virtually supplants these lives, becoming what William, who is serving a sentence of up to 75 years, described as “another form of death.” For William and quite a few others, punishment crowds out the space for life, extinguishing it rather than characterizing it.

The equation of punishment with death took multiple forms during interviews. For some respondents, punishment was evident in the “thousand little deaths” that occur in prison on a regular basis—the daily slights and indignities that they experienced at the hands of prison staff or other prisoners. Others described punishment as a single, quick (though by no means painless) death that occurred at the onset of punishment. In a slight variation on punishment as a single, swift death, other prisoners experienced it as an ongoing death that began at the time of admission to prison and continued for the duration of their punishment. The final way in which respondents described punishment as an ongoing death was in a literal, physical sense. Nia, who is serving a life sentence for murder, described the treatment of prisoners—including but not limited to what she considered to be grossly inadequate medical care—as “torture.... dying a slow, painful, horrible death.” She pointed out that the prison system is literally taking lives, and that, as she sees it, there is no difference between a life sentence and a death sentence.

Taken together, these four narratives of penal consciousness capture fundamental variation in the ways in which prisoners make meaning of their punishment. These narratives emerge from a nuanced understanding of the contours of punishment, extending and completing the theoretical framework of penal consciousness whose beginnings were laid out in the last issue of *Pro Bono*. In its entirety, the penal consciousness framework displayed in Figure 2 allows us to map variation in the lived experience of punishment and begin to see where and how punishment fits into the lives of those who experience it. As demonstrated above, punishment has the capacity to reconfigure prisoners’ lives in ways that are remarkably diverse. These findings reveal a complicated relationship between punishment and life that is easily obscured when we refer simply to “life” inside prison.

Figure 2. Overview of the Penal Consciousness Theoretical Framework

Note: This project was supported by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (Award No. 2001-IJ-CX-0002) and the National Science Foundation (Award No. SES-1023694). The opinions, findings, and conclusions expressed in this piece are those of the author and do not necessarily reflect those of the Department of Justice or the National Science Foundation.





Member Publications

If you have something you would like in the next SSSP Law and Society Newsletter, please contact the Newsletter Editor.

Stephen J. Morewitz, California State University, East Bay, is profiled about **his book**, *Chronic Disorders in Children and Adolescents* (with Mark L. Goldstein) (New York: Springer), seven other books, two forthcoming books, *Handbook of Forensic Sociology and Psychology* (with Mark L. Goldstein) (New York: Springer) and *Kidnapping: New Research and Clinical Perspectives* (New York: Springer), and one play, *Steamship Quanza* (with Susan Lieberman) in the Winter 2013 issue of the CSUEB Alumni Magazine.

Kristen M. Budd was awarded a Faculty Research Grant at Indiana University South Bend for the top amount of \$8500. The funds will be used to support research on public perceptions of sex offenders and sex offender laws such as registration, notification, and residency restrictions. Unique to this project is the focus on different sub-types of sex offenders, which diverges from prior research that has assessed public opinion of sex offenders as a homogeneous group.

Hoppe, Trevor. 2013. "Controlling Sex in the Name of 'Public Health': Social Control and Michigan HIV Law." *Social Problems* 60(1):27-49.

Nurse, Angus. 2013. "Animal Harm: Perspectives on Why People Harm and Kill Animals." Ashgate Publishers.

Re-Imagining Human Rights – The Challenge of Agency, Creativity, and Global Justice

Conference Co-Sponsored by *Critical Sociology*,
The Society for the Study of Social Problems, and the
Human Rights Section of the American Sociological Association

August 12, 2013 (8:45 am to 5:00 pm)
The Westin New York at Times Square
New York, NY

This one-day conference on “Re-imagining Human Rights” invites scholars and practitioners to discuss the challenge of power and inequalities embedded in current institutional arrangements and practices of human rights.

The production of human rights is not immune to the effects of inequalities across the global North and South. Conference panels will highlight projects or research within local, regional, and transnational contexts that offer insight for democratizing the production of human rights. Do understandings of justice in the Global South meaningfully shape those institutionalized as human rights, or do human rights in the name of “global justice” flow only from the North to the South? Does the social organization upon which transnational solidarity links actors across communities of the Global North and South reflect the human rights values that they pursue? What is the quality of the social relationships upon which such solidarities are formed? To what extent is the creativity, innovation and entrepreneurship of NGOs “measured” and constrained by the performative expectations of philanthropic donors and impact investment brokerages that provide the resources for their human rights work? How do our understandings of human agency and personhood shape the (re)production and (trans)formation of human rights?

We are particularly interested in learning from organizations and practices founded in the global South or affiliated transnational partnerships. In the shadow of the United Nations, the conference also will devote special attention to grassroots human rights projects and collaborative alliances operating in New York City. Participants will engage in a transnational dialogue and reflexive engagement across scholarly and activist communities (though not exclusive categories). Thus, the role of a common human rights imagination, or multiple co-existing human rights imaginations, may be a starting point for a new dialogue on academic and other approaches.

- Keep in touch:
 - Twitter: @ReimaginingHR
 - Facebook: Reimagining Human Rights

Please circulate to networks, organizations, departments, colleagues, activists, students, and other interested parties.