



PRO BONO

**Newsletter of the Law and Society Division
Society for the Study of Social Problems**

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NOTES FROM THE CHAIR

Dear Division Members,

Hello! For those interested in law and society, the last few months have been especially exciting. Most notably, in the wake of the historic healthcare vote, I am sure we are going to have a particularly interesting, exciting and provocative meeting. Although there was a tremendous amount of ugliness and hatred spewed ("Armageddon will happen if this bill is passed") before the vote itself, a survey taken after the vote shows that a majority of Americans are pleased with the bill. Many Americans – approximately 30 million, according to most sources – will now have access to health insurance, and insurers can no longer deny coverage on the basis of pre-existing health

conditions. Many of my college students were excited because they can now stay on their parents' health insurance plan until they reach 26, but this also serves as a reminder that they realize the limited possibility of obtaining a decent job with health benefits even with a college degree.

It is also important to recognize that, at the last minute, the bill passed because women's reproductive health was undermined. Specifically, the bill includes a significant change in abortion coverage, and requires Americans to write two checks if they choose an insurance plan with abortion coverage. This is going to have a significant impact on American women, because, currently, over 80% of private insurance plans include abortion coverage. Unfortunately, new provision will encourage private insurance to drop all abortion coverage. On the other hand, it is important to note the many women will now have access to contraception and family-planning, in addition to prenatal and post-natal healthcare, and this will help lower the need for unnecessary abortions and will protect women's health. This bill is a step in the right direction, but it is clear women and women's rights were used as a bargaining chip (and that most of those doing the bargaining were men).

Ideally, the women's movement could be mobilized and energized by this overtly discriminatory and sexist move by our lawmakers. The actions of the extremist Tea Party members and their "growing"

**SOCIETY FOR THE STUDY OF
SOCIAL PROBLEMS**

60TH ANNUAL MEETING

SOCIAL JUSTICE WORK

AUGUST 13-15 2010

SHERATON ATLANTA HOTEL

165 COURTLAND ST NE

ATLANTA, GA

NOTES FROM THE CHAIR

(continued from Page 1)

movement (at least according to the increasing mainstream media coverage of the movement!) in response to healthcare reform could also serve as a call for mobilization for those opposed to racism and homophobia. As social movement scholars know, it is often a counter-movement that pushes social movements from abeyance into activist phases.

I'm sure these issues, and many others, will emerge during our upcoming meeting in Atlanta. As you all know, Atlanta was a key center of the civil rights movement, and perhaps our meeting (and our neighbors at the ASA) will serve as a fertile ground for reinvigorating a range of social movements.

A few notes:

- 1) Please try to attend the SSSP reception this year – we are co-sponsoring the reception with many other sections. As always, it should be a fun event where we can talk, meet, and network!
- 2) Be sure to vote in the on-line election for Law and Society Division officers! Voting is open now!
- 3) If you haven't yet registered for the annual meeting, please do so as soon as possible!

I look forward to seeing you in Atlanta this summer.

Emily Horowitz
Law and Society Division Chair

LAW AND SOCIETY DIVISION ANNOUNCES 2010 LINDESMITH AWARD

Each year the Law and Society Division gives the Alfred R. Lindesmith Award to the most outstanding law-related paper submitted by a graduate student or untenured faculty member. This year, the winner of the Lindesmith is Aubrey L. Jackson, Department of Sociology, The Ohio State University for her paper titled "The Right to Refuse Sex - Gender Conflict and Marital Rape Laws in the U.S."

ATLANTA 2010



CANDIDATES' STATEMENTS

LAW AND SOCIETY DIVISION CHAIR

STEPHEN J. MOREWITZ

Stephen J. Morewitz is President of the forensic/litigation consulting firm, Stephen J. Morewitz, Ph.D., & Associates, Buffalo Grove, IL, San Francisco & Tarzana, CA. The firm consults in both criminal and civil litigation. Morewitz is a full-time Lecturer in the Department of Nursing and Health Sciences at California State University, East Bay, and is a part-time Lecturer in the Department of Sociology, San Jose State University. Dr. Morewitz has been on the faculty or staffs of Michael Reese Hospital and Medical Center, University of Illinois at Chicago, College of Medicine and School of Public Health, DePaul University, Argonne National Laboratory, and the California School of Podiatric Medicine. Dr. Morewitz is the author of 100 publications, including *Death Threats and Violence. New Research and Clinical Perspectives* (New York: Springer Science+Business Media, LLC, 2008), the Society for the Study of Social Problems (SSSP) Crime and Delinquency Division award-winning book, *Domestic Violence and Maternal and Child Health* (New York: Kluwer Academic/Plenum Publishers/Springer Science+Business Media, LLC, 2004), the SSSP Crime and Delinquency Division award-winning book, *Stalking and Violence. New Patterns of Trauma and Obsession* (New York: Kluwer Academic/Plenum Publishers/Springer Science+Business Media, LLC, 2003), and *Sexual Harassment and Social Change in American Society* (Bethesda, MD: Austin & Winfield, Rowman and Littlefield Publishing Group, 1996). He is past Chair of the SSSP Crime and Delinquency Division and has served on a variety of SSSP committees. He was elected to Sigma Xi, the Scientific Research Society, and to Pi Gamma Mu, the International Honor Society in Social Sciences. Dr. Morewitz earned his A.B. and M.A. from The College of William & Mary in Virginia and his Ph.D. from The University of Chicago.

SALLY RAMAGE

The chairman is responsible for the working of the board, ensuring that all essential matters are on the meeting agenda, and ascertaining that the board adequately ratifies and monitors planned strategy. The chairman is the organisation's chief decision control agent. The chairman therefore performs important control functions. Chairmen expect and command little attention from the world of business education. Board composition is fundamental to establishing a successful board, limiting and selecting members to bring wider experience, run committees and resolutely present their views to the board. The chairman is synonymous with the statement "The buck stops here."

Gender balance

There should be more women on the SSSP committees, though the gender balance should not be the determining factor in itself; what matters is the ability to contribute.

Contribution of the chairman

The main role of any chairman used to be to offer friendly advice or, by virtue of the chairman's name or his distinguished record in other fields, adding lustre to the organization, this is no longer so. The chairman sets the tone for the rest of the committee.

The chairman's job

The amount of time a chairman devotes to the SSSP's law and society section varied widely among past chairmen. An understanding of the dynamics of an organisation such as the SSSP is desirable in a new chairman of the law and society section. Usually, a chairman will not interfere in operational decisions.

Skills

I have experience of bottom-line accountability, management and a strong commercial instinct. I only wish to help. Please see my website at www.sallyramage.net.

CANDIDATES' STATEMENTS

LAW AND SOCIETY DIVISION VICE CHAIR

MATTHEW PATE

School of Criminal Justice
University at Albany

While I am admittedly new to the world of full-time academia, having just accepted my first tenure-track position with the University of West Georgia for Fall 2010, my commitment to social justice and the furtherance of those ideals extends decades. As a long-time criminal justice practitioner in an impoverished southern town, my interest in progressive public policy and lasting social change has deep roots. Building on those experiences, my current academic focus concerns the ways in which formal social control functions and manifests in different societies. My present research agenda emanates from cross-national studies of punishment practices. By expanding our understanding of punishment in a global context, I hope to elucidate new pathways to social justice. Participation in SSSP has already invigorated my research and permitted valuable collaboration toward those ends. Moreover, the members of SSSP represent a richness of perspectives that both informs and challenges my work. Building on this spirit, I would greatly appreciate the opportunity to more formally serve the goals and mission of SSSP through service as vice-chair of the Law and Society Division. Through this Division we have a unique opportunity to increase our collective understanding of the way formal legal practices intersect with our social goals and ideals. In this my goals are simple: to promote the informed critique of law, law-making and response in a framework of open and productive dialogue. As such, I appreciate your consideration.

Voting for

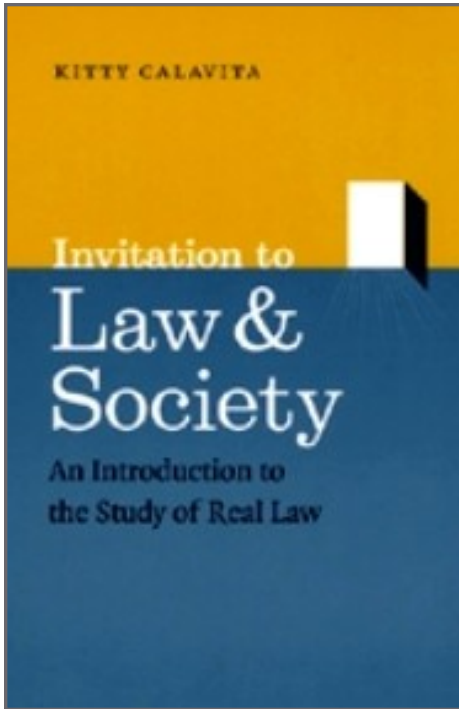
**Division Officers will remain
open through April 19, 2010**

ARTHUR JIPSON

Associate Professor of Sociology and Director of the
Criminal Justice Studies Program
University of Dayton

I have been a member of the SSSP since I was a graduate student. I am currently a member of the Elections Committee and I have delivered several papers at SSSP conferences over the years. As SSSP member, I would be honored to serve the Law and Society Division as Vice Chair. My enthusiasm for SSSP is apparent when I discuss my energizing experiences at past SSSP conferences with colleagues, students, and activists. As many have noted, SSSP is more than a mere gathering of academics presenting papers – it is a community of public scholars/students/activists who come together under the banner of critically studying and ameliorating social problems. I am an Associate Professor of Sociology and Director of the Criminal Justice Studies Program at the University of Dayton. My work focuses on the intersection of social change, perception of difference, deviance, and criminality and how these social constructions limit or create the possibility for social agency. I have studied organized crime in the Teamsters union, white collar crime and fraud, white racial extremists, hate crime, and Internet crime. I am also interested in roadside memorials and related public commemorations (which are designated as illegal in twenty-two states) and popular culture and the perception of crime and policing. Most recently I have started to work on criminological pedagogy and the use of social media. I am both humbled and honored to be nominated for the position of Vice-Chair. I would like to contribute to keeping SSSP (and especially the Law and Society Division) innovative in action, research, and social theory by encouraging the exploration of social media, interactive activities at and away from the annual conference, and critical engagement with policy makers, community activists, and scholars and students.

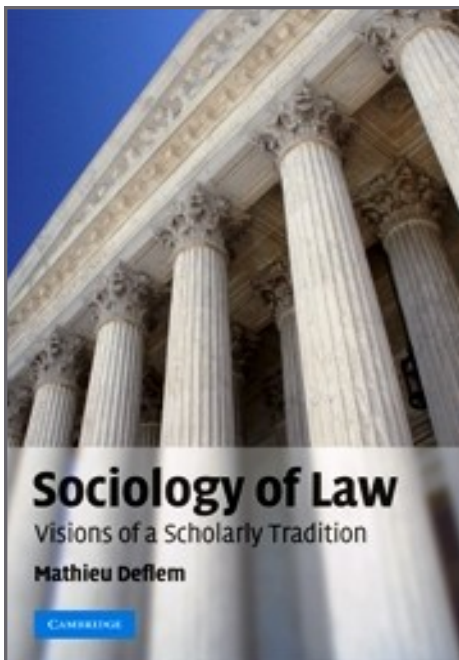
IMPORTANT NEW WORK



Calavita, Kitty. 2010. *Invitation to Law and Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press.

Kitty Calavita's *Invitation to Law and Society* brilliantly brings to life the ways in which law shapes and manifests itself in the institutions and interactions of human society, while inviting the reader into conversations that introduce the field's dominant themes and most lively disagreements.

Deftly interweaving scholarship with familiar personal examples, Calavita shows how scholars in the discipline are collectively engaged in a subversive exposé of law's public mythology. While surveying prominent issues and distinctive approaches to the use of the law in everyday life, as well as its potential as a tool for social change, this volume provides a view of law that is more real but just as compelling as its mythic counterpart. In a field of inquiry that has long lacked a sophisticated yet accessible introduction to its ways of thinking, *Invitation to Law and Society* will serve as an engaging and indispensable guide. **See page 6 for more on this important new work.**



Deflem, Mathieu. 2008. *Sociology of Law: Visions of a Scholarly Tradition*. Cambridge/New York: Cambridge University Press.

Since the classic contributions of Weber and Durkheim, the sociology of law has raised key questions on the place of law in society. Drawing together both theoretical and empirical themes, Mathieu Deflem reviews the field's major accomplishments and reveals the value of the multiple ways in which sociologists study the social structures and processes of law. He discusses both historical and contemporary issues, from early theoretical foundations and the work of Weber and Durkheim, through the contribution of sociological jurisprudence, to the development of modern perspectives to clarify how sociologists study law. Chapters also look at the role of law in relation to the economy, politics, culture, and the legal profession; and aspects of law enforcement and the globalization of law. This book will appeal to scholars and students of the sociology of law, jurisprudence, social and political theory, and social and political philosophy. **See the symposium on this book beginning on page 8 of this issue.**

KITTY CALAVITA: WRITING *INVITATION TO LAW AND SOCIETY*

One of my all-time favorite books in sociology is Peter Berger's *Invitation to Sociology*, originally published in 1963. I first read it as an undergraduate student. After just a few pages, I knew I wanted to be part of this group of people who, as Berger said, "must listen to gossip despite [themselves],... look through keyholes,...read other people's mail,...open closed cabinets" (p. 19), and of course investigate the social secrets that are hidden in plain sight. Besides the fact that it introduced me to this voyeuristic enterprise, what I loved about Berger's little book—in its original version small enough to fit in a coat pocket—was that it was so smart but at the same time accessible. It was completely unlike the glossy textbooks with their boring prose but sensationalistic pictures that most introductory courses offered up. I was hooked.

The years passed and in graduate school I got my second crush—on law and society. If looking behind closed doors and through keyholes can reveal some dicey secrets about people's personal lives, I realized that snooping around in law's rooms to expose its secrets is at least as thrilling.

Berger started his book by noting that unlike psychologists, there are no jokes about sociologists. This, he explained, is because sociology is not part of the "public imagination." In fact, the public doesn't really know what sociologists do at all, often confusing us with either social workers or socialists (as my father was wont to do). The field of law and society, which most people haven't even heard of, is even farther off the cultural radar. Once when I was at the annual meeting of the Law and Society Association, my taxi driver was making the usual idle conversation and inquired what I was in town for. I told him I was attending the Law and Society Association's annual meeting. His interest suddenly aroused, he turned to face me and asked with some urgency, "I've been wondering, when is the best time to plant a lawn?"

Remembering how compelling I found Berger's *Invitation*, and frustrated both that the law and society (dare I say it?) "field" is so foreign to most people and that there are few succinct descriptions of law and society for introductory students, I set out to write a small *Invitation* of my own. I am of course under no delusion that my *Invitation to Law & Society* (University of Chicago Press, 2010) can hold a candle to Berger's brilliant book. But, I was inspired by that pathbreaking work to try to write an accessible and engaging overview of a way of thinking about law without speaking down to the audience or over-simplifying the material. In the interest of keeping it lively, I decided to forego extensive citations (there are, I admit it, some) and footnotes (there are none), and intersperse discussions of scholarship with personal anecdotes, examples from popular culture, and humor.

Among the topics and themes I cover are the mutual embeddedness of law and society (including a nod to the classics, Marx, Weber, and Durkheim, among others); the ubiquity

of law in everyday life; the gap between the law-on-the-books and the law-in-action; law and race; legal pluralism; globalization and law; and, the potential and limits of law to affect social change. The over-arching idea of the book is that law and society scholars, beyond their many divergent theories and approaches, are engaged to one degree or another in exposing—or at least complicating—law's self-presentation and public mythology by looking behind its closed doors and by following it into the street.

Berger (p. 162) warned that "[s]ociological understanding leads to a considerable measure of disenchantment." This is perhaps all the more true of law and society scholarship, as we upend the idealization of law as magisterial, or at least as bound by majestic rules and logics, that secures the very legitimacy of the socio-legal order. But, as Berger counseled, disenchantment need not lead to abject cynicism. In the case of law and society, disenchantment can turn instead to awe, no longer at the alleged purity of law, but on the contrary, at the intricacies of legal processes, the spectacularity of their contingencies, and the fluidity but no less patterned quality of their trajectories. This awesome complexity of law as it actually exists provides us with intellectual challenges equalled only by the beauty of their rewards.

I can't possibly do justice to the whole rich terrain of our field in this slim volume, and I do not intend my *Invitation to Law & Society* to be a textbook introduction or a comprehensive overview of law and society scholarship. Instead, I hope the book's limitation will be its strength, as an accessible and concise presentation of a way of thinking about law. It is meant for undergraduate students and their professors, but it's also written for my lawyer friend who can't figure us out, for my taxi driver, and for my colleagues in the field too. I am bound to antagonize some for what I have left out of this selective sketch, but I hope you find it useful as an invitation to the law & society conversation. And, the next time one of your relatives asks you what we do, remember, you're not alone.

Kitty C. Calavita is Chancellor's Professor and Professor of Criminology, Law and Society and Sociology at the University of California at Irvine.

The Editor is grateful to Professor Calavita for her generous contribution to this issue of *Pro Bono*.

The Editor wishes to thank the membership for its enthusiastic support of the "Announcements" section of *Pro Bono*. Occasionally—as is the case with this issue—space restrictions may render it impossible to publish all the announcements received. Announcements received but not published in this issue will appear in Vol. 16, No. 2.

SYMPOSIUM: SOCIOLOGY OF LAW: VISIONS OF A SCHOLARLY TRADITION

Deflem, Mathieu. 2008. *Sociology of Law: Visions of a Scholarly Tradition*. Cambridge/New York: Cambridge University Press.

Review by Matthew Silberman, Bucknell University

Revised version of presentation at SSSP Annual Meeting, San Francisco, August 2009.

Deflem presents a comprehensive review of the field, its historical roots, current theoretical trends, and major research initiatives. While modestly claiming not to cover everything, as far as this reader could tell, no major endeavor has been omitted.

Deflem demonstrates how powerful the influences of Weber and Durkheim have been on the evolution of the theoretical foundation of the sociology of law as a discipline. This is an important point as Deflem notes the marginality of the discipline in relation to sociology as a whole, largely because of “guilt by association” [my term] with criminal justice, criminology as state policy, and the power of the legal profession itself to define the discipline. Deflem credits Talcott Parsons with developing a distinctive theoretical approach to the sociology of law derived from the classical traditions of Weberian [organizational] and Durkheimian [integrative] perspectives.

Not ignoring the influence of Marxian doctrine, Deflem notes that Karl Marx himself had little to say about law as part of the superstructure of society. He does note, however, that critical legal studies [CLS] and conflict theoretical approaches, Marxian and non-Marxian, played an important role in shaping theoretical and empirical work in the post-Parsonian era of the late 1960s and 1970s. Chambliss’ seminal work on the history of vagrancy law was a critical turning point in the development of critical/conflict approaches to the sociology of law. Deflem describes the work of European scholars such as Petrazycki, Bourdieu, and Habermas who have had a great influence on sociolegal scholarship in Europe, but little direct impact on American sociology of law.

The second half of the book highlights major empirical and theoretical developments in contemporary studies of legal institutions. The influence of Parsons on Deflem’s work is evident in the way he organizes his chapters on the “sociological dimensions of law”: concerning law and economics (“the regulation of the market”), law and politics (“the role of democratic law”), law and social integration (“the legal profession”), and law and culture. Deflem discusses the important role that neo-institutionalism as neo-Weberian organizational theory has played in understanding the diffusion of legal culture in large-scale organizations and examining the role of legal developments on organizational life. Current work on emerging markets has benefitted greatly from this work. Citing Habermas, Deflem notes that modern legal institutions require “popular legitimation in order to be recognized as valid

among the subjects of law.” Reviewing the literature on the historical evolution of the legal profession from Roman times to the present, Deflem discusses the role of education, expertise, and organization on the role of the profession in meeting the needs of modern industrial societies. The discussion of law and values centers on the problem of diversity of values in contemporary society. Coupled with the increasing decentralization of social control and growing individualism, the integrative function of law becomes essential to the regulation and coordination of society. Modernity [secularization] conflicts with traditionalism in religious values, religions conflict with one another, and personal autonomy conflicts with the collective good.

The final two chapters focus on “special problems” associated with the study of legality: social control and the role of law enforcement and the globalization of the rule of law. Deflem discusses both the techniques of surveillance and punishment in contemporary society that “widen the net” of social control both objectively and subjectively (transforming the self in Foucault’s terms). On the other hand, while nation-states vary in the extent to which they respond to concerns for human rights, the moral leadership that universal standards provide has begun to diffuse on a global level.

Deflem, Mathieu. 2008. *Sociology of Law: Visions of a Scholarly Tradition*. Cambridge/New York: Cambridge University Press.

Review by Debarun Majumdar, Texas State University-San Marcos

Revised version of presentation at SSSP Annual Meeting, San Francisco, August 2009.

Sociology of law is an integral part of the field of sociology; yet there is a lack of complete understanding of the relevance of this area to sociology and how it differs from the study of law and legal systems per se. In chapter 1, the author brings up a very interesting point that works of important sociologists, such as Tonnies, Simmel have been somewhat overlooked compared to those of Weber and Durkheim, yet we don’t see much of an elaboration of the contribution of these more obscure sociologists in the book. At the very outset, the author points out to the different receptions that Weber and Durkheim have received regarding their relevance to the sociology of law. This is a key point, however it left me asking for more elaboration. The author mentions that Weber has received more prominence because he was “consistently and expertly involved in the study of law,” whereas to Durkheim “the proper contours of the sociological study of society were more important.” pp 73. Weber relied more on the interpretative aspect of investigating behavior, and Durkheim relied on uncovering causations employing structural-level analysis of social data. These two scholars, thus, had different methodological approaches to understanding the society, and it is not therefore surprising that they varied in their levels of appeal to sociologists. Additionally, whether or not their works appealed differently because of their difference in focus is another issue that needs further investigation. Durkheim’s emphasis on cultural differences, and Weber’s emphasis on broader “political, economic, and cultural” factors could also be rea-

sons why these two theorists had different followings. Although the author covers these interesting points, perhaps a little more elaboration is suggested. The author does a very good job while discussing the transition from the sociology of jurisprudence to the sociology of law and the need for the separation from the study of law as we know it today and the sociology of law- where the interpretation of law is approached from sociological perspectives.

That understanding of laws and legal systems cannot occur in a vacuum and that without couching them in the societal context would result in a failure in understanding the ramifications of laws have been properly emphasized in the book.

The chapter on the development of the Parsonian perspective and the emergence of sociology of law in the US has been deftly handled by the author. The author clearly describes how Parson's systems theory explains societal cohesion from a functionalist approach, despite increasing individualism in the US. *However, how does this relate to the development of the sociology of law?* The society comprises of inter-related parts that are integrated, and yet have different functions. What mechanisms keep these different societal parts integrated? One of the mechanisms according to Parson's is the legal system. According to Parson's, law is "any relatively formalized and integrated body of rules which imposes obligations which imposes obligations on persons playing particular roles in particular collectiveness." Thus, laws provide the integrative element in a society that comprises of different autonomous systems with different functions. The author effectively brings out these points and, again effectively describes how economic and political systems can be differentiated or kept autonomous from legal systems and how societal systems are where a robust linkage can be found between laws and the community.

The social control aspect of laws and how that assists in the functioning of society is also an important element that has been brought out by the author. I feel, that the author, in the early chapters, have clearly established the importance and significance of the area of sociology of law. Sociologists, whose interests lie in other areas, such demography, social psychology, will gain an extensive view to what sociology of law is about and the uniqueness of this area in the early chapters of the book.

The section on the sociological dimensions of law is a critical aspect of the book which contributes to the understanding of the field of sociology of law. In the vein of Parsons, the book focuses on economy, politics, normative integration, and culture. Of particular interest were the chapters on the law and integration and law and culture. I felt it was important to indicate the autonomy of this field that emanated from the Weberian perspective of professionalization of legal activities and the Parsonian perspective of integrative function of the law.

Additionally, the movement away from a strict structural functionalist perspective to one that accommodated diverse ideas was also an important development that was highlighted in the book. This diversification led to the development of Critical Legal Studies as a field is an important step that can be seen as progress and not something that is counterproduc-

ive. In the chapter on Law and Culture, the analogy provided while outlining the shortcomings of contemporary sociology of law and that of cartography is definitely worth mentioning. Portuguese sociologist de Sousa Santos critiqued maps and applied the same criticisms to the current state of the sociology of law field. The main gist of the criticisms is the oversimplification of laws and the legal systems and the assumption that the legal systems work typically at a state level. This ignores the complexity and the layers because this approach ignores the national and international nuances and differences. The author provides an example of how these levels could be inter-related: pp209- "the suppression of a strike in a factory may violate local labor rules, national labor laws, as well as international legal codes on employment." The author also delves into the inequalities faced by different groups in the society due to various laws, although the intended purpose of law is integration; which is indeed a paradoxical situation. This is exemplified in the lack of marital rights for same-sex couples, and the continuing debate over abortion in the US.

Overall, I think that the book gives a very comprehensive view of Sociology of Law. It also addresses how important sociology of law is integral to the discipline of sociology and should not be sidelined. It is especially important because as our society diversifies and as we make progress, law and legal systems should have an integrative goal rather than exclusionary aspects in them.

Deflem, Mathieu. 2008. *Sociology of Law: Visions of a Scholarly Tradition*. Cambridge/New York: Cambridge University Press.

Review by Stephen Morewitz, Stephen J. Morewitz, Ph.D. & Associates

Revised version of presentation at SSSP Annual Meeting, San Francisco, August 2009.

Mathieu Deflem's *Sociology of Law. Visions of a Scholarly Tradition* is an excellent analysis of the contributions of Weber, Durkheim, and other scholars to sociology of law. *Sociology of Law* is especially useful to scholars and students of the sociology of law, criminology, complex organizations, the sociology of the professions, and social and political theory.

I found the book especially useful for a variety of courses, such as the sociology of the professions, complex organizations, criminology, victimology, criminal justice, social psychology, and other courses that cover theory-related issues and for the development of research in these fields. For example, Mathieu notes on page 137 that ethnomethodologists do not contribute to the development of sociology of law. Scholars and researchers can explore the nature of ethnomethodology and determine if future research might benefit from the insights of specialty area.

Mathieu's analysis stimulates the reader to explore the implications of the sociology of law. For example, on page 141, he discusses crime as rational choice. I wonder to what extent is crime a rational choice or is it mainly in response to broader non-rational social and cultural factors.

In his analysis of the institutionalist perspective on page 153, the author notes that “organizations rely on rational myths that may not be inherently accurate but that are effective because they are widely shared.” I wonder if these rational myths are widely shared and if they are even inherently inaccurate. Organizational researchers should pursue these questions using theoretical and empirical approaches.

In Chapter 9, he notes that the professionalization of the legal occupation leads to a monopolization of all legal activity, including legal scholarship. I am not sure how much professionalization actually creates monopolization because of governmental restrictions and other external factors.

In his discussion of sociology of law and the antinomies of modern thought, Deflem indicates how criminology has benefited from behaviorist theorists. I would like to see more work that emphasizes the non-rational components of criminology and the sociology of law.

Deflem analyzed the concept of social control in Chapter 11 and raises the issue of whether the use of the death penalty and kangaroo courts represent Durkheim’s notion of mechanical solidarity. It is interesting to view the sociology of law in terms of the transition from mechanical to organic solidarity and the persistence of mechanical solidarity in democratic societies.

Author’s Response: Writing the Sociology of Law
by Mathieu Deflem, University of South Carolina
deflem@sc.edu

Writing a book is one thing; having it read quite another. And having my published work thoughtfully reviewed is beyond my expectations. For this reason alone, I am indebted to Matthew Silberman, Debarun Majumdar, and Stephen Morewitz for having done such an admirable job of commenting on my book. I am, of course, also grateful to Michael Smyth for organizing this symposium on my work and to Cary Federman who organized the author-meets-critics session at the SSSP annual meeting in San Francisco upon which this symposium is based. In these brief comments, which cannot do full justice to some of the remarks my book has spawned, I will focus on some of the themes my work sought to address and, relatedly, discuss the published book reviews that have in the meantime appeared.

Collectively, my commentators focus on several strengths and weaknesses of my work, though I was pleased to note the former are more numerous than the latter. Surely, some points in the book could have been elaborated upon or should have been better explained, an inevitable shortcoming of a book that seeks to cover a vast terrain, both temporally/intellectually (from the classics until today) and thematically (across a range of substantive interests in the sociology of law). Besides provoking a series of questions that beg for more analysis and research, it is interesting to note the observed focus on disciplinarity and inter-disciplinarity, which is indeed at the heart of my book. Briefly, my argument is not only that the sociology of law must always be, and cannot but be, a specialty in the larger discipline of sociology, but additionally that it is only as such, by delineating the proper contours of sociology and other relevant disciplines, that inter-

disciplinary bridges can be built. Additionally, as the reviewers note, theoretical insights on the objectives of sociology (of law) as well as findings and accomplishments in research are to be addressed, especially in the present global age, through a dialogue that involves, minimally, the European and American roots and branches in the development of the sociology of law. Moreover, although such an enterprise is obviously beyond any one author, this debate needs to be broadened to include other academic voices from across the globe as well.

As the reviewers astutely observe, my work has theoretically profited from the classical scholars, including Max Weber, Emile Durkheim, and Talcott Parsons. To somehow forget these roots or to seek to push them aside is in my view as shortsighted as it would be intellectually devastating towards building a veritable sociology of law. In fact, whatever the merits and limitations of the specific contributions of classical (and important modern) scholarship, it is the general analytical orientation towards the study of society that must remain to move and inspire us in our academic activities. For that reason, also, my book addressed the theoretical pluralism of today’s sociology as an (historical, if not always systematically justified) outcome of the classical tradition. Therefore, the obscurantism of postmodernism, for example, did not lead me to ignore the contributions of this perspective in the sociology of law (and in socio-legal studies), although I could do so only in an appropriately nebulous narrative style.

It is entirely correct, as the reviewers do, to conceive of my work in terms of its role in seeking to identify the intellectual identity of the sociology of law and its practitioners and to outline its usefulness for our teaching of this sociological specialty. For that reason also, my book is accompanied by a website with overviews of the book’s chapter and related online available readings (www.socoflaw.net). In this connection, I should stress once again that my book is not a textbook, for which reason the work nearly did not see the light of day, as the original editor assigned to this work once had different ideas (Deflem 2010). But apparently I am not always entirely inapt at the art of persuasion.

Finally, in view of the central ambitions of my book, I find it amusing as well as somewhat puzzling to note that the published reviews of my book squarely fall in two camps based on the academic background of the reviewer: legal scholars do not (completely) like this book (Del Mar 2008; Tamanaha 2009), sociologists do (almost completely) like this book (Federman 2009; Light 2008). Nothing could make me happier, at least not with respect to the reception of my book.

References

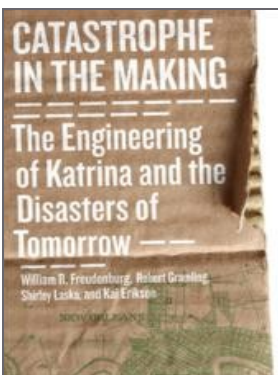
- Deflem, Mathieu. 2010. “Prologue to the Chinese edition of *Sociology of Law*.” Peking University Press. English version available via: www.mathieudeflem.net.
- Del Mar, Maksymilian. 2008. Review of ‘Sociology of Law’ by Mathieu Deflem. *Cambridge Law Journal* 67(3):660-662.
- Federman, Cary. 2009. Review of ‘Sociology of Law’ by Mathieu Deflem. *Contemporary Sociology* 38(3):269-270.
- Light, Matthew. 2008. Review of ‘Sociology of Law’ by Mathieu Deflem. *Canadian Journal of Sociology* 33(3):1014-1015.
- Tamanaha, Brian Z. 2009. Review of ‘Sociology of Law’ by Mathieu Deflem. *American Journal of Sociology* 115(3):975-977.

ANNOUNCEMENTS

Edwin H. Sutherland Outstanding Book Award

The Law and Society Division is pleased to announce the inception of the Edwin H. Sutherland Outstanding Book Award. The primary purpose of this award is to focus on excellence in scholarship within the study of law and society. Eligible books must have been published in 2008 or 2009. Authors may nominate their own work and multiple-authored books are acceptable. All nominees must be members of the SSSP. Please send a 1 page nomination letter and three copies of the nominated book to: Lloyd Klein, Department of Sociology and Criminal Justice, St. Francis College, 180 Remsen Street, Brooklyn, NY 11201. Deadline for nominations: 05/15/2010.

Kimberly D. Richman, associate professor of sociology and legal studies at the University of San Francisco, presented research on same sex marriage and legal consciousness recently at USF Law School's Symposium on the Future of Same Sex Marriage. An article based on this research will appear in a forthcoming symposium issue of the University of San Francisco Law Review later this year. Funded by an \$110,000 grant from the National Science Foundation, Richman's work focused on couples that married in both San Francisco and Massachusetts. Her aim was to determine why people already in domestic partnerships would want to then get married. She also wanted to compare the experiences of those people whose marriages in San Francisco were invalidated that summer by the state Supreme Court versus the couples in Massachusetts who entered into legally lasting marriages.



William Freudenberg, Shirely Laska, Robert Gramling, and Kai Erikson have published a new book titled *Catastrophe in the Making: The Engineering of Katrina and the Disasters of Tomorrow*. Among the few dozen books with "Katrina" in their titles, this is the first to look at the legal and policy context of decisions that caused Katrina's damage to be so much worse than the damage from earlier hurricanes that were equally

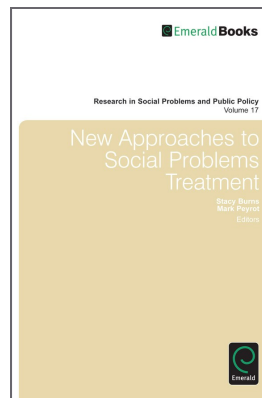
or even more severe (Hurricanes Betsy and Camille). The book argues that Hurricane Katrina wasn't just a case where humans were attacked by nature, but a case where humans first did significant damage to nature—with consequences that came back to haunt us all. (Island Press, \$27.00)

Michael Ryan has recently relocated to the Criminal Justice/Sociology Department at Eastern New Mexico University, Portales, New Mexico from Longwood University, Farmville, Virginia. Professor Ryan's new e-mail address is michael.ryan@enmu.edu

Laurie Gould and Matthew Pate recently had their paper, "Discipline, docility and disparity: A study of inequality and corporal punishment," published in *The British Journal of Criminology*. Here is the pertinent information:

Gould, L. and Pate, M. (2010). Discipline, docility and disparity: A study of inequality and corporal punishment. *The British Journal of Criminology*, 50(2), 185-205.

Art Jipson, University of Dayton, spoke to WDTN Channel 2 (NBC affiliate) Dayton, Ohio on March 9, 2010 (<http://www.wdtn.com/>) about the nature of workplace violence and how co-workers, employers, and emergency response workers can respond to instances of workplace violence. He is continuing to work with producers there on a series on violence to be broadcast in April 2010.



Mark Peyrot and Stacy Lee Burns have published a new, edited volume titled *New Approaches to Social Problems Treatment*, Volume 17 in a series *Research in Social Problems and Public Policy*, series edited by William R. Freudenberg and Ted I.K. Youn. The volume examines diverse developments in the evolution of public policy institutions for remedying social problems. The collected chapters address the transformation of social problems, social

work, and social problems solutions in the context of criminal justice, mental health, and community institutions (schools) in contemporary society.



Threats of violence—and especially of homicide—are a too-familiar part of modern life, paralleling stressful conditions at home, on the job, on campus, and in relationships. *Death Threats and Violence* analyzes the meaning and impact of homicidal threats, the means by which they are communicated, and their development from infrequent private occurrence to ongoing social problem. Using data from the Stalking and Violence Project and recent events including the Virginia Tech massacre, **Stephen Morewitz** explores the lives of the men (and to a

lesser degree, women) who make threats against their partners, strangers, social groups, and institutions. By balancing individual variables against the larger context of social norms and controls, this book offers a well-rounded assessment of death threats and their role in domestic and public violence.