Our annual meeting in San Francisco was a great success! It was a fantastic way to jumpstart my term as Chair. I look forward to an excellent term of service and hope to continue to energize and engage our Division with great ideas for sessions and new ways to include colleagues in the ongoing work of our division. Thankfully, former Chair Kim Richman has been extremely generous in showing me the ropes as I learn to navigate the numerous responsibilities handled by Division Chairs. Lori Sexton, a good friend and colleague, continues as Vice Chair for the next year. With help from both Kim and Lori, I'm sure that things will continue to go smoothly, making our Division a vital one within the Society. One important new thing to remember is that the division has decided to create the role of Co-Chair for our Division. To that end, the Division is soliciting nominations for Co-Chair to be elected in early 2015 and to begin a 2-year term of service starting at our meeting in Chicago next August. The newly elected Co-Chair, will then replace me as outgoing Chair in 2016. In this way, we will always have a Co-Chair on deck, learning the ropes and ready to step in for their term of service.
We will solicit nominations for, and then elect a new Co-Chair every 2 years. If you would like to nominate a colleague to serve, or if you would like to nominate yourself, please send nominations to me at borjay@umich.edu or Lori Sexton at sexton@umkc.edu

At this year’s business meeting, we worked to ensure the continued engagement of our division with the many other divisions of the Society in order to construct a set of interesting sessions for next year’s meeting in Chicago. We have an exciting roster of both solo and jointly sponsored sessions for next year’s meetings in Chicago. Our solo sessions include: Punishment and Culture; a Thematic Session: Law on the Margins; and a Critical Dialog: Legal Developments around the Globe. Our jointly sponsored sessions include: Militarization and State Violence with Social Problems Theory; Human Rights and Immigration with Global, Institutional Ethnography; Drugs and the Law with the Drinking and Drugs Division; Law, Conflict and Social Change with Conflict, Social Action and Change; the Law and Mental Health with the Mental Health Division; Law and Violence with Crime and Juvenile Delinquency; and Law, Sexuality, and Gender with the Sexual Behavior, Politics, and Communities Division.

As always, I want to thank Kristen Maziarka for her hard work and assistance in pulling together this newsletter! In addition, I want to offer congratulations and best wishes to Kristen as she begins her doctoral studies at UC Irvine. Congratulations Kristen!

Oh, and watch for our new Facebook Page coming in early 2015!

Cheers and best of luck with all of your current work and projects!

Jay Borchert

Chair
Marriage as an institution has always been in flux. It is decidedly complicated, existing simultaneously in the realms of religion, law, and emotion. Recent years have seen dramatic and heavily waged battles over the proposition of including same-sex couples in marriage. Just what is at stake in these battles?

This book examines the meanings of marriage for couples in the two first states that extended that right to same-sex couples: California and Massachusetts. The two states provide a compelling contrast: while in California the rights that go with marriage—inheritance, custody, and so forth—had already been granted to couples under the state’s domestic partnership law, couples in Massachusetts did not previously have this same set of rights. And while Massachusetts has offered civil marriage consistently since 2004, Californians have experienced a much more turbulent legal path. And yet, same-sex couples in both states seek to marry for a variety of interacting, overlapping, and evolving reasons that do not vary significantly by location.

The evidence shows us that for many of these individuals, access to civil marriage in particular—*not* domestic partnership alone, no matter how broad, and *not* a commitment ceremony alone, no matter how emotional—is a point of such personal, civic, political, and instrumental resonance that it is ultimately difficult to disentangle the many meanings of marriage. This book attempts to do so, and in the process reveals just what is at stake for these couples, how access to a legal institution fundamentally alters their consciousness, and what the impact of legal inclusion is for those who have traditionally been excluded.
## Law and Society Panels for 2015

### SESSION TITLE

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Announcements

Lindesmith Graduate Student Paper Competition: Deadline: 1/31/2015

The Law and Society Division announces its 2015 Lindesmith Graduate Student Paper Competition. Papers may be empirical or theoretical, and they may be on any aspect of law and society. To be eligible, a paper must have been written during 2014, and at the time of submission, it may not be published, accepted for publication, or under review for publication. Papers that have been presented at a professional meeting or accepted for presentation at a professional meeting are eligible. Papers must be student-authored; they can be single-authored or co-authored by students, but may not be co-authored by a faculty member or other non-student. Papers may be submitted to only ONE division of SSSP per year. Submissions made to multiple divisions will be disqualified. Previous winners are not eligible. Please submit in MS Word. There is a 25-page limit, including all notes, references, and tables. Submissions should use 12-size font, one-inch margins, and double spacing throughout. Send papers and a cover letter specifying that the paper is to be considered in the SSSP Law and Society Division Lindesmith Graduate Student Paper Competition electronically to: Dr. Lloyd Klein, lklein@york.cuny.edu In addition, authors are required to submit their papers through the annual meeting Call for Papers online system. The winner will be announced in Spring 2015. The winner will receive a $50 stipend and is eligible to present the paper at the 2015 annual meeting in San Francisco with SSSP membership and conference registration paid by SSSP.

William J. Chambliss Lifetime Achievement Award: Deadline 1/31/2015

The Law and Society Division announces the 2015 William J. Chambliss Lifetime Achievement Award. The primary purpose of this award is to recognize career-spanning excellence and achievement in the area of law and society. The committee will consider the applicant’s strength of publications and overall contribution to the study of law and society. Please send electronic copies of a nomination letter and the individual’s CV to: Dr. Stephen Morewitz at morewitz@earthlink.net The winner will be announced in Spring 2015, receive a $100 award, and be recognized at the 2015 annual meeting in Chicago.

Member Updates

Julie Kmec - Promoted to Professor and had the honor of being named an Edward R. Meyer Distinguished Professor in Liberal Arts at Washington State University.

Danielle S. Rudes - Criminology, Law & Society Department at George Mason University was promoted from Assistant to Associate Professor (with tenure).

Jill Viglione - Doctoral student in the George Mason University Department of Criminology, Law and Society, has received a Doctoral Dissertation Improvement Grant from the National Science Foundation (Law & Social Science Division) and a Graduate Research Fellowship from the National Institute of Justice. These resources will provide support for Viglione to complete her project on the implementation of evidence-based practices in adult probation. Her mixed-methods project, titled Bridging the Research/Practice Gap: Street-Level Decision Making and Historical Influences related to Evidence-Based Practices in Adult Probation, will provide insight into how agencies reduce their reliance on ineffective or inadequate treatment and services for offender populations and increase the use of best practices to improve supervision strategies and offender outcomes.
James Cole was a ward of the state early in life. He ran from group homes at every chance and spent more time living on the streets. Soon he was making round trips from New Bedford to New York, heroin stashed in Dunkin Donut boxes and Tropicana juice bottles on the Greyhound bus. One day the man collecting him from the terminal got in a fight and police came. James was charged as an adult and sentenced to the county jail. He was 16 year-old. He remembers the three-and-a-half years served that first time as “one big learning experience.” Listening close while older men told stories about how they were caught and confined, there was always someone with advice on how to do things differently – how they got caught, what they did wrong, how to do it better next time. He even practiced hustling in the jail: making homebrew liquor, bringing in drugs and manipulating officials for medication.

When I spoke to James Cole he was 49 years-old, a decade after his last prison term, but still shaped in intimate, lasting ways by all the years inside. He finds himself with a lingering taste for prison food - eating tuna fish, sardines and Ramen noodle soup – and cleaning compulsively, a habit from being confined in small spaces with no room for clutter. For a long time he even showered in socks, underwear and a t-shirt – so used was he to keeping scarce clothes clean on a once a week laundry schedule. But the years in prison also brought skills and knowledges valued in the street. It was hard to keep up when he talked through the intricacies of dealing in the Mission Hill housing projects – runners and point men, scrambling and running plays. He talked about these things in an easy, intuitive way, and also revealed the more nuanced, embodied side of his knowledge. In the public park where we spoke – a place where drugs are all around and violence common – his alertness to physical threat is activated as a form of capital. James spotted in an instant a man we both knew who entered the park a good hundred feet past trees and benches. “You know what that is?” He explained, “That’s from being in prison and the streets: I can talk to you and I’m totally aware of my surroundings.”

The story of James Cole personifies dynamics common among the network of former prisoners I have befriended over nine months living as a participant-observer in a halfway house. The cyclical character of his incarceration – James’ 15 years served is spread over six separate sentences – is routine: all 30 interviewees have been to prison multiple times, the average is four sentences of 60 days or more. So to the way that the prison experience lingers as lasting dispositions to think and act in particular ways: daily routines, habits and rituals. James’ story speaks to the way the transformative effects of incarceration seem to fuel return, both making adjusting to life outside hard, and providing skills and knowledges that increase the potential rewards of street crime. Theorizing these processes through immersion in the biographies of a small group of men and women provides a unique lens into a much broader pattern of cyclical movement between prison and the street.
I theorize the criminogenic effects of incarceration by reworking an old concept - prisonization (Clemmer 1940) - using ideas from Pierre Bourdieu’s (1977, 1990) theory of practice. This brings to light new elements of the process and modifies the meaning of the term in three important ways: (1) It introduces a focus on habitus and embodiment, drawing attention to the schemes and dispositions internalized through the experience of imprisonment, (2) It shows how prisonization leads to criminal practices in interaction with the social fields that former prisoners move within, including a hostile political economy and broad overlap between prison and the street (Wacquant 2001), and (3) It reveals how the practices of recidivism become reasonable lines of action at the intersection between habitus and field, that the prisonized habitus can be activated as a form of cultural capital within street culture.

The experience of imprisonment does not end at the prison gate. People adapt to life inside, get used to prison, and in so doing reshape their minds and bodies in lasting ways. Simple habits developed inside are reproduced in the ‘free world’ after release – putting paper over the toilet seat, for example, or eating standing up – part of a more general process of lingering effects that ex-convicts describe in terms of ‘institutionalization.’ These embodied changes are often dysfunctional outside (it makes no sense to eat standing up in your own house), and to the extent they physically mark the body (ie. convict tattoos, body language, scars) can leave people branded criminal in many settings.

Take Jack Tarrant. Jack was arrested at 19 dealing cocaine from a Vermont hotel room, and sentenced to five years under the state's mandatory minimum sentencing laws. This was a formative time: “I transitioned from a teenager to a man in there.” I asked Jack to reflect on how he was changed by three years served before release on furlough. He referenced the movie Shawshank Redemption: “One of the inmates says, ‘I’m an institutional man now.’ That’s really what it feels like.” Jack explained what he meant by listing the rituals and habits he carried from prison and reproduced outside. He always wore sandals in the shower – even at his mother’s house. He often ate standing up, one foot on the chair, reproducing his readiness among a crowd in the prison chow hall. He found it difficult to have people behind him. He continued to see inanimate objects as potential weapons – “like every piece of metal I would look at would be like, can I make that into a weapon?” Being around cars was now disorienting, crossing the road dangerous. More than once he was almost hit. Jack consciously tried to shake these practices: “I had to really break myself down thinking wise, to try to get better. I was really institutionalized.”

This line of analysis echoes existing research that treats prisonization as a disabling or dysfunctional process. But thinking about the broad structural context of recidivism adds a new dimension. In particular, large-scale, cyclical movements in and out of prison create enduring connections, so that street culture (Anderson 1999; Bourgois 1997) and prison culture (Sykes 1958; Irwin 2005) can be treated as overlapping social fields. At different times, these spaces are populated by literally the same people. Because of this overlap, the three central forms of street capital – (1) the ability to hustle and (2) navigate interpersonal violence, and (3) subcultural style – also hold currency within prisons. That is, the element of sameness between prison and the street reinforces recidivism: rather than incarceration creating a clean break from the past, people tend to practice hustling inside and learn from fellow prisoners, develop the skills to use and avoid violence, and master cultural codes and informal rules of social interaction suitable to both prison and the street. Incarceration reworks the forms of cultural capital held by prisoners, and after release, shifts the strategies that make sense – increasing the potential rewards of a return to the street.

For the past few years, I have been immersed in the failure of the prison. I have worked through the immense social science of incarceration, gathering and sorting and interpreting, making a life of the routines of reading and writing that make the daily rounds of coming to understand this complex social problem. I have watched up close people churning through the system of mass incarceration. After a while the failure of the prison starts to seem so normal that the critical edge of the observation begins to lose impact. What would be the fate of hospitals that made people sick? Or schools that left people knowing less? In dwelling on the processes through which prison creates crime, I hope the reader will keep up close the strangeness of the situation, and that being introduced to the dynamics at work in the lives of small group of men and women will convince some to act in the growing movement for change.
Honorable Mention
2014 Lindesmith Student Paper Competition

Ke (Karen) Li, Indiana University

What he Did was Lawful: Divorce Litigation and Gender Inequality in Contemporary China.

Book Review


By Carl Hart

Review by Katherine A. Durante

Carl Hart is an associate professor in the psychology and psychiatry departments at Columbia University. He is the first tenured African American professor in the sciences at the university, and he is also a member of the National Advisory Council on Drug Abuse. His book High Price is about his personal life just as much as it is about his research, and drugs and society. His intention in writing this book is to show the public how hysteria stems from misinformation related to illegal drugs, coming from sources such as the media, law enforcement, politicians, and sometimes even scientists, and serves to obfuscate the real problems faced by marginalized people. In essence, by ignoring structural issues and making policy changes to help the lower class and minorities, society has been blaming drugs for social problems that have existed far before crack cocaine hit our cities.

Throughout High Price, Hart challenges dominant beliefs about all aspects of drugs and society. Beliefs that are so pervasive he himself admits to believing them in the past, despite all the evidence he now recognizes that suggests these beliefs are mostly misguided and wrong. This includes what we think we know about drugs, addiction, and choice.

His own research focuses on drug addiction, through which he has debunked several myths, such as the ideas that crack cocaine users are violent, that they are willing to do anything to get another hit, and that the drug is highly addictive. In fact, his research has concluded time and again that only about 10-20% of crack cocaine users become addicted. Hart and his associates administer
pharmaceutical-grade cocaine to regular users of the drug. For ethical purposes, they only experiment on regular users who are not trying to quit. While he has worked on many studies that explore the effects of drugs on individuals' brains and behavior, he is most interested in how drug users make decisions and respond to other incentives.

Hart has experimented with how cocaine users respond when given a choice between various doses of cocaine and various amounts of vouchers for cash or merchandise. He has found that humans respond to cocaine similarly to how they respond to other reinforcing experiences. Participants in his experiments were given a sample of the dose of cocaine available that day, as well as the opportunity to hold the cash or merchandise vouchers offered as an alternative. They were then blindfolded and had the choice every fifteen minutes to receive a dose, which could be various sizes of cocaine or a placebo, or accept the alternative. They had five choice trials and could earn up to fifty dollars each day. Hart found that when cash was offered, the participants on average smoked two fewer doses of cocaine, as opposed to when merchandise was offered. This defies conventional wisdom that addicts are out of control once they start using the drug.

Not only are dominant beliefs about drugs themselves wrong, but according to Hart, so are common beliefs of the alleged effects drugs had on the city throughout the 1980s and 1990s. Hart claims that “although crack is often blamed for child abandonment and neglect and for grandmothers being forced to raise a second generation of children, all those things happened in my family well before crack hit the streets (16).” Throughout High Price Hart recants several stories of growing up in poor communities across Miami, Florida, many of which involve street violence, guns, domestic violence, and parental absence. Hart himself was raised by several relatives, with his parents and different siblings coming in and out of his life. As a young adult, he looked back at his life and framed these inner-city problems around drug use. It wasn’t until he was a scientist that he looked back and realized that few of these stories even involved drugs, but instead are better framed around poverty, lack of jobs in the city, poor education, and racism. It wasn’t until being stationed in the UK while serving in the military that he fully came to understand the prevalence of racism in American society and how it has affected his own life.

While the media and politicians seeking reelection, from both parties, blamed inner-city problems on drugs, they also claimed that waging war on drugs would fix things. Few questioned the assumptions of this narrative. In reality, Hart observes, young people in the cities weren’t any more lawless than he and his siblings were as teenagers, but now drugs were being blamed. Hart provides statistics that suggest between 1979 and 1986, drug use amongst youth was actually on the decline, yet at the same time harsh drug laws were being enacted. Drug dealers, addicts, and hustlers existed before crack cocaine, a drug that Hart views as nothing more than a new product at the time, yet crack cocaine has shouldered much of the blame for inner city disorder and violence. Hart’s research suggests that the drug itself does not promote violence and disorder. It is the illegality of the drug that causes increases in violence, as a result of attempts to define and retain sales territory. African American residents in the inner-city neighborhoods themselves fell victim to the hysteria and started to call for more officers and longer prison sentences, thus supporting harsh drug laws.

One law that Hart finds truly disparaging is the sentencing differences between powder and crack cocaine. As Hart explains to the reader time and again, there is no pharmacological difference between the two substances. There is, however, a difference between which racial groups are associated with the use of each. When the Anti-Drug Abuse Act of 1986 initially came to pass, the disparity in sentencing differences between the two forms of cocaine was 100:1, with crack being punished 100 times harsher than powder. Since then, the Fair Sentencing Act of 2010 has lowered the disparity to 18:1. However, seeing that they are just different forms of the same drug, from a scientific
perspective, Hart concludes no disparity is justified since there is not any real difference in harm related to the drug.

Based on Hart’s research on the decisions addicts make when faced with cash or drugs, he promotes social programs which offer alternative reinforcers, such as paying cash as an incentive to not use drugs. While controversial, case studies have found these programs to be both cheaper and more effective than punitive measures such as incarceration. These programs could also help users in recovery develop skills that are in demand by employers, further reducing the costs in the long-run.

Hart advocates for other policy chances as well. He argues that supporters of our current laws have an irrational focus on eliminating certain drugs from society and are preoccupied with those who violate drug laws. These drug laws, he argues, like many other scholars, have been used as a tool to marginalize black men and keep them in a cycle of incarceration and isolation from mainstream society. Based on his life circumstances, he recognizes how lucky he is to be in his position, and credits his success to his focus on athletics, which kept him in high school, the support of his girlfriends along the way, military service, social welfare benefits, and a few good mentors he was fortunate to come across. Most of the people he grew up with have struggled to escape the poverty-stricken neighborhoods in Miami. Hart advocates for the decriminalization of drugs, based on the success Portugal has had, and teaching Americans harm reduction approaches and factual information about drugs, rather than the sensationalized misinformation most of us have been inundated with by the media and our current educational programs.

What makes *High Price* particularly interesting and easy to get through is the way Dr. Carl Hart intertwines his own life experiences with empirical studies and factual information about drugs. Rather than limiting his writing to his own field, he provides a wealth of information from sociological, political science, and psychological perspectives. He discusses the hardships of growing up in his environment, the stress of going home now as an adult, the difficulties and fears of raising black sons in America, and even how hard it has been to be married to a white woman. While *High Price* is surely insightful, its target audience is no doubt the general public, not those who are already well versed on drug policy. It would make an excellent addition to any undergraduate course which focuses on drugs and society.

*Katherine A. Durante* is a Doctoral Candidate in the Department of Sociology at the University of Cincinnati. Her dissertation research focuses on the contextual factors that contribute to racial disparities in prison admissions across county jurisdictions.

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**Members in the Spotlight**


Jay Borchert had the privilege of telling one of his own prison stories, *Hangin' by the Telephone*, as part of *Live Law 4* at the Bryant Lake Bowl Theater, in Minneapolis this past May. In addition to being a graduate student and Chair of the Division, Jay is also a former prisoner, having spent years behind...
bars in California, Minnesota and Illinois before returning to school for his BA, MA, and soon his PhD. A great deal of the motivation for his research stems from this experience as a prisoner, and the experience of other former prisoners, which together bring a critical perspective toward law and society research, and prisons/punishment research in particular.

To watch Jay’s performance, go to https://www.youtube.com/watch?v=TqsDHKuQ46o

To learn more about Life of the Law, go to http://www.lifeofthelaw.org


Accounts of mass atrocities habitually focus on one kind of violence and its archetypal victim, inviting uncritical, ungendered misconceptions: e.g., rape only impacts women; genocide is only about dead, battle-aged men. We approach collective violence as multiple, intersecting forms of victimization, targeted and experienced through differential social identities, and translated throughout communities. Through mixed-method analyses of Darfuri refugees’ testimonies, we show (a) gendered causes and collective effects of
selective killing, sexual violence, and anti-livelihood crimes, (b) how they cause displacement, (c) that they can be genocidal and empirically distinct from non-genocidal forms, (d) how the process of genocidal social destruction can work, and (e) how it does work in Darfur. Darfuris are victimized through gender roles, yielding a gendered meaning-making process that communicates socially destructive messages through crimes that selectively target other genders. The collective result is displacement and destruction of Darfuris’ ways of life: genocide.


This book analyzes kidnapping in three general ways. First, kidnapping, including the threat of kidnapping, reflects a breakdown in the mechanisms of social control in society. At the level of interpersonal relations, the weakening of social control processes allows kidnappers to function in different situations and for diverse motives. This book addresses such questions as: What are the conditions under which kidnappers can evade social control by abducting or threatening to abduct another person? What factors trigger the response of social control mechanisms to kidnappers or attempted kidnappers? How effective are the institutional responses to abductions. Second, governments and para-military and terrorist groups also employ kidnappings as part of their foreign and domestic policy. This analysis evaluates why and under what conditions governments, para-military and terrorist groups decide to abduct individuals and groups. Emphasis is on how individuals, groups, and governments employ abductions to achieve their social, cultural, religious, and political objectives. Third, certain cultural traditions foster abductions. This analysis examines how cultural traditions in different societies emerge to foster behaviors such as bride abductions. Moreover, this book addresses the extent to which social change modifies these cultural patterns.