



PRO BONO

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

Contents

Notes
from the Chair.....page 1

Call for papers.....2

Division Grad Showcase.....3

Lindesmith Award call
for nominations.....4

2011 Law and Society
sponsored sessions.....5

Noteworthy publications.....6

Sutherland
Award.....8

Call for Proposals.....10

NOTES FROM THE CHAIR

Dear Division Members,

I am writing these notes as my Fall Quarter at California State University, East Bay, begins. Despite my heavy teaching and research load, I am excited to chair the SSSP Law & Society Division. My research in the fields of health sciences, forensics, and social sciences explores the dark side of law and society, including new research into the nature of domestic violence and health care, death threats, missing persons, newborn kidnapping, and kidnapping in dating and other relationships. My work as a forensic/medical sociologist also has given me new insights into the usefulness of social science testimony in resolving many disputes in civil and criminal law. As social/behavior scientists and legal scholars/consultants, we participate in the legal system and analyze the impact of social change on the legal system. As Division Chair, my hope is that we will explore the changing structure and process of the legal system in all areas of the law and participate as consultants and expert witnesses in the legal system. I am open to new forms of collaboration and ideas from our Division members. I also hope that our experienced Divi-

sion members will continue to serve as mentors to our graduate students and participate actively in social and employment networking.

This year, a number of topics related to social change and professional involvement in the legal system will be addressed at our annual meeting, which is scheduled to occur August 13 – 15 in Chicago, IL. This year, the theme of the meeting is service sociology. I hope to see many of you there! In solidarity,

Stephen J. Morewitz
Chair, Law & Society Division, SSSP
Department of Nursing and Health
Sciences

California State University, East Bay
PS: I would like to thank Art Jipson for his help as Vice Chair and Lloyd Klein for all of his help during my transition to Chair. I also would like to thank Michael Smyth for his excellent work in editing this newsletter!

2010-2012

**Law and Society Division
Officers**

Chair:

Stephen Morewitz
Department of Nursing and Health
Sciences
California State University, East
Bay
morewitz@earthlink.net

Vice Chair:

Arthur J. Jipson
Associate Professor; Director of
Criminal Justice Studies Program
University of Dayton
arthur.jipson@notes.udayton.edu

The Society for the Study
of Social Problems



61st Annual Meeting
August 12-14, 2011

RENAISSANCE BLACKSTONE CHICAGO HOTEL
636 SOUTH MICHIGAN AVENUE
CHICAGO, IL

SSSP PRESIDENT

A. Javier Treviño, Wheaton College

2011 Program Committee

Karen M. McCormack, *Chair*, Wheaton College

Luis A. Fernandez, Northern Arizona University

Holly Foster, Texas A&M University

Michelle Janning, Whitman College

Monica M. White, Wayne State University

CHICAGO 2011



CALL FOR PAPERS:

**61st ANNUAL SSSP
MEETING**

All papers must be submitted by midnight (EST)
on January 31, 2011 in order to be considered.

**ON
SERVICE SOCIOLOGY**

"If each of us chooses some ...
form of public service and puts
himself thoroughly into it,
things will go very well."

Charles Horton Cooley, *Social
Organization* (1909).

"To investigate humanity for
the purpose of service." Emory
S. Bogardus, motto of Alpha
Kappa Delta (1920).

"The real question is, does our
special expertise and informa-
tion [as sociologists] give us a
special obligation to act?"
John F. Galliher, *What They
Said and What They Did: Some
Early SSSP Presidents* (2002).

LAW AND SOCIETY DIVISION GRADUATE STUDENT SHOWCASE

In the columns that follow, we feature dissertation abstracts from current and recent graduate student members of the Law and Society Division of the Society for the Study of Social Problems. The abstracts are featured in no particular order.

NO GOOD PLACE: COMMUNITY RESPONSES TO VIOLENT SEX OFFENDERS

Monica Williams, University of California, Davis

Expressions of outrage, revulsion, and fear of sexual offenders are common throughout American society (Janus 2006; Jenkins 1998). Yet, there are important differences in how people respond to these offenders in their communities. My dissertation research examines sexually violent predator (SVP) placements in California in order to understand variations in community responses to sex offenders, and, more broadly, to understand how local circumstances shape responses to crime. Specifically, I ask: how do local political circumstances shape community members' responses when a sex offender moves in? How do they respond similarly despite local circumstances? What accounts for differences in responses between communities? To answer these questions, I conduct in-depth interviews with residents and officials in five communities that have recently experienced SVP placements. By exploring these responses at a local level, my research can contribute to our understanding of the dynamics of the local politics of crime control.



UNDER THE PENAL GAZE: AN EMPIRICAL EXAMINATION OF Penal Consciousness Among Prisoners

Lori Sexton, M.A., University of California, Irvine

This dissertation draws inspiration from the legal consciousness literature to develop anew a concept specifically oriented towards penalty: penal consciousness. It does so in order to answer the question: How do those who are subject to one particular form of state control—incarceration—understand and orient to their punishment? In other words, what types of penal consciousness do they express? Through 80 in-depth, qualitative interviews with prisoners in both men's and women's prisons in Ohio, this research examines the ways in which incarceration is experienced as punishment by different populations in different penological settings. Specifically, it investigates how penalty—that which is experienced as punishing or recognized as punishment—is understood by male and female prisoners in traditional indirect and innovative

direct supervision carceral facilities. It is expected that the divergent experiences of male and female prisoners will be linked to unique styles of penal consciousness across groups. Further, it is hypothesized that the proximate effects of the different penal styles evident in direct and indirect supervision will produce different experiences with punishment, and consequently will engender different forms of penal consciousness. By focusing analytic attention on penal consciousness across populations and settings, we can better understand the multiple, contemporaneous meanings of incarceration as both a unique lived experience and a larger state project. More theoretically, we can better understand the contours of penal consciousness among those subject to formal state control.



COURTS AND THE TREATMENT OF ADDICTION: THERAPEUTIC JURISPRUDENCE AS NEOLIBERAL GOVERNANCE

Kerwin Kaye, New York University

Over the past twenty years, drug treatment courts have become an increasingly common feature within the criminal justice system. In sending criminal defendants to treatment programs rather than to prison, these courts promise to meet the needs of defendants while reducing recidivism rates and costs. In this dissertation, I detail the models of addiction that are utilized by drug courts and their affiliated treatment programs, highlighting the mixed consequences that state-supervised treatment brings to participants. While drug courts involve the re-establishment of a limited package of welfarist services within the criminal justice system (following their contraction within the broader society), they also entail much greater control by the criminal justice system over the everyday lives of participants. A key focus within this project concerns the way in which an informally-named "drugs lifestyle" that is the central focus of treatment incorporates many of the features previously coded as a "culture of poverty." Using both ethnographic and historical methodologies, I argue that treatment revolves less around drug use per se and more around an effort to use "therapeutic" forms of discipline to foster a new work-oriented habitus and to re-code gender in such a way as to move participants from a life focused upon street-based peer interactions to one rooted in work and family life. While supporters of drug courts often claim that they represent an alternative to the "war on drugs," I argue that they instead represent an alternative means of waging that war, offering the post-industrial state more efficient means of targeting its resources as it works to control a largely non-white "surplus population" suffering from the loss of globalized jobs.



[continued on page 4]

GRADUATE STUDENT SHOWCASE [CONT'D]

DOMESTICATING HUMAN RIGHTS: IDENTITY, OWNERSHIP AND KNOWLEDGE PRODUCTION IN THE REPRODUCTIVE JUSTICE MOVEMENT

Zakiya T Luna, University of Michigan

In my research, I seek to understand why the emerging reproductive justice movement made the anomalous choice to deploy an international human rights frame to address domestic social problems. Civil rights has been the dominant frame for US social movements because its historical resonance with potential supporters and policy makers makes movement success more likely, thus talking about human rights, which are often misunderstood and maligned in the US, is a counterintuitive strategy. Reproductive justice advocates often rely on a human rights frame to challenge the reproductive rights movements emphasis on law on the books and reproductive choice? to expand advocacy for reproductive freedoms more broadly, including the right to have a child (e.g., for queer people, for low-income women) and the right to parent children one already has (e.g., for incarcerated people). To answer why reproductive justice advocates turned toward human rights, I collected data in multiple forms?55 interviews with movement founders and participants throughout the country, archival documents and participant observation over a three year period using the national reproductive justice coalition Sister-Song as my research site. My findings reveal the confluence of domestic and international events that led to this choice of mobilizing around human rights, how women of color and their allies work to move narrow definitions of reproductive rights from a liberal concept of freedom toward a more inclusive reproductive justice and the range of commitments to human rights practice among activists. Ultimately, human rights contribute a valuable vision for U.S. social movements as earlier social movement frames continue to lose their power to mobilize people. Specifically, reproductive justice advocates perceive that human rights, despite their limitations, allow them to bring their whole selves into a movement, rather than being forced to pledge loyalties to competing movements that fail to fully address their needs. Thus, we can expect increased deployment of the human rights frame, particularly among marginalized people who are increasingly mistrusting of formal politics and demand systemic justice not only legal reform. Funded in part by NSF Law and Social Science Dissertation Research Grant # SES-0850655.

CS

IMMIGRANT LEGALITY AND THE U.S. GUEST WORKER PROGRAM

SaunJuhi Verma, University of Chicago

SaunJuhi Verma's dissertation research, an ethnographic, multi-site case study of the guest worker program, evaluates the migration experiences of low wage South Asian guest workers recruited into the U.S. oil industry. The study asks, *given the recent economic downturn, why do employers from the U.S. Gulf south continue to recruit labor from overseas, particularly Asia?* Findings from the study suggest solicitation of foreign labor stems from (1) the relative susceptibility of guest workers to employer misconduct, (2) system of labor brokerage by which workers become indebted to employers and often slip into undocumented status. The population within the study immigrates through legal avenues and yet acquires illegal status. Much of the migration literature within sociology has focused upon undocumented border crossings as resulting from either individual choices of migrant workers or industries of human smuggling within the informal economy. In contrast, her research study evaluates employer networks and formal immigration channels as key factors in the generation of an undocumented workforce.

LINDESMITH AWARD GRAD STUDENT PAPER COMPETITION

Deadline for Nominations: 04/01/10

The Alfred R. Lindesmith Award is given annually to the best law-related paper that has been authored by one or more untenured faculty and/or graduate student(s) and that has not been accepted for publication prior to the April 1 deadline. The Award Committee welcomes nominations, including self-nominations, for papers that meet these criteria. Please e-mail nominated papers to:

Lloyd Klein

lklein@stfranciscollege.edu

The winner of the Award will receive a plaque and a ticket to the SSSP awards banquet.

LAW AND SOCIETY DIVISION SESSIONS FOR 2011 ANNUAL MEETING

#4 Immigration, Exclusion, and Human Rights: Changes in State and Local Policy. Co-sponsored with: 1) Community Research and Development; 2) Conflict, Social Action, and Change; 3) Global; Racial and Ethnic Minorities. Organizers: 1) Majka, Theo J. (theo.majka@notes.udayton.edu); and Lloyd Klein (lklein@stfranciscollege.edu).

#22 Law and Domestic Abuse. Co-sponsored with: 1) Crime and Juvenile Delinquency; 2) Family; 3) Sociology and Social Welfare. Organizer: Lloyd Klein (lklein@stfranciscollege.edu).

#42 Law and Environment. Co-sponsored with: Environment and Technology. Organizer: Lang, Steve R. (slang@lagcc.cuny.edu).

#60 Sociological Perspectives on Health Reform. Co-sponsored with Health, Health Policy, and Health Services. Organizer: Street, Debra (dastreet@buffalo.edu).

#74 Expert Testimony and Social Advocacy (THEMATIC). Organizer: Morewitz, Stephen J. (morewitz@earthlink.net).

#75 Sociological Perspectives on Same-Sex Marriage. Organizer: Smyth, Michael A. (smyth@susqu.edu).

#76 Sociology of Law and Public Policy. Organizer: Steele, Paul D. (pd.steele@moreheadstate.edu).

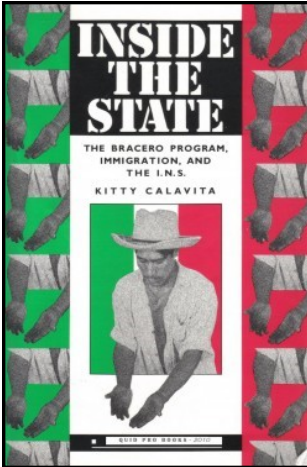
#77 Re-entry and Reintegration of Offenders. Co-sponsored with Sexual Behavior, Politics, and Communities. Organizer: Steele, Paul D. (pd.steele@moreheadstate.edu).

#78 Juvenile and Other Specialty Courts. Co-sponsored with Sociology and Social Welfare. Organizer: Laurin, Matthew Ryan (mrlaur01@moreheadstate.edu).

#79 Sanctions and Punishment. Co-sponsored with Social Problems Theory. Organizer: Leo, Richard A.



NOTEWORTHY PUBLICATIONS

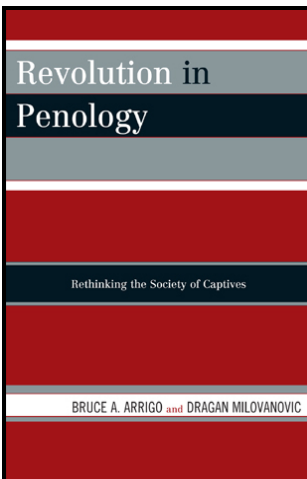


INSIDE THE STATE: THE BRACERO PROGRAM, IMMIGRATION, AND THE I.N.S.
by Kitty Calavita.

Long a leader in the law and society movement, the author dug deep into the INS and other entrenched bureaucracies to uncover the real reasons why a program of temporary farm workers to Southwestern states in the 1940s-1960s, as opposed to complete immigration, failed about America's ambivalence toward immigration and labor, but also about how government really works, from the inside. Previous notions of political "capture" and economic motivations simply did not explain the whole story, and so the book takes the reader past usual political theory and public relations materials into the revealed truth about how a program worked and failed, accounting not just for agencies in the abstract, but also their human actors.

First published by Routledge in 1992, this book has substantive and methodological value to students of sociology, law, immigration policy, and the politics of governmental agencies and powerful business interests. Moreover, that value continues today. As Professor Calavita observes in her new Foreword, sincere concerns about immigration and labor persist, as does the notorious dysfunction of the present form of the INS. The latter reputation cannot just be a one-off phenomenon or a product of the program's era, the sociologist in her concludes: "When the gap between the stated purpose of law and its outcomes persists across time and place, as it does in the case of immigration, we can reasonably infer that something systemic, or structurally patterned, is going on." The bureaucracy formerly known as INS is not just an accidental tourist to all this, either: "the agency is not simply chronically inept or mismanaged. Instead, it has the misfortune of sitting at the fault line of a structural contradiction between the economic demand for cheap immigrant labor and political demands for border control." And such immigration/labor tensions persist in other developed countries as well.

The latter reputation cannot just be a one-off phenomenon or a product of the program's era, the sociologist in her concludes: "When the gap between the stated purpose of law and its outcomes persists across time and place, as it does in the case of immigration, we can reasonably infer that something systemic, or structurally patterned, is going on." The bureaucracy formerly known as INS is not just an accidental tourist to all this, either: "the agency is not simply chronically inept or mismanaged. Instead, it has the misfortune of sitting at the fault line of a structural contradiction between the economic demand for cheap immigrant labor and political demands for border control." And such immigration/labor tensions persist in other developed countries as well.

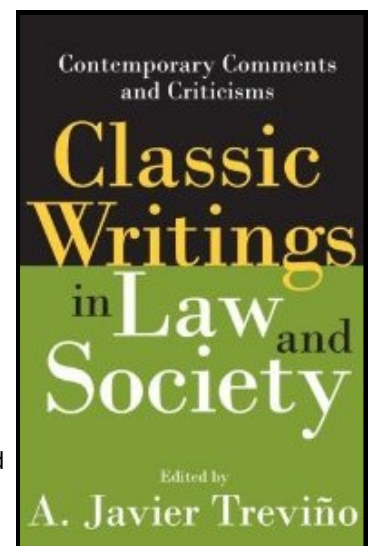


REVOLUTION IN PENOLOGY
by Bruce A. Arrigo and Dragan Milovanovic

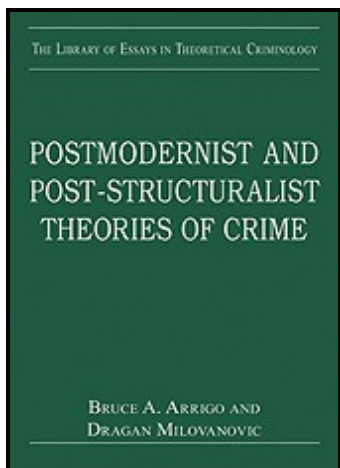
Revolution in Penology is a thoroughly original and thought-provoking critique of penal harm, the recursive pains of imprisonment cycle, and the normalization of violence. Relying on selected insights derived from continental philosophy, cultural studies, and chaos theory, internationally renowned social theorists, Bruce A. Arrigo and Dragan Milovanovic, deconstruct the human agency/social structure duality that sustains the prison form, its parts and segments understood as correctional principles/practices, and the prison industrial complex that is informed by and stands above them all.

CLASSIC WRITINGS IN LAW AND SOCIETY (Second Edition, Revised and Expanded)
by A. Javier Treviño

Over against such reference volumes as encyclopedias, which are intended to provide an overview and summary of a subject, and dictionaries, which define a series of terms, "commentaries" generally consist of a collection of lectures or essays that discuss and explain in some detail particular topics and sources. In law, the best known and oldest of these is William Blackstone's Commentaries on the Laws of England (1765-1769). Others, which are equally prominent, include James Kent's Commentaries on American Law (1826) and Joseph Story's Commentaries on the Constitution of the United States (1833). This volume is presented in the spirit of the aforementioned treatises. It consists of several essays of contemporary comments and criticisms intended generally to inform and educate. The commentaries in this book



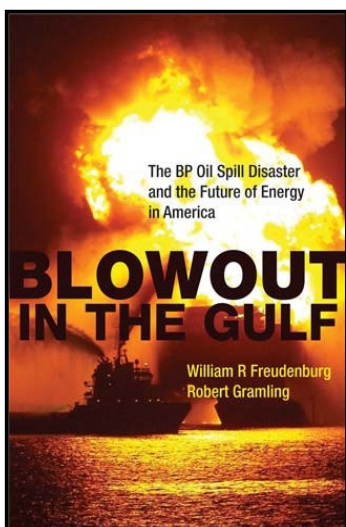
have two collective purposes. First and foremost, they are intended to acquaint a new generation of students with thirteen classic books written by diverse sociolegal scholars. Second, they endeavor to demonstrate the contemporary theoretical relevance, the continuing legacy, of these classic writings. Singly and collectively these books have a clear relation to the "classic" tradition in thought—a tradition that, although not always acknowledged, is of great significance to current theorizing in law and society.



POSTMODERNIST AND POST-STRUCTURALIST THEORIES OF CRIME.

by Bruce A. Arrigo and Dragan Milovanovic

This volume presents the rich and provocative historical, theoretical, methodological, and applied developments within affirmative postmodern and post-structural criminology. This includes the evolution of thought that embraces the "linguistic turn" in crime, law justice, and social change. Previously-published articles authored by key thinkers are included throughout the book's five substantive sections. Collectively, they represent important reflections on the current criminological landscape in which symbolic, linguistic, material, and cultural realms of analyses are featured.

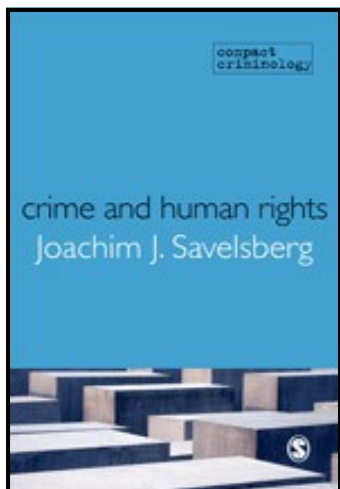


BLOWOUT IN THE GULF: THE BP OIL DISASTER AND THE FUTURE OF ENERGY IN AMERICA

by William Freudenburg and Robert Gramling

On April 20, 2010, the gigantic drilling rig *Deepwater Horizon* blew up in the Gulf of Mexico, killing eleven crew members and causing a massive eruption of oil from BP's Macondo well. For months, oil gushed into the Gulf, spreading death and destruction. Americans watched real-time video of the huge column of oil and gas spewing from the obviously failed "blowout preventer." The evening news showed heart-rending images of pelicans, dolphins, and other Gulf wildlife covered in oil. What has been missing until now, though, is a book that tells the larger story of this disaster. In *Blowout in the Gulf*, energy experts William Freudenburg and Robert Gramling explain both the disaster and the decisions that led up to it. They note that—both in the Gulf of Mexico and elsewhere—we have been getting into increasingly dangerous waters over recent decades, with some in the industry cutting corners and with most federal regulators not even noticing. In the process, the actual owners of the oil—American taxpayers—have come to receive a lower fraction of the income from the oil than in almost any other nation on earth.

Freudenburg and Gramling argue that it is time for a new approach. BP's Oil Spill Response Plan was pure fantasy, claiming the company could handle the equivalent of an Exxon Valdez spill every day, even though "cleaning up" an oil spill is essentially impossible. For the future, our emphasis needs to be on true prevention, and our risk-management policies need to be based on better understandings of humans as well as hardware. *Blowout in the Gulf* weaves these failures, missteps, and bad decisions into a fascinating narrative that explains why this oil spill was a disaster waiting to happen—and how making better energy choices will help prevent others like it.



CRIME AND HUMAN RIGHTS: CRIMINOLOGY OF GENOCIDE AND ATROCITIES

by Joachim Savelsberg

Crimes against humanity are amongst the most shocking violations imaginable. Savelsberg's text provides a much-needed criminological insight to the subject, exploring explanations of and responses to human rights abuses. Linking human rights scholarship with criminological theory, the book is divided into three parts: Part 1 examines the legal and historical approach to the topic within a criminological framework; Part 2 unpacks the etiology of human rights offending; using detailed case studies such as the Holocaust and the Darfur genocide; Part 3 explores institutional responses to crimes and uses criminological theory to offer solutions.

Seminal yet concise, *Crime and Human Rights* is written for advanced students, postgraduates and scholars of crime, crime control and human rights. With its fresh and original approach to a complex topic, the book's appeal will span across other disciplines from politics and sociology to development studies, law, and philosophy.

MORE NOTEWORTHY PUBLICATIONS

Titus, J.J. 2010. "Ascribing Monstrosity: Judicial Categorization of a Juvenile Sex Offender." *International Journal of Speech, Language and Hearing*, 3(1), 2010.

Bersot, H., and Arrigo, B. A. (forthcoming). Solitary confinement, inmate mental health, and cruel and unusual punishment: An ethical and justice policy perspective. *Journal of Theoretical and Philosophical Criminology*, 3(1), 2010.

Bersot, H. Y., and Arrigo, B. A. (forthcoming). The ethics of mechanical restraints in prisons and jails: A preliminary inquiry from psychological jurisprudence. *Journal of Forensic Psychology Practice*, 11(2):, 2011.

Arrigo, B. A. (forthcoming). De/reconstructing critical psychological jurisprudence: Strategies of resistance and struggles for justice. *International Journal of Law in Context*, 6(4):.

Arrigo, B. A. (forthcoming). Madness, citizenship, and social justice: On the ethics of the shadow and the ultramodern. *Law and Literature*, 23(2):.



Richard A. Leo Presented with Edwin H. Sutherland Award for Outstanding Scholarship

The Law and Society Division presented its 2010 Edwin H. Sutherland Award for Outstanding Scholarship to Richard A. Leo for his book entitled *Police Interrogation and American Justice* (Cambridge: Harvard University Press, 2008). In this work, Leo offers an expansive analysis of the nature and impact of police interrogation which stands as a comprehensive and interdisciplinary piece that nicely places the idea of interrogation within the contexts of criminology, law, sociology, and psychology

FROM THE EDITOR

Dear Members,

In my capacity as Editor of *Pro Bono*, I endeavor to produce a newsletter that is worthy of the name. To that end, I am soliciting Division members' help. Please take the time to send newsworthy items of interest regarding promotions, tenure status, new jobs, books, new publications of note, grants, awards, etc., etc. Additionally, as the Chair noted, we will be pleased to post announcements of tenure-track and non-tenure-track positions available in your departments. In short, if you have any information to share, I will greatly appreciate it if you will send it along for publication in *Pro Bono*. Please send any contributions for the newsletter to the Editor, Michael Smyth, at smyth@susqu.edu.



Call for Chapter Proposals

In 2004 and 2008, the SSSP and the Justice 21 Committee published the first two volumes of the **Agenda for Social Justice**. Those reports contained chapters on a variety of social problems, among them poverty, educational inequality, unemployment, environmental health risks, global economic change, capital punishment, post-Katrina disaster response, gender inequality in the criminal justice system, the vulnerability of ESL students in public schools, surveillance technologies, civil unions, domestic violence.

We are now beginning our work on the third publication—**Agenda for Social Justice-2012**. This publication is designed to inform the public-at-large about the nation's most pressing social problems and to propose a public policy response to those problems. This project affirms the commitment of SSSP to social justice, and enables the members of the association to speak on public issues with the sponsorship of the corporate body. This report will be an “agenda for social justice,” in that it will contain recommendations for action by elected officials, policy makers, and the public at large. The report will be distributed as widely as possible to policy makers, those in progressive media, and academics.

The quadrennial report will be a product of the most valid and reliable knowledge we have about social problems and it will be a joint effort of the members and Divisions of SSSP. We invite you to consider preparing a chapter for the 2012 publication. We ask you, individually or with colleagues, to consider submitting a brief proposal (1-2 pp) identifying a social problem of concern to members of SSSP, and respond to the questions:

*What do we know?
How do we know it?
What is to be done?*

As the coordinating committee for **Justice 21**, we invite members to prepare a draft statement for a proposed contribution to the 2012 publication, tentatively to be produced and distributed by the Edwin Mellen Press (<http://www.mellenpress.com/>). For the 2012 edition, confirmed contributors include the following well-known sociologists: Frances Fox Piven, Alejandro Portes, and Amatai Etzioni. Please submit a copy of your 1-2 page proposals to each of the members of the committee by March 1, 2011, and contact us if you have questions or would like additional information. Final manuscripts will be due near the end of 2011, and will appear in print prior to the 2012 SSSP annual meetings in August 2012.

Glenn Muschert (chair), Miami University, muschegw@muohio.edu
Kathleen Ferraro, Northern Arizona University, kathleen.ferraro@nau.edu
Brian Klocke, SUNY Plattsburgh, bkloc001@plattsburgh.edu
JoAnn Miller, Purdue University, jlmiller@purdue.edu
Robert Perrucci, Purdue University, perruccir@purdue.edu
Jon Shefner, University of Tennessee, jshefner@utk.edu