

Law and Society/Sociology of Law
Comprehensive Examination Reading List
School of Sociology, University of Arizona
Revised May 2024

1. Theoretical Foundations

Isaac Balbus. 1973. "Commodity Form and Legal Form: An Essay on the 'Relative Autonomy' of the Law." *Law & Society Review* 11: 571-588.

Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *Hastings Law Journal* 38: 814-43.

Lewis Coser 1984. "Introduction," Pp. ix-xxiv in *The Division of Labor in Society*, Emile Durkheim. New York: Free Press.

Sally Ewing. 1987. "Formal Justice and the Spirit of Capitalism: Max Weber's Sociology of Law." *Law & Society Review* 21: 487-512.

Harold G. Grasmick and Robert J. Bursik, Jr. 1990. "Conscience, Significant Others and Rational Choice: Extending the Deterrence Model." *Law & Society Review* 24: 837-861.

Alan Hyde. 1983. "The Concept of Legitimation in the Sociology of Law." *Wisconsin Law Review* 1983(2): 379-426.

Karl Marx 1841. "Debates on the Law on Thefts of Wood." Excerpt reprinted pp. 128-139 in A. J. Treviño 1996. *Sociology of Law: Classical and Contemporary Perspectives*. St. Martin's.

Alan Stone. 1985. "The Place of Law in the Marxian Structure-Superstructure Archetype." Excerpt reprinted pp. 149-161 in Treviño, A. Javier. 1996. *Sociology of Law: Classical and Contemporary Perspectives*. St. Martin's Press.

John Sutton, *Law/Society: Origins, Interactions and Change*. Pine Forge Press, 2001, Chapters 2-4 (Durkheim, Marx, Weber)

David Trubek. 1972. "Max Weber on Law and the Rise of Capitalism" *Wisconsin Law Review* 1972: 720-753.

Excerpt from Tom Tyler. 1990. *Why People Obey the Law*, New Haven: Yale University Press, pp. 474-485 in *Law & Society: Readings on the Social Study of Law*, edited by S. Macaulay, L. M. Friedman and J. Stookey, WW. Norton. 1995.

Max Weber, Excerpts from *Economy and Society* "1. Domination and Legitimacy," "2. The Three Pure Types of Authority," and "8. Substantive Law and Procedure."

Black, Donald. 1973. "The Mobilization of Law." *The Journal of Legal Studies* 2(1):125-149.

Black, Donald. 2010. *The Behavior of Law: Special Edition*. Emerald Group Publishing.

Menjívar, Cecilia and Leisy Abrego. 2012. "Legal Violence: Immigration Law and the Lives of Central American Immigrants." *American Journal of Sociology* 117(5):1380-1421.

2. Punishment and Incarceration

Bhargava, Shalini. 2004. "Challenging Punishment and Privatization: A Response to the Conviction of Regina McKnight." *Harvard Civil Rights-Civil Liberties Law Review* 39: 513–42.

Megan Comfort. 2009. *Doing time together: Love and family in the shadow of the prison*. Chicago: University of Chicago Press.

Matthew Desmond and Nicol Valdez. 2013. Un-policing the urban poor: Consequences of third-party policing for inner-city women. *American Sociological Review*, 78(1), 117-141.

Duxbury, Scott W. 2021. "Who Controls Criminal Law? Racial Threat and the Adoption of State Sentencing Law, 1975 to 2012." *American Sociological Review* 86(1):123-153.

Elliott, Sinikka, and Megan Reid. 2019. "Low-Income Black Mothers Parenting Adolescents in the Mass Incarceration Era: The Long Reach of Criminalization." *American Sociological Review* 84(2):197-219.

Malcolm M. Feeley 1979. *The Process is the Punishment*. New York: Russell Sage Foundation.

Michel Foucault. 1975. *Discipline and Punish: The Birth of the Prison*. Random House.

David Garland. 1990. *Punishment and Modern Society: A Study in Social Theory*. Chicago: University of Chicago Press.

Haney, Lynne. 2018. "Incarcerated fatherhood: The entanglements of child support debt and mass imprisonment." *American Journal of Sociology*, 124(1):1-48.

Harding, David J., Jeffrey D. Morenoff, Anh P. Nguyen, and Shawn D. Bushway. 2018. "Imprisonment and labor market outcomes: Evidence from a natural experiment." *American Journal of Sociology* 124, 1: 49-110.

Joshua Page. 2011. *The toughest beat: Politics, punishment, and the prison officers union in California*. New York: Oxford University Press.

Devah Pager. 2007. *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.

Keramet Reiter. 2016. Reclaiming the Power to Punish: Legislating and Administrating the California Supermax, 1982–1989. *Law & Society Review*, 50(2), 484-518.

Robinson, Brandon Andrew. 2020. "The Lavender Scare in Homonormative Times: Policing, Hyper-incarceration, and LGBTQ Youth Homelessness." *Gender & Society*, 34(2), 210–232.

Joachim Savelsberg. 1994. "Knowledge, Domination and Criminal Punishment," *American Journal of Sociology* 99: 911-943.

Heather Shoenfeld. 2010. "Mass Incarceration and the Paradox of Prison Conditions Litigation." *Law & Society Review* 44: 731-768.

Tom Tyler and Robert Boeckmann. 1997. "Three Strikes and You Are Out, But Why? The Psychology of Public Support for Punishing Rule Breakers." *Law and Society Review* 31: 237-265.

Christopher Uggen and Jeff Manza. 2006. *Felon Disfranchisement and American Democracy*, Oxford University Press.

Bruce Western. *Punishment and Inequality in America*, Russell Sage, 2006.

3. Law and Rights

Charles R Epp. 1998. *The Rights Revolution: Lawyers, Activists and Supreme Courts in Comparative Perspective*. Chicago and London: University of Chicago Press.

LaDawn Haglund and Robin Stryker, editors. 2015. *Closing the Rights Gap: From Rights to Social Transformation*, University of California Press, Introductory and Concluding Chapters, "Making Sense of the Multiple and Complex Pathways through which Human Rights are Realized," "Emerging Possibilities for Social Transformation."

Holly McCammon. 1990. "Legal Limits on Labor Militancy: U.S. Labor Law and the Right to Strike since the New Deal." *Social Problems* 37: 206-229.

Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*, Chicago, University of Chicago Press, 1994.

Joachim J. Savelsberg. 2010. *Crime and Human Rights: Criminology of Genocide and Atrocities*. Sage Publications.

Stuart A. Scheingold, 2004. *The Politics of Rights: Lawyers, Public Policy and Social Change*, 2nd Ed, Ann Arbor, MI, Univ. Mich. Press.

Williams, Patricia J. 1991. *The Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge, MA: Harvard University Press.

4. Legal Culture and Legal Consciousness

Patricia Ewick and Susan Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press, Introduction, Chapters 1-2, Chapters 7-8 and Appendix A (these are pp. 3-53 and 223-261)

Kathleen E. Hull. 2003. "The Cultural Power of Law and the Cultural Enactment of Legality: The Case of Same Sex Marriage." *Law & Social Inquiry* 28: 629-657.

Idit Kostiner. 2003. "Evaluating Legality: Toward a Cultural Approach to the Study of Law and Social Change." *Law & Society Review* 37: 323-68.

Ana-Maria Marshall. 2005. "Idle Rights: Employees' Rights Consciousness and the Construction of Sexual Harassment Policies." *Law & Society Review* 39:83-124.

Laura Beth Nielson. 2000. "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Americans about Street Harassment," *Law & Society Review* 34: 1055-1090.

Austin Sarat. 1990. "...The Law Is All Over": Power, Resistance and the Legal Consciousness of the Welfare Poor." *Yale Journal of Law & the Humanities* 2: 343-379.

Susan Silbey. 2005. "After Legal Consciousness," *Annual Review of Law & Social Science* 1: 323-368

5. Law and Inequality

Catherine Albiston. 1999. "The Rule of Law and the Litigation Process: The Paradox of Losing by Winning." *Law & Society Review* 33: 869-910.

Lisa Frohman. 1997 "Convictability and Discordant Locales: Reproducing Race, Class and Gender Ideologies in Prosecutorial Decision-making." *Law & Society Review* 31: 531-556.

Marc Galanter. 1974. "Why the Haves Come Out Ahead." *Law & Society Review* 8: 95-160.

Beth Harris. 1999. "Representing Homeless Families: Repeat Player Implementation Strategies." *Law & Society Review* 33: 911-39.

C. Elizabeth Hirsch 2009. "The Strength of Weak Enforcement: The Impact of Discrimination Charges, Legal Environments, and Organizational Conditions on Workplace Segregation." *American Sociological Review* 74: 245-71.

Kreiger, Linda Hamilton. 1995. "The Contents of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity." *Stanford Law Review* 47: 1161-1248.

Martin, Elizabeth C. 2022. "Regulating the Risk of Debt: Exemption Laws and Economic Insecurity across US States, 1986–2012." *American Journal of Sociology* 128, 3: 728-767.

Laura Beth Nielson, Robert Nelson and Ryan Lancaster. 2010. "Individual Justice or Collective Legal Mobilization: Employment Discrimination Litigation in the Post-Civil Rights Era." *Journal of Empirical Legal Studies* 7: 175-201.

Nicholas Pedriana and Robin Stryker. 2013. "'Effects-based' Civil Rights Law: Comparing US Voting Rights, Equal Employment Opportunity and Fair Housing Legislation."

Sheryl Skaggs. 2009. "Legal-Political Pressures and African-American Access to Managerial Jobs." *American Sociological Review* 74: 225-244.

Smith, Chris M. 2020. Exogenous shocks, the criminal elite, and increasing gender inequality in Chicago organized crime. *American Sociological Review*, 85(5), 895-923.

6. Law Enforcement

Carlson, Jennifer. 2019. "Revisiting the Weberian presumption: Gun militarism, gun populism, and the racial politics of legitimate violence in policing." *American journal of sociology* 125, 3: 633-682.

Go, Julian. 2020. "The imperial origins of American policing: Militarization and imperial feedback in the early 20th century." *American Journal of Sociology*, 125(5):1193-1254.

Herring, Chris. 2019. "Complaint-Oriented Policing: Regulating Homelessness in Public Space." *American Sociological Review* 84(5):769-800.

Legewie, Joscha. 2016. "Racial profiling and use of force in police stops: How local events trigger periods of increased discrimination." *American journal of sociology* 122, 2: 379-424.

Pager, Devah, Rebecca Goldstein, Helen Ho and Bruce Western. 2022. "Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment." *American Sociological Review* 87(3):529-553. doi: <https://doi.org/10.1177/00031224221075783>.

Phelps, Michelle S., Christopher E. Robertson, and Amber Joy Powell. 2021. "'We're Still Dying Quicker Than We Can Effect Change': #BlackLivesMatter and the Limits of 21st-Century Policing Reform." *American Journal of Sociology* 127, 3: 867-903.

7. Law and Organizations

Edelman, Lauren B. 1990. "Legal Environments and Organizational Governance: The Expansion of Due Process in the American Workplace." *American Journal of Sociology* 95(6):1401.

Lauren B. Edelman. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology* 97: 1531-76.

Edelman, Lauren B. 2016. *Working Law: Courts, Corporations, and Symbolic Civil Rights*. University of Chicago Press.

Lauren B. Edelman, Howard Erlanger and Christopher Uggen. 1999. "The Endogeneity of Law: Grievance Procedures as Rational Myth." *American Journal of Sociology* 105: 406-54.

Lauren B. Edelman, Linda H. Krieger, Scott Eliason, Catherine Albiston and Virginia Mellema. 2011. "When Organizations Rule: Judicial Deference to Institutionalized Employment Structures," *American Journal of Sociology* 117: 888-954.

Guthrie, Douglas and Louise Marie Roth. 1999. "The State, Courts, and Maternity Policies in U.S. Organizations: Specifying Institutional Mechanisms." *American Sociological Review* 64, 1: 41-63.

Hirsh, Elizabeth, and Youngjoo Cha. 2018. "For law and markets: Employment discrimination lawsuits, market performance, and managerial diversity." *American Journal of Sociology* 123, 4: 1117-1160.

Alexandra Kalev, Frank Dobbin and Erin Kelly. 2006. "Best Practices or Best Guesses? Assessing the Efficacy of Corporate Affirmative Action and Diversity Policies." *American Sociological Review* 71: 589-617.

Knight, Carly, Frank Dobbin and Kalev Alexandra. 2022. "Under the Radar: Visibility and the Effects of Discrimination Lawsuits in Small and Large Firms." *American Sociological Review* 87(2):175-201.

Mary-Hunter, McDonnell, and Brayden G. King. 2018. "Order in the Court: How Firm Status and Reputation Shape the Outcomes of Employment Discrimination Suits." *American Sociological Review* 83(1):61-87.

Walter W. Powell. 1996. "Fields of Practice: Connections between Law and Organizations." *Law and Social Inquiry* 21: 959-966.

8. Gender and Law

Crenshaw, Kimberlé. 1989. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *The University of Chicago Legal Forum*.

Catherine A. MacKinnon. 1983. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs* 8:635-658.

Meadow, Tey. 2010. "'A Rose is a Rose': On Producing Legal Gender Classifications." *Gender & Society* 24(6): 814-837.

Robert Nelson and William P. Bridges, *Legalizing Gender Inequality: Courts, Markets and Unequal Pay for Women in America*. Cambridge: Cambridge University Press. Chapters 1 and 9.

Sturm, Susan. 2001. "Second Generation Employment Discrimination: A Structural Approach." *Columbia Law Review* 101: 458-568.

Vogler, Stefan. 2019. "Determining Transgender: Adjudicating Gender Identity in U.S. Asylum Law." *Gender & Society*, 33(3), 439–462.

9. Law and Medicine

Berry, Roberta M. 1998. "From Involuntary Sterilization to Genetic Enhancement: The Unsettled Legacy of Buck v. Bell Symposium on the Beginning and End of Life." *Notre Dame Journal of Law, Ethics & Public Policy* 12:401–48.

Bird, Bernice. 2014. "Fetal Personhood Laws as Limits to Maternal Personhood at Any Stage of Pregnancy: Balancing Fetal and Maternal Interests at Post-Viability among Fetal Pain and Fetal Homicide Laws." *Hastings Women's Law Journal* 25:39–56.

Fentiman, Linda C. 2017. *Blaming Mothers: American Law and the Risks to Children's Health*. New York: NYU Press.

Goodwin, Michele. 2017. "Whole Woman's Health v. Hellerstedt: The Empirical Case Against Trap Laws." *Medical Law Review* 25(2):340–51.

Carol A. Heimer and Lisa R. Staffen. 1998. *For the Sake of the Children: The Social Organization of Responsibility in the Hospital and the Home*. Chicago: University of Chicago Press.

Paltrow, Lynn M. 2012. "Roe v Wade and the New Jane Crow: Reproductive Rights in the Age of Mass Incarceration." *American Journal of Public Health* 103(1):17–21.

Roth, Louise Marie. 2021. *The Business of Birth: Malpractice and Maternity Care in the United States*. New York: NYU Press.

Trautner, Mary Nell, ed. 2018. *Insiders, Outsiders, Injuries, and Law*. Cambridge University Press. Introduction.

8. Law, Politics, and the State

Frank Dobbin and John Sutton. 1998. "The Strength of a Weak State: The Rights Revolution and the Rise of Human Resources Management Divisions." *American Journal of Sociology* 104: 441-476.

Wendy Nelson Espeland. 1998. *The Struggle for Water: Politics, Rationality, and Identity in the American Southwest*. Chicago, IL: University of Chicago Press.

Haney, Lynne. 2000. "Feminist State Theory: Applications to Jurisprudence, Criminology and the Welfare State." *Annual Review of Sociology* 26: 641-666.

Martínez-Schuldt, Ricardo, D., and Daniel Martínez E. 2021. "Immigrant Sanctuary Policies and Crime-Reporting Behavior: A Multilevel Analysis of Reports of Crime Victimization to Law Enforcement, 1980 to 2004." *American Sociological Review* 86(1):154-185.

Nicholas Pedriana and Robin Stryker. 2004. The Strength of a Weak Agency: Early Enforcement of Title VII of the Civil Rights Act of 1964 and the Expansion of State Capacity, 1965- 1971. *American Journal of Sociology* 110: 709-760.

Jonathan Simon. 2007. *Governing through Crime*. New York: Oxford University Press.

John Skrentny. 2006. "Law and the American State," *Annual Review of Sociology* 32: 213-244.

John Sutton. 2001. *Law, Society, Origins, Interactions and Change*, Chapter 5: "The Problem of Law in the Activist State."

Kathrin Zippel. 2006. *The Politics of Sexual Harassment: A Comparative Study of the United States, the European Union and Germany*, Cambridge, Cambridge University Press.

9. Legal Mobilization

Paul Burstein. 1991. "Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity," *American Journal of Sociology* 96:1201-25.

William Felstiner, Richard Abel and Austin Sarat. 1980. "Emergence and Transformation of Disputes: Naming, Blaming and Claiming," *Law & Society Review* 15: 631-654

Nicholas Pedriana. 2006. "From Protective to Equal Treatment: Legal Framing Processes and Transformation of the Women's Movement in the 1960s." *American Journal of Sociology* 111: 1718-1761,

Nicholas Pedriana and Robin Stryker. 2017. "From Legal Doctrine to Social Transformation: Comparing US Voting Rights, Equal Employment Opportunity and Fair Housing Legislation. *American Journal of Sociology* 123(1). July.

John David Skrentny. 2006. "Policy Elite Perceptions and Social Movement Success: Understanding Variations in Group Inclusion in Affirmative Action." *American Journal of Sociology* 111: 1762-1815.

9. The Legal Profession

Bliss, John. 2016. "Divided Selves: Professional Role Distancing Among Law Students and New Lawyers in a Period of Market Crisis." *Law & Social Inquiry*.

Yves Dezalay and Bryant G. Garth. 1995 "Merchants of Law as Moral Entrepreneurs: Constructing International Justice from the Competition for Transnational Business Disputes," *Law & Society Review* 29 (1): 27-64.

Ronit Dinovitzer, Nancy J. Reichman and Joyce S. Sterling 2009. "The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes." *Social Forces* 88(2): 819-864.

Gorman, Elizabeth H. 2005. "Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law Firms." *American Sociological Review* 70(4):702-28.

Granfield, Robert. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.

Erin Leahey and Laura A. Hunter. 2012. "Lawyers' Lines of Work: The Role of Specialization in the Income Determination Process." *Social Forces* 90(4):1101-1132.

Sida Liu. 2013. "Legal Profession as a Social Process: A Theory on Lawyers and Globalization." *Law & Social Inquiry* 38(3): 670-693.

Laura Beth Nielsen and Catherine Albiston, 2006. "The Organization of Public Interest Practice: 1975-2000," *North Carolina Law Review* 84: 1591-1622.

Paik, Anthony, Ann Southworth and John P. Heinz. 2007. "Lawyers of the Right: Networks and Organizations." *Law & Social Inquiry* 32 (4): 883-917.

Carroll Seron and Susan S. Silbey. "Profession, Science, and Culture: An Emergent Canon of Law and Society Research" *The Blackwell Companion on Law*, edited by Austin Sarat.

Joyce S, Sterling and Nancy J. Reichman. 2010. "So You Want to Be a Lawyer? The Quest for Professional Status in a Changing Legal World." *Fordham Law Review* 78 (5):2289- 2314.

Joyce Sterling, Ronit Dinovitzer, and Bryant G. Garth. 2007. "The Changing Social Role of Urban Law Schools." *Southwestern University Law Review* 36: 389-443.

*Please be aware that although we have divided the reading list into substantive topics, many of these readings legitimately fit under multiple topics. These connections between topics are important.