

LAW AND SOCIETY/SOCIOLOGY OF LAW READING LIST (revised 2017)*

Overview: Nature of Law -- Law as Power, Rules/Schema and Resources, Social Control, Legality, Institutionalized Doctrine and Judicial Decision-making

- 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.
- Robin Stryker. 2007. "The Sociology of Law." Chapter 34 in *21st Century Sociology: A Reference Handbook*, edited by Clifton D. Bryant and Dennis L. Peck. Sage Publications.
- Lauren Edelman and Robin Stryker. 2005. "A Sociological Approach to Law and the Economy," *Handbook of Economic Sociology*, 2nd Ed, edited by Neil Smelser and Richard Swedberg. Princeton: Princeton University Press.
- Stryker, Soc. 345: Sociology of Rights, Justice and Law Lecture Slide Handouts: The Logic of Law (2 sets of slide handouts).
- Edward H. Levi. 1949. *An Introduction to Legal Reasoning*, University of Chicago Press. Jeffrey A. Segal and Harold J. Spaeth. 1993. "Models of Decision Making." Pp. 32-73 in *The Supreme Court and the Attitudinal Model*. Cambridge: Cambridge University Press.
- Jennifer Earl. 2003. "The Gay 90s? Models of Legal Decision-Making, Change and History." *Journal of Historical Sociology* 16(1): 111-134.

Key Classical and Contemporary Theoretical Approaches

- John Sutton, *Law/Society: Origins, Interactions and Change*. Pine Forge Press, 2001, Chapters 2-4 (Durkheim, Marx, Weber)
- Michel Foucault. 1975. *Discipline and Punish: The Birth of the Prison*. Random House. Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *Hastings Law Journal* 38: 814-43.
- Catherine A. MacKinnon. 1983. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs* 8:635-658.
- Hugh Baxter. "Niklas Luhmann's Theory of Autopoietic Legal Systems," *Annual Review of Law & Social Science* 9: 167-84.
- 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.
- Isaac Balbus. 1973. "Commodity Form and Legal Form: An Essay on the 'Relative Autonomy' of the Law." *Law & Society Review* 11: 571-588.
- Alan Stone. 1985. "The Place of Law in the Marxian Structure-Superstructure Archetype." Expert reprinted pp. 149-161 in Treviño, A. Javier. 1996. *Sociology of Law: Classical and Contemporary Perspectives*. St. Martin's Press. 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 Press.
- Max Weber, Excerpts from *Economy and Society* "1. Domination and Legitimacy," "2. The Three Pure Types of Authority," and "8. Substantive Law and Procedure,"
- Sally Ewing. 1987. "Formal Justice and the Spirit of Capitalism: Max Weber's Sociology of Law." *Law & Society Review* 21: 487-512.
- David Trubek. 1972. "Max Weber on Law and the Rise of Capitalism" *Wisconsin Law Review* 1972: 720-753.
- Lewis Coser 1984. "Introduction," Pp. ix-xxiv in *The Division of Labor in Society*, Emile Durkheim. New York: Free Press.

Law, Punishment and Collateral Consequences

- 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.
- Malcolm M. Feeley 1979. *The Process is the Punishment*. New York: Russell Sage Foundation.
- David Garland. 1990. *Punishment and Modern Society: A Study in Social Theory*. Chicago: University of Chicago Press.
- Devah Pager. 2007. *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.
- Joachim Savelsberg, "Knowledge, Domination and Criminal Punishment," *American Journal of Sociology* 99: 911-943.
- Heather Shoefeld, "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, *Felon Disfranchisement and American Democracy*, Oxford University Press, 2006 (for summary of key points addressed, see http://www.soc.umn.edu/~uggen/FD_summary.htm)
- Vesla Weaver & Amy Lerman. 2010. Political consequences of the carceral state. *American Political Science Review*, 104(04), 817-833.
- Bruce Western. *Punishment and Inequality in America*, Russell Sage, 2006.

Obedience to Law: Law, Legitimacy and Deterrence

- Alan Hyde. 1983. "The Concept of Legitimation in the Sociology of Law." *Wisconsin Law Review* 1983(2): 379-426.
- Excerpt from Tom Tyler, *Why People Obey the Law*, New Haven: Yale University Press, 1990, 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.
- 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.
- Robin Stryker. 2001. *Legitimacy*. Pp. 8700-8704 in *International Encyclopedia of the Social and Behavioral Sciences*, vol. 13, Ed. N. J. Smelser and P. B Baltes, Oxford UK: Elsevier.

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
- Laura Beth Neilson, 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.
- Robin Stryker and Nicholas Pedriana. 1997. "Political Culture Wars 1960s Style: Equal Employment Opportunity-Affirmative Action Law and the Philadelphia Plan." *American Journal of Sociology* 103: 633-691.
- Nicole Van Cleve. 2016. *Crook County*. Palo Alto, CA: Stanford University Press.

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.
- Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*, Chicago, University of Chicago Press, 1994.
- 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."
- Joachim J. Savelsberg. 2010. *Crime and Human Rights: Criminology of Genocide and Atrocities*. Sage Publications.
- Ana-Maria Marshall. 2005. "Idle Rights: Employees' Rights Consciousness and the Construction of Sexual Harassment Policies." *Law & Society Review* 39:83-124.
- 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.
- Alexandra Kalev and Frank F. 2006. "Enforcement of Civil Rights Law in Private Workplaces: The Effects of Compliance Reviews and Lawsuits over Time." *Law & Social Inquiry* 31: 855-903.
- Williams, Patricia J. 1991. *The Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge, MA: Harvard University Press.

Law, Economy and Organizations

- Marc Steinberg. 2003. "Capitalist Development, the Labor Process and the Law." *American Journal of Sociology* 109: 445-95.
- Sally Ewing. 1987. "Formal Justice and the Spirit of Capitalism: Max Weber's Sociology of Law." *Law & Society Review* 21: 487-512.
- Frank Dobbin and Timothy Dowd. 2000. "The Market that Antitrust Build: Public Policy, Private Coercion and Railroad Acquisitions, 1825-1922." *American Sociological Review* 65: 631-657.
- Walter W. Powell. 1996. "Fields of Practice: Connections between Law and Organizations." *Law and Social Inquiry* 21: 959-966.
- 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.
- Lauren B. Edelman. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology* 97: 1531-76.
- 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.
- Robert Nelson and William P. Bridges, *Legalizing Gender Inequality: Courts, Markets and Unequal Pay for Women in America*. Cambridge: Cambridge University Press. Chapter 1 (pp. 1-22) and Chapter 9 (pp. 309-363).
- Calvin Morrill. 1995. *The Executive Way: Conflict Management in Corporations*. Chicago: University of Chicago Press.
- Mark C. Suchman and Lauren B. Edelman. 1996. “Legal Rational Myths: The New Institutionalism and the Law and Society Tradition.” *Law and Social Inquiry* 21:903- 937.
- Lauren B Edelman. and Mark C. Suchman. 1997. “The Legal Environments of Organizations.” *Annual Review of Sociology* 23:479-515.
- John R. Sutton, Frank Dobbin, John W. Meyer and W. Richard Scott. 1994. “The Legalization of the Workplace.” *American Journal of Sociology* 99: 944-971.
- Frank Dobbin, John R. Sutton, John Meyer and Richard Scott. 1993. “Equal Opportunity Law and the Construction of Internal Labor Markets.” *American Journal of Sociology* 99: 396- 427.
- 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.

Law, Politics and the State

- Mounira M. Charrad. 2001. *States and Women’s Rights: The Making of Postcolonial Tunisia, Algeria and Morocco*. Berkeley, University of California Press.
- 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.
- 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.
- Holly J. McCammon, 1993. “From Repressive Intervention to Integrative Prevention: The U.S. State's Legal Management of Labor Militancy, 1881-1978,” *Social Forces* 71: 569-602.
- Robert Kagan. 2001. *Adversarial Legalism: The American Way of Law*: Cambridge; Harvard University Press.
- Joshua Page. 2011. *The toughest beat: Politics, punishment, and the prison officers union in California*. New York: Oxford University Press.
- 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.
- Keramet Reiter. 2016. Reclaiming the Power to Punish: Legislating and Administrating the California Supermax, 1982–1989. *Law & Society Review*, 50(2), 484-518.
- Austin Sarat. 1998. “Going to Court: Access, Autonomy, and the Contradictions of Liberal Legality,” Chapter 4 (pp. 97-114) in David Kairys, editor, *The Politics of Law*.
- Jonathan Simon. 2007. *Governing through Crime*. New York: Oxford University Press.
- Sheryl Skaggs. 2009. “Legal-Political Pressures and African-American Access to Managerial Jobs.” *American Sociological Review* 74: 225-244.
- John Skrentny. 2006. “Law and the American State,” *Annual Review of Sociology* 32: 213-

244.

- Robin Stryker. 2000. *Government Regulation*. Pp. 1089-1111 in *Encyclopedia of Sociology, 2nd Ed.* Vol. 2, edited by Edgar F. Borgatta and Rhonda J. V. Montgomery. New York: Macmillan.
- 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.

Legal Mobilization and Social Movements

- William Felstiner, Richard Abel and Austin Sarat. 1980. "Emergence and Transformation of Disputes: Naming, Blaming and Claiming," *Law & Society Review* 15: 631-654
- Paul Burstein. 1991 "Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity," *American Journal of Sociology* 96:1201-25.
- Michael W. McCann. 1998. "How Does Law Matter for Social Movements?" Pp. 76-108 in Bryant Garth and Austin Sarat, *How Does Law Matter?* Chicago: Northwestern University Press.
- Paul Sabatier. 1975. "Social Movements and Regulatory Agencies: Toward a More Adequate and Less Pessimistic Theory of "Clientele Capture." *Policy Sciences* 6:301-41.
- Edwin Amenta, Neil Caren and Sheera Joy Olasky. 2005. "Age for Leisure? Political Mediation and the Impact of the Pension Movement on U.S. Old Age Policy. *American Sociological Review* 70: 516-539.
- 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.
- 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,
- Laura Beth Neilson, 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.
- Holly J. McCammon and Melinda Kane. 1997. "Shaping Judicial Law in the Post World War II Period: When is Labor's Legal Mobilization Successful? *Sociological Inquiry* 67: 275-98.

Law and Social Change

- Stuart A. Scheingold, 2004. *The Politics of Rights: Lawyers, Public Policy and Social Change*, 2nd Ed, Ann Arbor, MI, Univ. Mich. Press.
- Idit Kostiner. 2003. "Evaluating Legality: Toward a Cultural Approach to the Study of Law and Social Change." *Law & Society Review* 37: 323-68.
- Robin Stryker 2007, "Half-Full, Half Empty or Neither?: Law, Inequality and Social Change in Capitalist Democracies," *Annual Review of Law & Social Science* 3: 69-97.
- Austin Sarat and Stuart Scheingold (eds). 1998. *Cause Lawyering: Political Commitments and Professional Responsibilities*, Oxford University Press.
- Stryker, Robin. 1994. "Rules, Resources and Legitimacy Processes: Some Implications for Social Conflict, Order and Change." *American Journal of Sociology* 99: 847-910.
- Harold J. Berman. 1983. "Introduction." Pp. 1-45 in *Law and Revolution: The Formation of the*

Western Legal Tradition. Cambridge, MA: Harvard University Press.
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.

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.
Tom Tyler. 2006. "Viewing *CSI* and the Threshold of Guilt: Managing Truth and Justice in Reality and Fiction," *Yale Law Journal* 115: 1050-1085.
Susan Silbey. 2005. "After Legal Consciousness," *Annual Review of Law & Social Science* 1: 323-368
Laura Beth Nielson. 2000. "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Americans about Street Harassment," *Law & Society Review* 34: 1055-1090.
William E. Forbath. 1991. *Law and the Shaping of the American Labor Movement*. Harvard University Press.

Legal Profession, Professional Socialization and Lawyers' Careers

Dietrich Rueschemeyer. "Comparing Legal Professions Cross-Nationally: From a Professions-Centered to a State-Centered Approach." *American Bar Foundation Research Journal* 11(3): 415-446.
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
Anthony Paik, Ann Southworth and John P. Heinz. 2007. "Lawyers of the Right: Networks and Organization." *Law & Social Inquiry* 32(4): 883-917.
Sida Liu. 2013. "Legal Profession as a Social Process: A Theory on Lawyers and Globalization." *Law & Social Inquiry* 38(3): 670-693.
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.
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.
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.
Joyce Sterling, Ronit Dinovitzer, and Bryant G. Garth. 2007. "The Changing Social Role of Urban Law Schools." *Southwestern University Law Review* 36: 389-443.
Laura Beth Nielsen and Catherine Albiston, 2006. "The Organization of Public Interest Practice: 1975-2000," *North Carolina Law Review* 84: 1591-1622.
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.
Bliss, John. 2016. "Divided Selves: Professional Role Distancing Among Law Students and New Lawyers in a Period of Market Crisis." *Law & Social Inquiry* DOI: 10.1111/lsi.12204. First published online, May, 2016.
Paik, Anthony, Ann Southworth and John P. Heinz. 2007. "Lawyers of the Right: Networks and Organizations." *Law & Social Inquiry* 32 (4): 883-917.

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

*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.