

BRANDEIS UNIVERSITY
Department of Sociology

SOC 106
Spring 2008

Prof. Gila Hayim
Pearlman 107 X62639
Office hours. Tuesday 3-4
Wed: 5:00-6 :30
And by appointment

Issues in Law and Society

As a source of “conduct norms” modern law supports but also clashes with the practices of a rapidly changing reality. Such social-legal dynamics create constant strife and dilemmas pertaining to the processes of 1) making the law 2) breaking the law and 3) the legal-social reactions to the violator. In this course we will concentrate on 2 and 3, that is, the study of crime and its legal and social control, namely:

Etiology: causality theories and models, research and measurement of “criminal behavior,”

Penology: theories of punishment and critical issues in Prison system, Law Enforcement and Public Policy

Theoretical perspectives along with empirical research will help us understand **conflict zones between law and society** and the challenges facing the criminal justice system today. We explore a number of pressing problems of the day ranging from Juvenile and gang violence to domestic violence, victimization of children and the elderly, white-collar crime, and so on. We will also address the emergent field of Victimology, as well as issues connected to juvenile justice, minorities, the justice system, the prison and alternative therapeutic interventions such as restorative justice, etc. We use the modeling methodology as the interdisciplinary mode of learning.

We supplement the readings with analysis of current FBI statistics and other data on types of crime, arrests, incarceration, etc., and their social-legal contexts. Causal analysis and reasoning help us identify the usefulness of theory in making sense of empirical data and in the drafting of effective social policy.

Requirements:

- a. Attendance is obligatory. It is only fair to take into account attendance in class when considering the final grade.
- b. One short preliminary paper, one take-home mid-term paper, and one take-home final will be required.

NOTE:

- Please contact me if you have any documented disability. I will attend to your request as best I can.

Reading List: Required (Please pay attention to edition and year)

Messner: Crime and the American Dream. Fourth Edition (2007)
Akers: Criminological Theories. Fourth Edition (2004)
A. Roberts: Critical Issues in Crime and Justice. Second Edition (2003)

There will be hand outs on specialized topics.

Syllabus

We will cover 6 topics. The readings are compact and engaging, and are organically integrated in the lecture and the discussion.

Topic One

1. **Law and Social Reality**: historical and conceptual perspectives.

The classical and the positivistic models.

Wed. Jan 16—Thurs. Jan. 24.

Introducing etiology-modeling of **classical and positivistic schools of thought**.

Early thinkers, Lombroso, Hooten, Sheldon—opening up the Positivistic Model of biological causality.

Early psychological causality- the concept of the psychopath.

Readings:

Messner: Crime and the American Dream:

Preface +Chapter 1 (pp 1-10) A Society Organized For Crime.....

Akers: Criminological Theories:

Chapter 2: Rational Deterrence pp 17-33 (*Classical Model*)

Chapter 3: Biological and genetic Theories pp 45-61 (*Positivistic Model*)

Topic Two

2. **Etiology**: The Study of causality: sociological, legal, and psychological approaches.

Mon. Jan 28—Thurs. Feb. 7

Sociological theories of Etiology:

Merton's **Strain theory**, Hirschi's **Bonding theory**, Miller, Matza, **Subcultural theory**

Ecological theory and Sutherland **learning theory**.

Readings

Akers: Chapter 6, Social Bonding and Control Theories

(Neutralization and Drift, Social Bonding, Containment and Self-Control theories)

Akers: Chapter 8,

Anomie/Strain theory, Subculture approach

Messner: Chapter 3, Ships in the Night-

Short original articles as follows:

Sykes: Techniques of Neutralization (**article on reserve**)

Hirschi: Elements of Social Bonding

Topic three

3. Empirical Research: with special reference to youth gangs

Feb Mon 11-Wed.13, Thurs.14.

Issues in Statistics (dark figures, crime index, National victimization Survey/ UCR---)
configurations of gangs.

High risk-low gain conflict oriented Gangs vs. organized gangs

Low self control syndrome, etc.

Hand out on Youth gangs.

Messner: Chapter 2, By Any Means Necessary: Serious Crime in America

NOTE: MON FEB 18—FRIDAY FEB 22 (MIDTERM RECESS)

Monday, Feb 25- midterm out

Monday, March 3rd—Midterm due-- in class.

Monday Feb 25, 27, 28 Review and modeling for the midterm

Readings:

Roberts, Critical Issues in Crime and Justice. (Book of original articles)

Article 1 Roberts: Trends, Costs and Remedies. Statistical analysis of the UCR;NCS

Article 3 Mary Jackson :Responses to street Gang Activity

Topic four

4. Sex offenders, Domestic Violence , Child abuse (Dilemmas of Justice, Safety, Rehab)

Monday March 3rd—Wed. March 19

Readings:

In Roberts: Critical Issues

Article 6 The sex offender....by Lori Koester

Article 11 The Justice Response to Women Battering...by Lisa Frisch

Article 12 Victim Perception of the Utility of Domestic Violence...by Gina Pisano

Goth categories of rapists (Handout)

Typology of pedophiles (Handout)

(Showing a documentary on pedophiles)

Topic five

5. Critical issues in Juvenile Justice (Overview of Juvenile Justice, cases, trends, Youth Homicide, Sentencing Guidelines, Drugs)

Thurs. March 20—Mon. March 31st

Modeling Crime control/Juvenile Justice
Procedural parity/Substantive Justice
Reform and labeling Theory
Readings: in Roberts

- Article 14 Roberts, An Overview of Juvenile Justice.....
- Article 16, Daniel Mears: Sentencing Guidelines and the transformation of Juvenile Justice in the 21st century.
- Article 17 Scott Okamoto What Do We Do With Girls.. The Dimensions of Female juvenile Delinquency

Topic six

- 6. Penology: Issues in Correctional Systems, alternatives, Innovations, Policy**
Wed. April 2nd-Thurs. April 17
Prison Subcultures (Hand out)
The dilemmas of the Incompatibility of incarceration and Rehab

Readings

Roberts: Article 23; Hug-en Sung- Rehabilitating Felony Drug Offenders through Job....

- Article 25 **Mary Bosworth** Prison Programs in the US....
- Article 26 **Katherine Von Wormer** : Restorative Justice
- Article 27 **Joan Petersilia**, When Prisoners Return to Community....
Selections from the work of Irwin's book (It's About Time) Handout
Film on Life in prison
Discussion on the finals (dates, etc.)

NOTE **MON.APRIL 21ST—FRI. APRIL 25— SPRING RECESS**

Conclusions and Review

- Mon. April 28
- Wed April 30 (last day of instruction)
- Messner, Chapter 4. Culture, Institutional Structure, and Social Control
- Messner, Chapter 5: Strengthening Institutions and Re-thinking the American Dream. (good material and ideas to integrate in the finals).