

BRANDEIS UNIVERSITY
Department of Sociology

SOC 106
Spring 2009

Prof. Gila Hayim
Pearlman 107 X62639
Office Hrs. Tuesday 3-5
and by Appointment

Issues in Law and Society

As a source of “conduct norms” modern law protects 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. The focal areas of the course pertain then to the study of causes of crime and its legal and social control, namely:

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

Penology and Public Policy: theories of punishment and critical issues in Prison systems, Legislation, Law Enforcement and Public Policy.

Innovations: Rise of new Models of Rehab and Reconciliation in Penal philosophy and Practice.

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 will explore a number of pressing problems of the day ranging from theories of self-control, of social strain and youth adaptations, theories of motivation, of gang violence, victimization of children, *entry* and *exit* models in breaking the law, typologies of offensive behavior, etc. We also address the emergent field of new Penology connected to juvenile justice, minorities, the justice system and the prison-- in the form of alternative therapeutic interventions, the concept of Restorative Justice, etc. .

We use the ***modeling methodology*** as the interdisciplinary mode of learning.

We will 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 the empirical reality and research 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 diagnostic 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. Introduction, Evaluations and Applications. Fifth Edition (2009) Oxford University Press

Johnson: Hard Time: Understanding and Reforming the Prison. Third Edition (2002)

There will be hand-outs and on Latte articles on specialized topics.

Syllabus

We cover 5 expanded topics. Expected time to cover the readings for each topic varies from 2 to 3 weeks. Variations depend on our pace and progress. I suggest you complete the assigned readings within the allocated time-range for each topic (get ahead if you wish). **The chapters are compact and short, engaging, and are of compelling relevance to our social problems today.**

Topic 1,

1. **Law and Social Reality: The relativity of Crime in different historical contexts. Difference between Deviance and Crime. Key terminology and perspectives.**

The classical and the positivistic models.

JAN. Wed.14, Thr.15, (Tuesday 20, is Brandeis Monday)

Wed. 21, Thur.22.

Introducing foundational models of classical and positivistic schools of thought.

Early thinkers, Beccaria, Lombroso, Hooten, Sheldon-opening up the Classical and the Positivistic Models of biological causality.

Readings: (Spread across 2 weeks period)

Messner: Crime and the American Dream:

Preface +Chapter 1, A Society Organized For Crime.

Akers: Criminological Theories:

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

Chapter 3: Biological and genetic Theories pp 47-70 (*Positivistic Model*)

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

Jan 26 (Mon).— FEB. 12(Thursday)

The Psychopathic Personality

Akers Chapter 4 pp71-78

Social-psychological and Sociological theories of Etiology:

Sutherland Learning Theory, Merton's **Strain theory (anomie theory)**, Hirschi's **Bonding theory**, Miller Focal concerns theory, Matza **Subcultural theory...**

Akers: Chapter 5 Sutherland Learning Theory pp 85-104

Akers: Chapter 8,

**Anomie/Strain theory, Subculture approach
Differential Opportunity and Subcultures**

Akers Chapter 6

**Hirschi Social Bonding and Control Theory
(Neutralization and Drift, Containment and Self-Control theories)
Hand out on Youth gangs.**

Messner: Chapter 3, Ships in the Night- (research and Critical Perspectives on the above)

Short original articles on Latte as follows:

Sykes: Techniques of Neutralization

Hirschi: Elements of Social Bonding

NOTE: MON FEB 16—FRIDAY FEB 20 (MIDTERM RECESS)

Monday, Feb 23rd- midterm out

Monday, March 2nd—Midterm due— in class.

Topic 3. Feb 23, 25, 26

Empirical Research: with special reference to youth gangs

**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.

Readings:

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

Mary Jackson: Responses to Street Gang Activity

Topic four (March 2nd—March 19)

4. Critical issues in Juvenile Justice (Overview, trends in Juvenile Justice, Girls vs. Boys intervention.

Readings:

**R. Johnson : Hard Time Chapters 1 Historical overview of Incarceration
Chapter 2 The Modern prison**

**John Whitehead Juvenile Justice-New Directions in Institutional Interventions
(From Exploring Corrections in America (Lexis Nexis-2008) Latte.**

Scott Okamoto What Do We Do With Girls (Latte)

Topic five

5. Penology: Prisoners , Prison Life, Prison Subcultures

Mon. March 23rd – Wed. April 8.

(Major Readings in Johnson's Hard Time

Readings

**Johnson Chapter 4 Mature Coping –Caring for self and Others PP. 93-110
The Convict World of Violence (Men and Women) – Johnson Chapter 5**

NOTE Thursday April 9- Thursday April 16 Spring Break

Penology (Continued)

Mon. April 20-Wed.22, Thursday 23.

Organizational Sources of Alienation and Violence Johnson pp 223-228

Reform, Innovation, reconciliation Johnson Chapter 10

K Van Wormer: Restorative Justice (Latte)

Conclusions and Review

April 27, 29,

**Messner, Chapter 5: Strengthening Institutions and Re-thinking the American
Dream**

