Mi casa no es tu casa: Observing court and doing research in Latin America and beyond

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It takes about four minutes to arraign a person on a criminal charge in the United States. During that time attorneys typically review the nature of the allegations and judges rule on pre-trial conditions. In Colombia and elsewhere in Latin America a similar process of decision-making takes thirty-times longer; it also produces half as many unconditional releases (Rengifo et al. 2019; Cohen and Reaves, 2007; see also Fondevila et al., 2016; Ponce et al., 2010).

Up to here we have a familiar story about low state capacity and local variation in the punitive turn driving up rates of incarceration. Without looking carefully, one may be tempted to dismiss "southern criminologies" (Carrington et al., 2016) on the basis of their redundancy with these broader frameworks, or in connection to more narrow, practical considerations grounded in the lack of good data or straightforward comparability in law or institutional design. Other may argue that there may be little to explain substantively —criminals have overrun governments already struggling to deliver on twin ambitions of democracy and modernization. After all, one in three homicides recorded in the world takes place in Latin America, and the region is rife with as many stories about violence and organized crime as stories of state corruption and intimidation (see

for ex. Muggah and Aguirre Tobón, 2018).

But there is more, so much more. Part of the reason why local first-appearance hearings take longer than their equivalents in Canada or the United States is that case review includes a default probable-cause protocol where prosecutors must prove the legality of an arrest (and it turns out that in a non-trivial number of cases—between 8% and 12% in Mexico and Colombia for example—these arrests are deemed unlawful due to procedural error or lack of evidence). Hearings also take longer because judges often take "air-time" to explain to defendants the court process and its consequence, and because the otherwise mechanic review of prior record and convictions takes more complex local forms—in some countries past arrests are not to be mentioned in current proceedings; in others, only recent convictions may be discussed. In Mexico City, a "victim's advocate" gets a seat in the courtroom

and must intervene in preliminary proceedings; in Quilmes, Argentina, defendants represented by private counsel may also receive assistance from public defenders. Critically, across the region defendants in custody face proceedings as innocent people—unshackled and in their regular clothes. Across from them, the local bureaucracy looks like a trimmed version of our own, devoid of the militarized law enforcement personnel and the "rapid-fire" of exchanges among attorneys and support staff (Arnold et al. 2018).

How can we reconcile these snapshots that highlight the practice of specific legal guarantees with other assessments that focus on the arbitrariness, severity, and uncertainty of local brands of justice? How can we make sense of the continuities and discontinuities of process and punishment across contexts when we are told not to compare "apples and oranges" (civil/vs. common law systems, high-crime vs. low-crime countries, industrialized vs. non-industrialized societies)? How to be cautious of straying too far from evidence or data when these aren't readily available in the comfort of official statistics?

I took on this challenge and as part of a book project I decided to focus on the operation of courts and the practice of law in three "jurisdictions" in the United States and seven more in Latin America—two in Colombia (Bogota and Cali), two in Argentina (San Martin and Quilmes), and three in Mexico (Mexico City, Morelos, Estado de Mexico). Unlike schools, passport offices, or hospitals, courts not only handle "cases" but do so openly, and with a seeming structure dictated by norm and custom. Conveniently, courts exist everywhere. So, by going to court I was convinced I could observe the rhetoric of justice—its "moral economy" (Fassin, 2015) –and associated technologies of punishment, decision-making and subject-creation (Kohler-Hausmann, 2018; Gonzalez van Cleeve, 2016).

Tasked with going to court and taking notes, in 2016 I put together a small team of local researchers that together compiled information on more than 1,600 cases involving people charged with a criminal offense, their formal adjudicators, and the local setting framing these exchanges. In each jurisdiction we attended between 40 to 60 days of court hearings, and armed with method and paper—so much paper!—we documented both the grandeur and the indignity associated with the processing of ordinary cases.

Some logistics worked in our favor: Most hearings in Latin American courts are now public—a symbol of both democratization and modernization—and local partnerships helped with the design of instruments and fieldwork protocols. We faced minimal IRB challenges given our exclusive reliance on the observation of open-court proceedings. Other logistical challenges unfolded in familiar forms—court officials not knowing where "hearings" took place or the interminable waiting times for judges that showed up late, or not at all (Auyero, 2015). The longer we stayed on-site, the less welcoming local operators turned, shifting from the stereotypical "mi casa es tu casa" to blended forms of mepris and mefiance—"why do you keep coming back?", "what are those notes about?", "why do you care?". Access to court was a fragile concession to be taken away if a phone was on display, or God-forbid, not in silent mode (United States), or if needed to take a bathroom break in the middle of a session (Colombia, Mexico). In Argentina, one judge flatly banned us from observing her calendared session because "she had too much going on". At times our access was compromised for other reasons: A strike of justice workers, a holiday celebrating the patron saint of prisoners, a power blackout, a malfunction in the elevators, a Zika infestation.

Eventually we learned to navigate most contingencies of fieldwork. But the issue of our own identity remained a vexing issue—to refuse or accept the "front seat" offered by a Sheriff's

deputy who happened to be a Rutgers football fan (who is these days??), to observe the "good cases" highlighted by the local clerk, to help a family with English translation. Outside of the United States we were seldom treated as potential suspects or as spectators needing to be disciplined or policed. Instead, in Latin America our interactions with court officials and the public at large were marked by privilege—suddenly we were not seen as "looking for a family member in custody" but rather engaged without prompt or ceremony as "attorneys", "students" or "professors". This contrast was particularly sharp for those of us traveling back and forth to the United States—turning white or brown depending on context—but also to our local colleagues, who at times resented the rigidity of the observation checklist and the rest of the study's fieldwork protocols.

Our fieldwork changed the orientation of our project. But more critically, it changed us. And I think that's a good, but partial measure of the transformative power of research and context.
I would like to think that once completed, this study and the local communities it fostered, will also help galvanize reforms aimed to preserve the good things we saw happening in courts and replace those that were not so-great.

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Harassment and violence in qualitative research and why we ignore it

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Harriet, a white sociologist who studies organizations, went back to a hotel room with her research participants—all men in their 40s and 50s—while at a conference with them. She reflected that in her "normal" life she would never do something like this but as an ethnographer she saw this as an opportunity to get "good stuff."

Elena, a Latina associate professor, described an occasion when, as a young graduate student carrying out fieldwork in Mexico, she turned down an invitation to dance at a party in the small community where she was working. Later that night the man, accompanied by some others, came to the house where she lived alone. He attempted to enter, presumably intending to assault her. She managed to open a window and scream, and her neighbors came to help. Elena never told anyone in her academic community about the incident.

Monira, a Muslim American graduate student who was a practicing member of her religious community at the time of her research, decided to cancel a follow-up interview with a man who attempted to touch her hair beneath her hijab. While discussing the incident in a graduate course she was told by a man classmate that she was doing "bad research" by making this decision.

Why did Harriet find it necessary to suspend rules related to personal safety while in the field? Why did Elena choose to remain silent about a harrowing experience in the field? And why was Monira admonished by one of her peers for altering her research when she felt threatened?

In our recently published book—*Harassed: Gender, Bodies, and Ethnographic Research* (2019, University of California Press)—we use interviews with 56 qualitative researchers (47 women and nine men) to show how three intersecting standards—solitude, danger, and intimacy—encourage researchers to erase their bodies from ethnographic narratives. In particular, we focus on women's experiences with a range of sexualized interactions, sexual harassment, and assault in the field to challenge dominant narratives that communicate to researchers that embodied experiences have no place in our tales of fieldwork.

For those researchers who work on topics related to crime, law, and deviance the fixation on danger—the belief that worthwhile ethnographic research requires facing hazards in the field and doing "anything for the data"—is particularly salient. This is not to say that opening oneself up to dangerous situations to get data is of less relevance when studying what we might consider to be "safe" topics, like social movements, education, and recreational activities. Like Harriet, most of the women we interviewed were not working in "dangerous" sites, but talked about putting themselves in situations that made them question their safety (during or after the fact), situations they avoided when not in the field.

Indeed, when we designate certain spaces as dangerous and others as safe a priori, we participate in the exoticization of these spaces, reproducing class, ethnic, and racial assumptions about the safety and nonviolent character of places like schools, the office, and civil society. Such an approach also reproduces the ideal of the neutral researcher, ignoring how environments that are safe for straight cis white men may be unsafe for women, people of color, and LGBTQIA+ people.

Nevertheless, for researchers working in the CLD area, it is often the case that we choose fieldsites *because* they are considered

dangerous. This is ostensibly why we go into the field: to study the illicit, the outlawed, or the enforcers of order.

The birth of qualitative research in the United States is perhaps as tied to the study of crime and deviance as it is to the urban. W.E.B Dubois devoted an entire chapter to "Negro Criminality" in his groundbreaking research on African Americans in Philadelphia.
And the Chicago School's legacy is indebted to studies of crime and deviant lifestyles and activities.

Founders of the Chicago School made an impassioned rallying cry to study deviant spaces and practices, for researchers to move beyond the "musty stacks of routine records." "Gentlemen," Robert Parks wrote, "go get the seat of your pants dirty in real research" (Prus 1996).

While Park is certainly not only referring to danger when he refers to getting "dirty" to conduct good research, ethnography in the US has certainly been preoccupied with poverty, deviance, and violence in ways that are reminiscent of anthropologists' obsession with the exotic worlds and cultures of the "other" (see Ray & Tillman, 2018). To some degree, ethnographers are expected to stare down danger to prove their mettle, to adhere to expectations based on "the risk-taking, intrepid, white and male ethnographer star" (Huang, 2016).

The danger and risk that qualitative researchers, particularly ethnographers, expose themselves to is often assumed to bestow them with a sort of academic cred or capital, attesting to what they are willing to withstand to get "good" data. However, not all danger shores up academic capital. And researchers enter the field with vastly different resources and strategies with which to confront danger. Dominant tales of the field obscure these differences and distinctions, which hinge on the ways in which researchers' bodies fit into or

disrupt fieldsites.

In our book we challenge the acceptance and glorification of danger in qualitative research. We show how this standard places researchers at unnecessary risk and harms the production of knowledge. It assumes that researchers enter the field in a position of power that will protect them from harm. And it valorizes a very specific narrative of fieldwork that is predicated on the body of a white, elite cisman.

Certain masculine accounts of danger in the field capture perfectly the trio of fixations that we talk about in the book: they tend to be stories about a man braving all sorts of challenges alone and ending up with really "good" (close up, intimate, real) data. These accounts harken back to the idea of the ethnographer that Scheper-Hughes (1983, p. 115) has critiqued anthropology for mythologizing: the courageous, hardy, intrepid researcher. Despite the fact that some sociologists have begun to critique this celebration of the intrepid ethnographer (Contreras 2012; Orrico 2015; Kilanski 2015; Rios 2011, 2017), for our interviewees this expectation is alive and well in sociology.

In contrast, it is hard to think of accounts that women authors have included in vignettes or methods sections that address having to confront sexual assault in the field or navigating sexual harassment. As Mingwei Huang (2016) has noted, we are pushed to take risks, but only certain outcomes of risky behavior are valorized. Huang was raped while in the field but felt that she would be stigmatized if she talked about the experience. When she did decide to write about the experience she was asked by one professor if writing about rape was "in fashion;" the professor suggested there was no intellectual value in the endeavor. Sexual violence, then, does not convert into academic capital. Instead the violence associated with women's bodies accomplishes the exact opposite effect that we see with white men's stories that stick to hegemonic narratives of

facing peril in the field.

This isn't just about masculine accounts, but racialized ones. In other words, not all men receive the same respect for facing what are considered to be dangerous situations. Scholars who are not white face questions about the legitimacy of their research on participants who are also not while – the researcher and the researched are both called into question (see Contreras 2012; Hoang 2015). So, it is important to recognize that the distribution of academic capital must be understood from an intersectional perspective.

A word of caution is in order here: We must be careful not to equate women with vulnerability. Doing so reproduces the myth that women are more "at risk" and the sociological fixation on men's bodies as neutral in the knowledge production process. As we discuss in the book, men may also hide dangerous experiences if their responses do not live up to hegemonic masculine standards that dictate how a man "should" respond in such instances. In fact, revealing such experiences may discredit men ethnographers who transgress expectations by not "bravely confronting" violence.

In *Harassed*, we challenge mentors, peers, and the "gatekeepers" of academia—those in the position to evaluate the quality of research, such as journal editors—to work to replace homogenous field narratives with alternative standards of evaluation that recognize diverse methodological pathways. We echo Joey Sprague (2016) in acknowledging that in order to "change how we do our own research without incurring serious economic and professional costs in our careers, we need to change the standards we employ in evaluating one another's work."

We hope that our book will encourage researchers to understand that they are more than their data and that it is not necessary to expose ourselves to danger to "get the good stuff." Though it may leave us with a feeling of dissatisfaction or disappointment, researchers should err on the side of caution (see Baird 2009, 2018), for our own safety but also to reduce the likelihood that we will use research experiences to build academic credibility by exoticizing crime, violence, and marginalization. We hope the book will push those researchers who work in spaces that have traditionally been considered dangerous to reflect on how danger has been fetishized in qualitative research. Finally, we hope to encourage all researchers to write more honest accounts of their time in the field, which requires engaging with embodied experiences.

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Member News and Awards

Pat Lauderdale received the Outstanding Doctoral Mentor Award from the Graduate College, Arizona State University.

Sarah Hupp Williamson joined the faculty at the University of West Georgia this fall as an Assistant Professor in Criminology. She received her PhD in Sociology this year from North Carolina State University.

Riku Kawaguchi has graduated from North Carolina State University in July and has started as an Assistant Professor of Sociology at Mercer University in August.

Liz Chiarello received tenure in the Department of Sociology and Anthropology at Saint Louis University in 2019 and is spending her sabbatical year as a Fellow at the Radcliffe Institute for Advanced Study at Harvard University. More information on the fellowship can be found here: https://www.radcliffe.harvard.edu/news/press-releases/radcliffe-institute-announces-2019-2020-fellowship-class

Crime, Law, and Deviance Section Information
Chair: Sara Wakefield, Rutgers University 2020
Chair-Elect: Victor M. Rios, University of California, Santa Barbara 2020
Past Chair: Karen F. Parker, University of Delaware 2020
Section Secretary/Treasurer: Holly Foster, Texas A&M University 2022
Council Members:
Sarah K.S. Shannon, University of Georgia 2020
Lisa Marie Broidy, University of New Mexico 2020
Amada Armenta, UCLA Luskin School of Public Affairs 2021
Bianca E. Bersani, University of Maryland 2021
Nikki Jones, Univ of California, Berkeley 2022
Ashley T. Rubin, University of Hawaii, Manoa 2022
Newsletter Editors:
Sarah Hupp Williamson, University of West Georgia
Riku Kawaguchi, Mercer University

Graduate Students on the Market

Name: Jessica Rose Kalbfeld
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Jessie's research focuses on patterns of inequality in urban and institutional environments. She uses observational, experimental, and computational methods to explore how changes to institutional and ecological systems create and perpetuate patterns of race and class disparity. Her work explores the effects of structural changes on outcomes in informal organizations, like neighborhoods, and formal organizations such as the criminal justice system and institutions of higher education.

In her dissertation, Jessie uses administrative data to investigate the relationship between racial and socioeconomic neighborhood change and patterns of social control in New York City. Expanding on previous definitions of gentrification, she analyzes data on over 1 million police stops and approximately 20 million citizen complaints made through the 311 system to test her hypothesis that increases in white population in poor and gentrifying neighborhoods will be associated with higher rates of social control for residents of color. Her findings demonstrate that increases in white population are associated with subsequently higher rates of police stops of Black and Hispanic residents but not of White residents.

Other recent projects include a computational interrogation of the concept of critical mass for Affirmative Action forthcoming in *Law & Society Review*, an analysis of patterns of adjudication in complaints made against police in Chicago published in the September issue of *City & Community*, and an experimental investigation of court reporter mistranscription of African American English published in *Language*, which was covered in the *New York Times*, the *Philadelphia Inquirer*, *NBC News*, *Vice News*, and *NPR*, among others.

My broad research agenda explores the relationship between criminal justice and mental health systems in the United States. As a sociologist, I am particularly interested in the occupational role and experience of mental health professionals working across various justice-oriented settings, including pre-arrest diversion, corrections, and re-entry. My ethnography of mental health counselors navigating these complex organizational structures provides a front-line account of the challenges to their professional prerogatives and other work-related tensions operating in the field. As part of my dissertation project, titled, "Safety as Care: Exploring Mental Health Care in the Criminal Justice Context," I find that crisis counselors working in the pre-arrest diversion setting agonize over moments in which their individual clients refuse to engage with their services. My research connects counselors' own frustration here to their strict reliance on providing voluntary-based care in the emergent setting, and the legal and cultural lineage of psychiatric patients' rights in the United States. Overall, my research draws upon conceptual frameworks in multiple areas, including criminology, criminal justice, law and society, organizations and occupations, medical sociology, psychiatry, and mental health. Furthermore, my scholarship has relevant implications for our understanding of contemporary policy perspectives and novel systems of social control.

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My research focuses on patterns of violence and crime in urban communities. Through extensive ethnographic fieldwork, I investigate the local meanings of violence and security in communities and the mechanisms through which citizens legitimize the use of extrajudicial violence. While the sociological literature on urban violence emphasizes political, economic, and neighborhood structures as the primary causes, my work highlights how meaning-making can perpetuate patterns of violence in residential contexts, even as structural conditions change over time.

My dissertation, "Violence and Imaginaries of Security in Medellín, Colombia" examines the interactional mechanisms that mediated violence in a community in Medellín. From 2012 to 2018, I followed dozens of men who were part of a narco-paramilitary-gang network that had battled insurgents in Medellín and surrounding areas. Together, the men, residents, and police officials co-constructed a local "imaginary of security" that legitimized extrajudicial violence as an ancillary to sustaining peace in the post-civil war era. However, the interactions that legitimized the men's vigilante role also fostered the community's collective efficacy for reorienting the men away from violent actions and the drug trade over time. A portion of this research was published in Social Forces. Currently, I am developing a book project that traces the men's gradual transformation from violent community protectors to non-violent community servants who formed a nonprofit organization with the community's support. These findings are novel, challenging assumptions about the intersections of violence, the state, poverty, and masculinity.

Recent publication: Gordon, Jon. 2019. "The Legitimation of Extrajudicial Violence in an Urban Community." *Social Forces*. DOI: 10.1093/sf/soz015

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Youngmin Yi is a PhD Candidate in Sociology at Cornell University, with concentrations in social stratification and inequality, sociology of race and ethnicity, and demography. Her research investigates the intersection of family life with the criminal justice, child welfare, and immigration systems and the role it plays in the (re)production and moderation of disparities in wellbeing in the United States. Her dissertation, *Institutions and Inequality in Childhood and the Transition to Adulthood in the United States: The Consequences of Criminal Justice and Child Welfare System Contact*, uses quantitative methods and survey and administrative data to explore the relationship between criminal justice and child welfare system involvement on home-leaving in the transition to adulthood, caregiver and living arrangement instability in childhood, and infant birth outcomes. Her other research investigates these dynamics and related topics and has been published in outlets including *Journal of Marriage and Family, Social Forces, Future of Children*, and *Population and Development Review*. Prior to beginning her doctoral training, Youngmin worked as policy researcher in Washington, DC and completed an undergraduate degree in Economics and French at Wellesley College. More information about Youngmin's scholarship, teaching and mentoring, and service is available at yyiresearch.com.
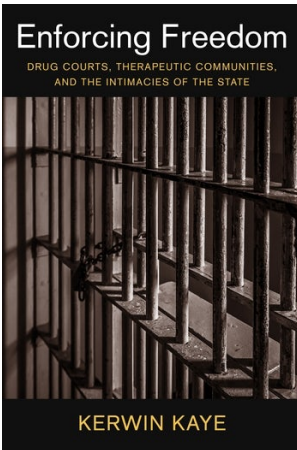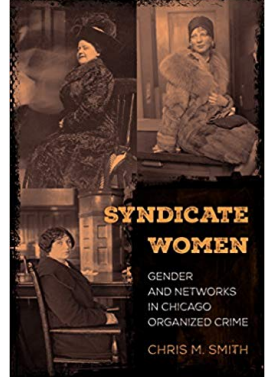

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Member Books

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Kaye, Kerwin. 2019. *Enforcing Freedom: Drug Courts, Therapeutic Communities, and the Intimacies of the State*. Columbia University Press. (https://cup.columbia.edu/book/enforcing-freedom/9780231172882).

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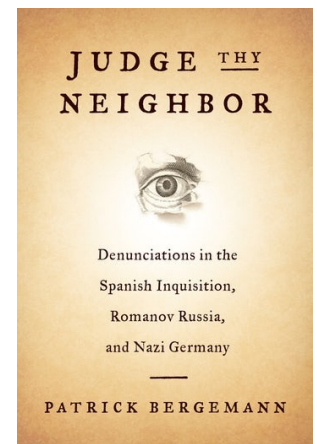
Member Publications

Campeau, Holly and Ron Levi. 2019. "Neoliberal Legality as Dual Process: Embeddedness, Courts and Crime Prevention in the United States." *British Journal of Criminology* 59: 334–353.

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Job Posting

Endicott College, Department of Criminal Justice and Security Studies, Chair

Endicott College in Beverly, Massachusetts is hiring a chair of criminal justice and security studies for August 2020. Responsible for all aspects of administration, supervision, and leadership for the Department of Criminal Justice and Security Studies. The Chair, in addition to teaching up to 2 courses each semester, is responsible for curricular and instructional management and development, personnel selection, supervision of students, faculty development, assessment planning and outcomes management, academic support at community and college-wide events, and other duties as requested by the Assistant Dean of Social Sciences, the Dean of Arts & Sciences, and the College.

Find more information on the official job posting: https://www.endicott.edu/about/key-offices-departments/human-resources/employment-opportunities/chair-criminal-justice-and-security-studies

Dr. Joshua McCabe is the chair of the search committee and is happy to answer questions.