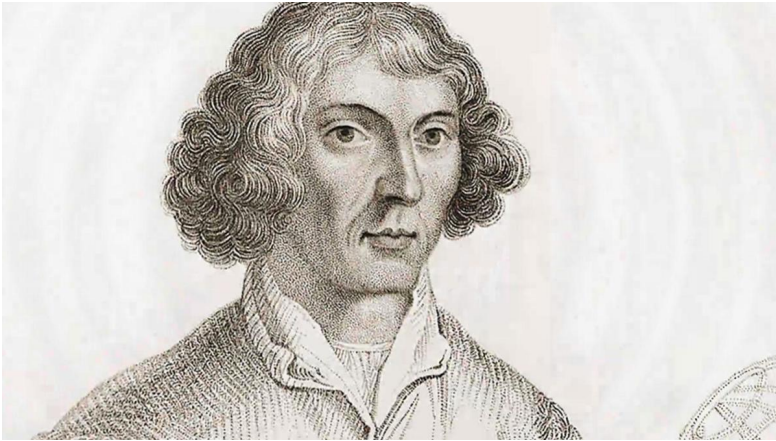




LEGAL RELATIVITY

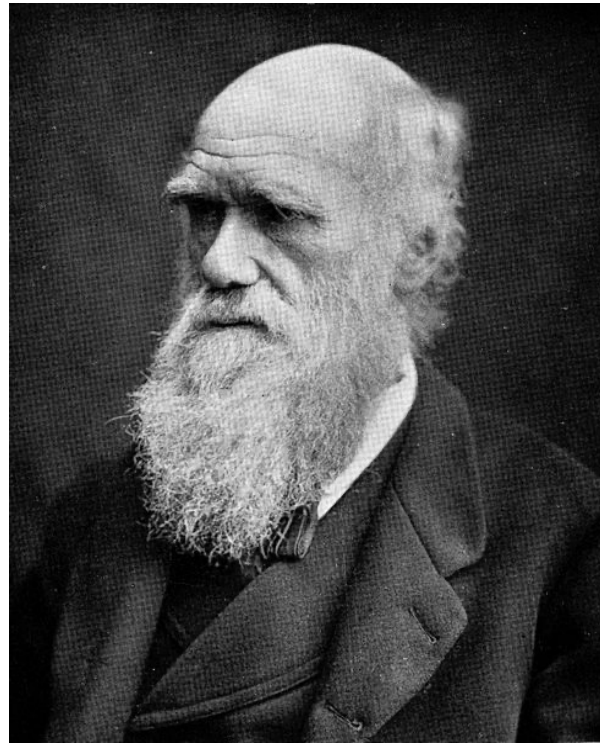


EXAMPLES OF REVOLUTIONARY THOUGHT



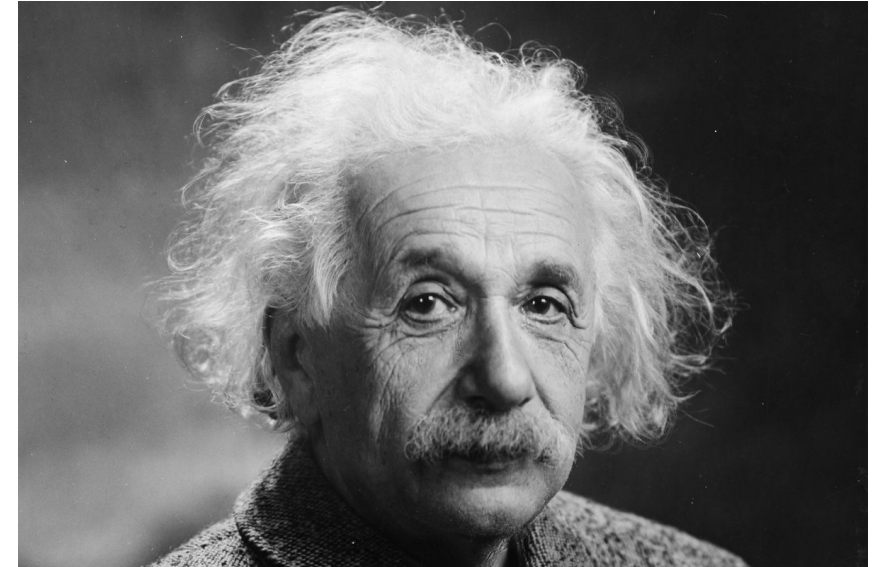
Earth not stationary, but moved around sun

Nicolaus Copernicus



*Plants/animals not in permanent states but
change over time/evolve*

Charles Darwin



*Space/time not uniform, but changes relative
to mass of objects within it*

Albert Einstein

REVOLUTIONARY THOUGHT IN LAW



Donald Black

LEGAL RELATIVITY

Response to formalist account

- that law is mainly logical, and if law-making rules followed, same results reached

LEGAL RELATIVITY: SOCIAL LOCATION

People's characteristics that put them in a “place” in society

- Race, class, gender, SES, age, religion, orientation, geography, etc

People's placement in the **status hierarchy**

LEGAL RELATIVITY

Law is not constant, varies by social geometry

- varies with social location and direction of each case
- varies with distance
- therefore situational, not universal

LEGAL RELATIVITY

Social space is multidimensional, so law **varies** in its application

- By **social elevation**
 - High status (wealthy, powerful, famous)
 - Low status (poor, less powerful, less famous)
- By **direction** of complaint
 - Upward (someone superior)
 - Downward (someone inferior)
 - Lateral (someone equal)
- By **social distance**
 - Long (strangers, with little social location similarity)
 - Short (friends/relatives, with much social location similarity)

LEGAL RELATIVITY

Social space is multidimensional, so law **varies** in its application

Not Lateral

- Law **increases** toward individuals at **lower elevations**
- Law **decreases** toward individuals at **higher elevations**

Lateral

- Law **increases** between individuals w/ **long distances**
- Law **increases** between individuals at **higher elevations**

LEGAL RELATIVITY

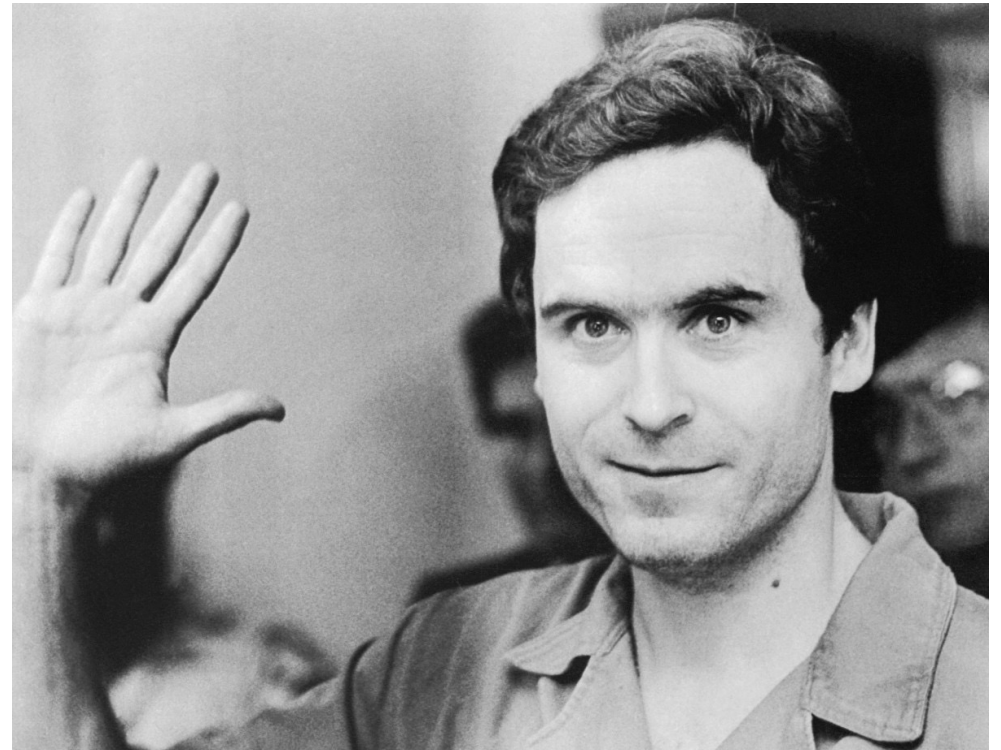
In a single society, law is a function of relational distance

- The more relational distance, the more law
 - More attention and severity

LEGAL RELATIVITY

The **more** relational **distance**, the **more** law

- Distant killings punished more severely than close killings
- Stranger killings punished harsher than intimate killings



LEGAL RELATIVITY

Even legal truth/evidence is based on relational distance

- Close evidence given less credibility than distant evidence
 - Testimony of close relative holds less weight in court

LEGAL RELATIVITY



Brock Turner

Stanford University
Student Athlete

20 years old

Sentenced to six
months, only served
three months.



Corey Batey

Vanderbilt University
Student Athlete

19 years old

Received mandatory-
minimum sentence of
15-25 years

LEGAL RELATIVITY

Identifies how law operates in practice

Natural extension of **legal realism**

- Not only do judges use experience, but **draw on social location** of parties in decision

Is this good or bad?

How does this work for people at higher elevations

LEGAL RELATIVITY

Identifies how law operates in practice

Natural extension of legal realism

- Not only do judges use experience, but draw on social location of parties in decision

Is this good or bad?

How does this work for people at higher elevations

THEN, IS ANYONE ABOVE THE LAW?

