

SHELDON BERNARD LYKE

RESEARCH AGENDA

The quest to understand how legal and social change forces affect societies is my fundamental goal as a researcher. I am interested in the intersection of law and social science—specifically the role of law (and legal institutions) in the creation and amelioration of social inequality for marginal and oppressed peoples.

The social inequality that I often examine is discrimination, particularly the violation of civil/human rights. I am also interested in studying how these phenomena interact with globalization (global processes) at various scales: local/domestic, national, regional, and global/international. I primarily use (but am not limited to) qualitative research methods (including ethnography, interviews, focus groups, and comparative historical case study) when conducting empirical analysis.

Current Research Projects

Cosmopolitan Courts and Transnational Legal Processes

My dissertation, entitled, *Cosmopolitan Courts: The Transnationalization of Human Rights and Courts*, analyzes the impact of the Supreme Court of the United States' decision on various civil and human rights issues. The main question that I seek to answer is, how are national high courts becoming more transnational? This dissertation project theorizes a sociology of transnational and global legal processes that interact with courts. Using a variety of data sources and methods including interviews with human rights lawyers, and content analyses of national high court appellate decisions, I search for patterns to determine whether and how the Supreme Court of the United States has influenced the world in which it exists.

This project offers possibilities to distinguish international law from transnational law, and to work towards a socio-legal theory of global law. I seek to typologize the various ways that law—specifically civil and human rights laws—are globalizing. I plan on revising my dissertation into a book that looks at courts and globalization.

Sodomy and the Evolving Standards of Decency

Currently, I am working on a project that examines the Supreme Court's decision in *Lawrence v. Texas* (which held that sodomy laws were unconstitutional). This piece argues that the majority in *Lawrence* could have ruled that sodomy laws were not only violations of personal autonomy, but also of the Eighth Amendment's prohibition on cruel and unusual punishment. I argue that a national consensus rejects the

criminalization of sodomy and that society has progressed to a moment where the prosecution of adults for consensual intimacy is abhorred. My work departs from other scholarship in that I step away from the debate of whether a fundamental right/liberty interest exists, and discuss the constitutionality of sodomy bans in terms of the doctrine of the evolving standards of decency.

Future Research Goals

Regulation of Sexuality in Cuba

I plan to carry out a research project that examines the regulation of bodies and sexual spaces in socialist Cuba. My research will look at how the Cuban Penal Code's sexual regulations of homosexuality and prostitution have evolved since Cuba became a socialist state. In addition, I plan to track how global processes (i.e. sex tourism and social movements—like international health and human rights) influence sexual regulation. I want to use ethnography to examine how these laws are put into practice and how they affect perceptions of sexuality in Cuba. Through previous ethnographic field research projects in Havana, I have already established a network of professional and personal relationships that will aid my plans.

Affirmative Action and Race-Based Scholarships

Whether race-based scholarships are constitutional is a question of particular interest to both liberal and conservative civil rights organizations after the US Supreme Court's Michigan affirmative cases. I envision this project as examining the responses of foundations, civil rights organizations, and universities after the affirmative action cases on the issue of race-based scholarships. My project will highlight privately funded race-selective scholarships that are administered by public universities (or private schools that receive federal funds). The particular "research site" that I want to focus on is the Mellon Mays Undergraduate Fellowship (formerly known as the Mellon Minority Undergraduate Fellowship—a privately funded scholarship established by the Mellon Foundation and administered by universities in order to increase the numbers of underrepresented minority PhDs) and the organizations that threatened to sue universities that grant the fellowship.

This project may be comprised of two components—an empirical study and a legal analysis. The first will measure the impact of the Court's ruling, and then theorize how competing sides work to shape how a court ruling will or should be interpreted. The second component will assess the constitutionality of race-based scholarships.