

The Dialectics of Legal Repression

Black Rebels before the American Criminal Courts

Isaac D. Balbus

The Dialectics Of Legal Repression Black Rebels Before The American Criminal Courts

Robert Joseph Stevenson



The Dialectics Of Legal Repression Black Rebels Before The American Criminal Courts:

The Dialectics of Legal Repression Isaac D. Balbus, 1973-07-25 Less than 2 percent of some 4000 adults prosecuted for participating in the bloodiest ghetto revolt of this generation served any time in jail as a result of their conviction and sentencing Why Why in contrast did the majority of those arrested following a brief and minor confrontation with police in a different city receive far harsher treatment than ordinarily meted out for comparable offenses in normal times What do these incidents tell us about the nature of legal repression in the American state No coherent theory of political repression in the liberal state exists today Neither the liberal view of repression as anomaly nor the radical view of repression as fascist core appears to come to grips with the distinctive characteristics of legal repression in the liberal state This book attempts to arrive at a more adequate understanding of these distinctive characteristics by means of a detailed analysis of the legal response to the most serious violent challenge to the existing political order since the Great Depression the black ghetto revolts between 1964 and 1968 Using police and court records and extensive interviews with judges defense attorneys prosecutors and detention officials Professor Balbus provides a complete reconstruction of the response of the criminal courts of Los Angeles Detroit and Chicago to the civil disorders that occurred in these cities What emerges is a disturbing picture of the relationship between court systems and participants and the local political environments in which they operate

American Criminal Courts Casey Welch, John Randolph Fuller, 2013-04-05 *American Criminal Courts Legal Process and Social Context* provides a complete picture of both the theory and day to day reality of criminal courts in the United States The book begins by exploring how democratic processes affect criminal law the documents that define law the organizational structure of courts at the federal and state levels the overlapping authority of the appeals process and the effect of legal processes such as precedent jurisdiction and the underlying philosophies of various types of courts In practice criminal courts are staffed by people who represent different perspectives occupational pressures and organizational goals Thus this book includes chapters on actors in the traditional courtroom workgroup judges prosecutors and defense attorneys etc as well as those outside the court who seek to influence it including advocacy groups the media and politicians It is the interplay between the court s legal processes and the social actors in the courtroom that makes the application of criminal law fascinating By focusing on the tension between the law and the actors inside of it *American Criminal Courts Legal Process and Social Context* demonstrates how the courts are a product of law in action and presents content in a way that enables you to understand not only the how of the U S criminal court system but also the why Clearly explains both the principles underlying the development of criminal law and the practical reality of the court system in action A complete picture of the criminal justice continuum including prosecution defense judges juries sentencing and pre trial and appeals processes Feature boxes look at how courts are portrayed in the media identify landmark due process cases illustrate the pros and cons of the courts discretionary decision making examine procedures and the goals of justice and highlight the various types of

careers available within the criminal courts **The Courts, Social Science, and School Desegregation** Betsy Levin, Willis D. Hawley, 1977-01-01 **American Indians and the Law** Lawrence Rosen, The State of the Black Economy Lloyd L Hogan, **Courting Conflict** Lisa Hajjar, 2005-01-01 Annotation This is a meticulously documented examination of Israeli military courts in the West Bank and Gaza strip The Capacity to Punish Henry N. Pontell, 1985-02-22 This book examines the relationship between crime demographic characteristics criminal justice resources court processing and final sanctioning outcomes at the court level in the U S in the context of deterrence theory It concludes that current criminal justice practices especially the extremely low probability of certain and severe punishment make the deterrent effect of punishment minimal under the current system of criminal justice Court caseloads influenced particularly by the degree of inequality in the population appear to be pushing down the formal penalty structures and hence the probability of sanction The inability of courts to produce severe and certain sanctions is also linked to the overfunding of police relative to other criminal justice agencies especially the office of the prosecutor Putting more cops on the beat might actually lead to further erosion of the deterrent effect of punishment as more violators are pushed through the revolving door of the courts *Misconceiving Mothers* Laura E. Gómez, 1997 A tiny African American baby lies in a hospital incubator tubes protruding from his nostrils head and limbs He couldn't take the hit the caption warns If you're pregnant don't take drugs Ten years earlier this billboard would have been largely unintelligible to many of us But when it appeared in 1991 it immediately conjured up several powerful images the helpless infant himself his unseen environment a newborn intensive care unit filled with babies crying inconsolably and the mother who did this crack addicted and unrepentant Misconceiving Mothers is a case study of how public policy about reproduction and crime is made Laura E. Gómez uses secondary research and first hand interviews with legislators and prosecutors to examine attitudes toward the criminalization and or medicalization of drug use during pregnancy by the legislature and criminal justice system in California She traces how an initial tendency toward criminalization gave way to a trend toward seeing the problem of crack babies as an issue of social welfare and public health It is no surprise that in an atmosphere of mother blaming particularly targeted at poor women and women of color crack babies so easily captured the American popular imagination in the late 1980s What is surprising is the way prenatal drug exposure came to be institutionalized in the state apparatus Gómez attributes this circumstance to four interrelated causes the gendered nature of the social problem the recasting of the problem as fundamentally medical rather than criminal the dynamic nature of the process of institutionalization and the specific features of the legal institutions that is the legislature and prosecutors offices that became prominent in the case At one level Misconceiving Mothers tells the story of a particular problem at a particular time and place how the California legislature and district attorneys grappled with pregnant women's drug use in the late 1980s and early 1990s At another level the book tells a more general story about the political nature of contemporary social problems The story it tells is political not just because it deals with the character of

political institutions but because the process itself and the nature of the claims making concern the power to control the allocation of state resources A number of studies have looked at how the initial criminalization of social problems takes place Misconceiving Mothers looks at the process by which a criminalized social problem is institutionalized through the attitudes and policies of elite decision makers Author note Laura E Gomez is Acting Professor of Law and Sociology University of California Los Angeles Postmodern Criminology Dragan Milovanovic, 2019-03-11 Originally published in 1997 The use of postmodern criminology's conceptual tools offers the potential for the development of a better understanding of the various configurations of repressive forces and directions for social change This excellent text introduces the reader to the core ideas concerning subjectivity as it is related to discourses and how the discursive construction of social reality takes place It discusses some of the key themes dealing with both theoretical integrative work applications and recent developments in studying postmodern criminology It is intended for students as well as those who are more familiar with the subject This book is composed of twelve essays organized into three parts this important work contributes to the big discussion among criminologists about the postmodern aspects of crime *Race, Crime, and Justice* Shaun Gabbidon, Helen Taylor Greene, 2013-10-18 A comprehensive collection of the essential writings on race and crime this important Reader spans more than a century and clearly demonstrates the long standing difficulties minorities have faced with the justice system The editors skillfully draw on the classic work of such thinkers as W E B DuBois and Gunnar Myrdal as well as the contemporary work of scholars such as Angela Davis Joan Petersilia John Hagen and Robert Sampson This anthology also covers all of the major topics and issues from policing courts drugs and urban violence to inequality racial profiling and capital punishment This is required reading for courses in criminology and criminal justice legal studies sociology social work and race

Special Issue: Social Movements/Legal Possibilities Austin Sarat, 2011-02-22 Social movements provide the engine of legal change and law itself spurs social movement activity This issue includes articles on social movements in several different nations including France South Africa and Canada asking us to consider the way context is reflected in movement activities **Freedom Under Fire** Michael Linfield, 1990 The great wars we have fought for the sake of liberty have been accompanied without exception by the most draconian assaults on individual rights This is the theme of Michael Linfield's *Freedom Under Fire* and he documents it with examples from every war since the American Revolution The Progressive Linfield demonstrates conclusively starting with the American Revolution and coming right up to the invasion of Panama that the Bill of Rights is set aside by the government again and again for reasons of national security He performs an important service reminding us that liberty cannot be entrusted to the Bill of Rights or to the three branches of government but only can be safeguarded by our own vigilance Howard Zinn Lawyers in Conflict and Transition Kieran McEvoy, Louise Mallinder, Anna Bryson, 2022-03-17 Countries undergoing or recovering from conflict and authoritarianism often face profound rule of law challenges The law on the statute books may be repressive judicial independence may be compromised

and criminal justice agencies may be captured by powerful interests How do lawyers working within such settings imagine the law How do they understand their ethical obligations towards their clients and the rule of law What factors motivate them to use their legal practice and social capital to challenge repressive power What challenges and risks can they face if they do so And when do lawyers facilitate or acquiesce to illegality and injustice Drawing on over 130 interviews from Cambodia Chile Israel Palestine South Africa and Tunisia this book explores the extent to which theoretical understandings within law and society research on the motivations strategies tactics and experiences of lawyers within democratic states apply to these more challenging environments Research on Sentencing National Research Council, Division of Behavioral and Social Sciences and Education, Commission on Behavioral and Social Sciences and Education, Committee on Research on Law Enforcement and the Administration of Justice, Panel on Sentencing Research, 1983-02-01 *Law and Poverty* Frank Munger, 2017-11-28 Socio legal research on the legal experiences of the poor reflects an understanding of the close connection between economic inequality and law The first two parts of this volume illustrate general analytical approaches to law and poverty The remaining parts include essays which examine more specific issues such as race and gender access to law legal consciousness and social change Research on the relationships between poverty inequality and governance still leaves many questions unanswered but the work presented here reflects the important contribution that sociolegal research makes to the ongoing debate *Law and Social Movements* Michael McCann, 2017-07-05 The work of both socio legal scholars and specialists working in social movements research continues to contribute to our understanding of how law relates to and informs the politics of social movements In the 1990s an important line of new research most of it initiated by those working in the law and society tradition began to bridge the gaps between these two areas of scholarship This work includes new approaches to group legal mobilization politics analysis of the judicial impact on social reform struggles studies of individual legal mobilization in civil disputing and an almost entirely new area of research in cause lawyering It brings together the best of this research introduced by a detailed essay by the editor Racism without Racists Eduardo Bonilla-Silva, 2021-12-09 Eduardo Bonilla Silva's acclaimed *Racism without Racists* examines in detail how Whites talk think and account for the existence of racial inequality and makes clear that color blind racism is as insidious now as ever The sixth edition of this provocative book includes new material on systemic racism and how color blind racism framed many issues during the COVID 19 pandemic A revised conclusion addresses what readers can do to confront racism both personally and on a larger structural level New to this edition New Chapter 2 What is Systemic Racism Coming to Terms with How Racism Shapes All Whites and Non Whites explains how all members of society participate in structural racism New Chapter 10 Color Blind Racism in Pandemic Times provides coverage of racial disparities in mortality the role of essential workers and hunger during the pandemic particularly how public discourse did not reflect how these problems are worse for communities of color Updated discussion of police surveillance and violence reflects the current salience of police brutality in the U S and

enhances the conversation on suave racial discrimination Chapter 3 Addresses the question What is to be done and offers White people ideas on what they can do to change themselves Chapter 11 Race, Space, and Riots in Chicago, New York, and Los Angeles Janet L. Abu-Lughod, 2007-09-10 Race Space and Riots in Chicago New York and Los Angeles weaves together historical narratives of major riots with the changing contexts in which they have occurred to show how urban space politics and economic conditions not simply an abstract race conflict all structure the form and virulence of urban rebellions Comparing six major race riots that occurred in the three largest American metropolitan centers Abu Lughod draws upon archival research primary and secondary sources and field work to reconstruct events especially for the 1964 Harlem riot and Chicago's 1968 riots where no single study currently exists **The Many Colors of Crime** Ruth D. Peterson, Lauren J. Krivo, John Hagan, 2006-08 Considering race and ethnicity as organising principles in why how where and by whom crimes are committed and enforced this volume argues that dimensions of race and ethnicity condition the very laws that make certain behaviours criminal and the determination of who becomes a victim of crime under which circumstances

Organizational Reaction to Social Deviance Robert Joseph Stevenson, 2010 This study in criminology sociology and the US Military explores changes in the meaning and production of deviant populations in American military settings since 1941 It is designed to highlight the operation of an ethos of control as armed forces and society undergo historically unstable accommodation and conflict The author examines time series data on organizational reaction to deviance in military settings Bad Paper Discharges courts martial and administrative controls in light of central characteristics of military settings the social composition of officer and enlisted ranks force levels technological changes in war hardware and the distribution of risks faced by various kinds of soldiers Propositions from the deviance literature concerning 1 the constancy of punishment 2 the duration intensity and priority of sanctioning and 3 cohesion and stress are examined in military contexts to discern the changing social control climates therein Some sources of the shift are located in the role that risk plays in the system and the function of the officer corps as agents of social control In short the character of social institutions is knowable in part by studying the manner in which deviants therein are controlled stigmatized and expelled An extensive bibliography is provided

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