

University of California Press



# Race, Law, Resistance

Patricia Tunstall

# Race Law Resistance

**Didi Herman**



## **Race Law Resistance:**

*Race, Law, Resistance* Patricia Tuitt, 2012-09-10 *Race Law Resistance* is an original and important contribution to current theoretical debates on race and law. The central claims are that racial oppression has profoundly influenced the development of legal doctrine and that the production of subjugated figures like the slave and the refugee has been fundamental to the development of legal categories such as contract and tort. Drawing on examples from the UK and US legal systems in particular, this book employs a wide range of theoretical and disciplinary perspectives to explore resistance to racial dominance in modernity. In particular, it highlights the main tenets and distinctive scholarly forms of critical theories on race and law. *Race Law Resistance* will be of interest to academics and students following courses on critical race theory, law and postcolonialism, discrimination law, legal theory, legal systems, the law of obligations, comparative legal cultures, law and literature, and human rights.

*Race, Law and Hypercriminality* Sarah Corbett-Batson, 2025-08-08 This book considers how neoliberal criminal law constructs racialised hypercriminals. In a world of fake news and virtual reality where social media posts seem more real than the materiality of racial capitalism, this book develops the idea of hypercriminality as a means of explaining how racial disproportionalities in the criminal legal system persist despite discourses of a post-racial meritocracy. Drawing on critical race theory, the work of Judith Butler and Jean Baudrillard's conception of the hyperreal, the book considers how neoliberal legal discourse constructs and reproduces hyperreal racialised legal subjects. The simulated violent figure of the racialised gang member, rioter, drug dealer, or sexual predator is made to appear real through legal and evidential concepts such as dangerousness or bad character. The belief that this simulation is real is deployed to justify the carceral state and masks the structural and racialised violence of capitalism itself. Revealing the hypercriminality of racialised legal subjects, the book thus offers a timely critical legal intervention that aims to advance the urgent project of decarceration, abolition, and transformative justice. The book will appeal to scholars and students working in the areas of criminal law and evidence, criminology, criminal justice, socio-legal studies, and critical race theory.

***Race, Law and Society*** Ian Haney López, 2017-05-15 *Race Law and Society* draws together some of the very best writing on race and racism from the law and society tradition, yet it is not intended to merely reprint the greatest hits of the past. Instead, from its introduction to its selection of articles, this anthology is designed as a how-to manual, a guide for scholars and students seeking templates for their own work in this important but also tricky area. *Race Law and Society* pulls together leading exemplars of the sorts of social science scholarship on race, society, and law that will be essential to racial progress as the world begins to travel the twenty-first century.

***Race, Law, and Higher Education in the Colorblind Era*** Hoang Vu Tran, 2019-07-04 This book provides detailed analysis of Supreme Court judgments which have impacted the rights of minorities in relation to higher education and so illustrates ongoing issues of racial discrimination throughout the American education sector. *Race Law and Higher Education in the Colorblind Era* brings together the many racial disputes that have

been adjudicated by the Supreme Court to investigate the politics of colorblindness in the post civil rights era Through a reading of these various cases as a form of continuing racial discourse this book focuses on the ways in which racial disputes operate within a clearly entwined colorblind narrative that invalidates racial justice for minorities By investigating how the Supreme Court has understood racism and the concept of race across its history this volume demonstrates how colleges and universities must navigate the often contradictory and perilous landscape of diversity in attempts to integrate historically disadvantaged minorities This book will be of interest to researchers academics and postgraduate students in the fields of sociology of education multicultural education and legal education      Race, Law, and American Society Gloria J.

Browne-Marshall,2013-05-02 This second edition of Gloria Browne Marshall s seminal work tracing the history of racial discrimination in American law from colonial times to the present is now available with major revisions Throughout she advocates for freedom and equality at the center moving from their struggle for physical freedom in the slavery era to more recent battles for equal rights and economic equality From the colonial period to the present this book examines education property ownership voting rights criminal justice and the military as well as internationalism and civil liberties by analyzing the key court cases that established America s racial system and demonstrating the impact of these court cases on American society This edition also includes more on Asians Native Americans and Latinos Race Law and American Society is highly accessible and thorough in its depiction of the role race has played with the sanction of the U S Supreme Court in shaping virtually every major American social institution      Race, Law, and Culture Austin Sarat,1997 More than forty years after Brown v Board of Education put an end to segregation of the races by law current debates about affirmative action multiculturalism and racial hate speech reveal persistent uncertainty about the meaning of race in American culture and the role of law in guaranteeing racial equality Race Law and Culture takes the continuing controversy about race as an invitation to revisit Brown and Brown as a lens through which to view that controversy The essays collected here are diverse in their perspectives and lively in their presentation Taken together they provide a fresh look at Brown as well as the way it is implicated in America s contemporary uncertainties about race      Jews of the Channel Islands and the Rule of Law, 1940-1945 David Fraser,2014-08-01 From 1940 to 1945 the Channel Islands were the only part of Britain to fall under German occupation This is an examination of the ways in which officials co operated in the implementation of legal measures against the islands Jewish community and their property      **Decolonisation, Anti-Racism, and Legal Pedagogy** Foluke I

Adebisi,Suhraiya Jivraj,Ntina Tzouvala,2023-12-08 This book offers an international breadth of historical and theoretical insights into recent efforts to decolonise legal education across the world With a specific focus on post and decolonial thought and anti racist methods in pedagogy this edited collection provides an accessible illustration of pedagogical innovation in teaching and learning law Chapters cover civil and common law legal systems incorporate cases from non state Indigenous legal systems and critically examine key topics such as decolonisation and anti racism in criminology colonialism

and the British Empire and court process and Indigenous justice The book demonstrates how teaching can be modified and adapted to address long standing injustice in the curriculum Offering a systematic collection of theoretical and practical examples of anti racist and decolonial legal pedagogy this volume will appeal to curriculum designers and law educators as well as to undergraduate and post graduate level law teachers and researchers

**An Unfortunate Coincidence** Didi Herman, 2011 This book examines the depiction of Jews and Jewishness in modern English law revealing the role of racial and religious understandings in legal decision making It challenges both assumptions about tolerance and neutrality in English law and any simple narrative of anti-Semitism charting the ambivalent status of Jewish identity in the law *Race, Law, and "The Chinese Puzzle" in Imperial Britain* S. Auerbach, 2009-04-27 In the early twentieth century Chinese immigration became the focal point for racial panic in Britain Fears about its moral and economic impact amplified by press sensationalism and lurid fictional portrayals of London's original Chinatown as a den of vice and iniquity prompted mass arrests deportations and mob violence Even after the neighborhood was demolished and its inhabitants dispersed the stereotype of the Chinese criminal mastermind and other yellow peril images remained as permanent aspects of British culture This painstakingly researched study traces the historical evolution of Chinese communities in Britain during this period revealing their significance in the development of race as a category in British culture law and politics

**The ISA Handbook in Contemporary Sociology** Ann Denis, Devorah Kalekin-Fishman, 2009-07-01 This International Sociological Association Handbook presents and tracks the transformation of the societies and social relations that characterize the twenty first century The volume is organized around a conceptualization of three processes that are fundamental to the analyses of micro meso and macro social relations Conflict Competition and Cooperation Case studies discuss and contextualize debates within an international overview of relevant literature incorporating material about North America Latin America Europe Africa and Asia

**The Fascists and the Jews of Italy** Michael A. Livingston, 2014-04-21 Describes the history and nature of the Italian Race Laws during the period 1938-43 when Italy was independent of German control Race and Rights Dana Elizabeth Weiner, 2013-01-15 In the Old Northwest from 1830 to 1870 a bold set of activists battled slavery and racial prejudice This book is about their expansive efforts to eradicate southern slavery and its local influence in the contentious milieu of four new states carved out of the Northwest Territory Illinois Indiana Michigan and Ohio While the Northwest Ordinance outlawed slavery in the region in 1787 in reality both it and racism continued to exert strong influence in the Old Northwest as seen in the race based limitations of civil liberties there Indeed these states comprised the central battleground over race and rights in antebellum America in a time when race's social meaning was deeply infused into all aspects of Americans lives and when people struggled to establish political consensus Antislavery and anti prejudice activists from a range of institutional bases crossed racial lines as they battled to expand African American rights in this region Whether they were antislavery lecturers journalists or African American leaders of the Black Convention Movement women or men they

formed associations wrote publicly to denounce their local racial climate and gave controversial lectures In the process they discovered that they had to fight for their own right to advocate for others This bracing new history by Dana Elizabeth Weiner is thus not only a history of activism but also a history of how Old Northwest reformers understood the law and shaped new conceptions of justice and civil liberties The newest addition to the Mellon sponsored Early American Places Series Race and Rights will be a much welcomed contribution to the study of race and social activism in nineteenth century America *Black Interdictions* Philip Kretsedemas,2022-02-21 In *Black Interdictions* Philip Kretsedemas exposes the antiblack racism latent in the U S government s Haitian refugee policies of the 1980s and 1990s which set the tone for the criminalization of migrants and refugees in the new millennium and lead to the migration and refugee policies of the Trump era and beyond This type of radical exclusion is singular to the black experience and the black nonblack binary must be factored into an analysis of the US migration regime It is not possible to work together for equity and justice if we are not prepared to grapple with this divisive history and the instinct to avoid dealing with the singularity of the black experience This book will be of interest to scholars of migration and refugee studies black studies legal studies public policy and international relations and many others *The Oxford Handbook of Postcolonial Studies* Graham Huggan,2013-09-12 The Oxford Handbook of Postcolonial Studies provides a comprehensive overview of the latest scholarship in postcolonial studies while also considering possible future developments in the field Original chapters written by a worldwide team of contributors are organised into five cross referenced sections The Imperial Past The Colonial Present Theory and Practice Across the Disciplines and Across the World The chapters offer both country specific and comparative approaches to current issues offering a wide range of new and interesting perspectives The Handbook reflects the increasingly multidisciplinary nature of postcolonial studies and reiterates its continuing relevance to the study of both the colonial past in its multiple manifestations and the contemporary globalized world Taken together these essays the dialogues they pursue and the editorial comments that surround them constitute nothing less than a blueprint for the future of a much contested but intellectually vibrant and politically engaged field Racial Discrimination Tanya Katerí Hernández,2019-03-19 This fifth volume in the Brill Research Perspectives in Comparative Discrimination Law surveys the field of comparative race discrimination law for the purpose of providing an introduction to the nature of comparing systems of discrimination and the transnational search for effective equality laws and policies This volume includes the perspectives of racialized subjects subalterns in the examination of the reach of the laws on the ground It engages a variety of legal and social science resources in order to compare systems across a number of contexts such as the United States Canada France South Africa Brazil Colombia Peru Hong Kong Japan Korea Israel India and others The goal is to analyze the strengths and weaknesses of various kinds of anti discrimination legal devices to aid in the study of law reform efforts across the globe centered on racial equality Other titles published in this series Comparative Discrimination Law Historical and Theoretical Frameworks Laura

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**Racial Justice and the Limits of Law** Bharat Malkani, 2024-04-23 Racial justice is never far from the headlines The Windrush scandal the toppling of the statue of Edward Colston and racism within the police have all recently captured the public's attention and generated legal action But although the ideals of the legal system such as fairness and equality seem allied to the struggle for racial justice all too often campaigners have been let down by the system This book examines law's troubled relationship with racial justice It explains that law's historical role in creating and perpetuating racial injustices continues to stifle its ability to advance the cause of racial justice today Both a lawyer's guide to antiracism and an antiracist's guide to legal action it unites these perspectives to help both groups understand how to use the law to tackle racial injustices

**Personal Identity and the European Court of Human Rights** Jill Marshall, 2022-05-25 In this new and burgeoning field in legal and human rights thought this edited collection explores by reference to applied philosophy and case law how the European Court of Human Rights ECtHR has developed and presented a right to personal identity largely through interpretation of Article 8 of the European Convention on Human Rights Divided into three parts the collection interrogates firstly the construction of personal identity rights at the ECtHR secondly whose identity rights are protected and thirdly the limits of identity rights The collection is the first in the Routledge Studies in Law and Humanity series Contributions from nine leading and emerging legal scholars from the UK Ireland and continental Europe explore how the right has developed rights to identity and marriage LGBTI persons with disabilities religious and cultural issues and critical perspectives on the social construction and framing of the right The collection is primarily aimed at scholars and advanced students particularly of human rights law and its theory Jurisprudence and Philosophy of Law and those interested in ECtHR jurisprudence and those interested in the connection between theories of inclusion belonging and rights including human rights lawyers

**Storied Communities** Hester Lessard, Rebecca Johnson, Jeremy Webber, 2011-01-01 Political communities are defined and often contested through stories Scholars have long recognized that two foundational sets of stories narratives of contact and narratives of arrival helped to define settler societies We are only beginning to understand how ongoing issues of migration and settlement are linked to issues of indigenous settler contact Storied Communities disrupts the assumption in many works that indigenous and immigrant identities fall into two separate streams of analysis The authors do not attempt to build a new master narrative they instead juxtapose narratives of contact and arrival as they explore key themes narrative and narrative form the nature and hazards of storytelling in the political realm and the institutional and theoretical implications of foundation narratives and storytelling By bringing to light the links between narratives of contact and narratives of arrival this volume opens up new ways to imagine sustain and transform political

communities      *White Women, Rape, and the Power of Race in Virginia, 1900-1960* Lisa Lindquist Dorr, 2005-12-15 For decades historians have primarily analyzed charges of black on white rape in the South through accounts of lynching or manifestly unfair trial proceedings suggesting that white southerners invariably responded with extralegal violence and sham trials when white women accused black men of assault Lisa Lindquist Dorr challenges this view with a careful study of legal records newspapers and clemency files from early twentieth century Virginia White Virginians inflammatory rhetoric she argues did not necessarily predict black men's ultimate punishment While trials were often grand public spectacles at which white men acted to protect white women and to police interracial relationships Dorr points to cracks in white solidarity across class and gender lines At the same time trials and pardon proceedings presented African Americans with opportunities to challenge white racial power Taken together these cases uncover a world in which the mandates of segregation did not always hold sway in which whites and blacks interacted in the most intimate of ways and in which white women and white men saw their interests in conflict In Dorr's account cases of black on white rape illuminate the paradoxes at the heart of segregated southern society the tension between civilization and savagery the desire for orderly and predictable racial boundaries despite conflicts among whites and relationships across racial boundaries and the dignity of African Americans in a system dependent on their supposed inferiority The rhetoric of protecting white women spoke of white supremacy and patriarchy but its practice revealed the limits of both



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