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# Malign Neglect: Race, Crime, And Punishment In America



## Synopsis

Despite the perennial claims of politicians that our courts are coddling hardened criminals, the fact is that America already sends a higher proportion of its citizens to prison--and for longer terms--than any other western nation. To quote the Canadian House of Commons's Committee on Justice, "If locking up those who violate the law contributed to safer societies, then the United States should be the safest country in the world." Yet despite well-documented and mounting evidence that increased penalties alone cannot reduce crime, the Reagan and Bush administrations repeatedly lobbied for tougher mandatory sentences and more prisons. Although black crime rates have been stable for twenty years, the number and percentages of blacks in jail and prison have skyrocketed since Ronald Reagan took office. The trend continues with President Clinton, who recently called for "three strikes you're out" legislation dictating mandatory life sentences for third felony convictions. In *Malign Neglect*, Michael Tonry addresses these paradoxes with passion and lucidity. Drawing on a vast compendium of the latest statistical, legal and social science research, he takes on the explosive issues of race, crime and punishment. As unconventional as he is committed, Tonry confronts uncomfortable truths head-on. On the one hand, he is outraged by politicians' talk of Willy Horton and Welfare Queens. The texts may be crime and welfare, Tonry writes, but the subtext is race. While he recognizes that the disadvantaged have no license to attack, rape or steal, and that the absolution of disadvantaged offenders would require a cynical acceptance of the suffering of victims, he argues powerfully that crime control policies can be recast so that, without diminishing public safety, they do less harm to disadvantaged black Americans. Tonry presents devastating evidence that our current policies are decimating black communities, and impeding the movement of disadvantaged black Americans into the social and economic mainstream of modern America. A blistering attack on worn-out misconceptions about race, poverty, crime and punishment and a fearless prescription for change, *Malign Neglect* is an indispensable briefing paper on a topic which goes to the heart and soul of the nation.

## Book Information

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## Customer Reviews

Michael Tonry is an outstanding scholar in the field, and this a very influential book. I learned a great deal from this read, and would like to recommend it to others. My only problem with the text was that, at times, Tonry's writing style can get dense and complicated. The book is often repetitive and could likely have been shortened a great deal, while still getting the general point across.

The United States is one of the richest countries in the world. Despite this it does not have a universal system of health care or a level of income support for the poor associated with most developed nations. Its criminal justice system is unusual as it still retains the death penalty, routinely executes people who would be regarded as juveniles in other countries and also executes mentally disabled people. Michael Tonry has written a book which looks at the fairness of the criminal justice system and how it affects Afro Americans. The number of Afro Americans in the overall population in the United States is some 13%. They now however represent a majority of the population who is imprisoned. These figures alone rather flatter the reality of the situation. The Afro American community is split into an affluent group and an underprivileged group. One of the points that Tonry makes is that of that underprivileged group some 80 of males will be charged with a criminal offence. A huge proportion of that group will be jailed. The reason for this is the war on drugs. In 1988 faced by a decline in the use of drugs and a stable crime rate President Bush announced a war on drugs. This involved the transfer of tremendous resources to policing the creation of tough penalties mandatory penalties and the removal of discretion from the courts. In the United States low level drug traffickers who would get a penalty of around 6 months in Australia routinely get penalties of 7 years. The effect has been a tripling of the prison population. Studies of drug use in

the States show that white people and Afro Americans abuse illegal drugs at around the same rate. It is difficult to police drug use in the white community as it occurs indoors. The poorer sections of the Afro American community live in crowded conditions and buy their drugs on the streets. It is thus far easier to arrest the poor. Thus the major effect of the war on drugs has been a massive increase of low level Afro American drug offenders being imprisoned for longer and longer periods. The cost of jail construction has been massive and in some states is greater than the higher education budget. The political basis of the war on drugs was the use of the Willie Horton case to destroy Michael Dukakis in the 1988 presidential campaign. Willie Horton was an Afro American who had been jailed for violent offences. He was released on a furlough a type of leave then permitted by the state of Massachusetts. Horton brutally raped and murdered a woman and the fact that he was released whilst completing a sentence was used by Bush to suggest that Dukakis was soft on crime. (Despite the fact that the program had been up to that time routinely successful) Since that time American politicians including Clinton have emphasized their toughness on crime. This book is well written and contains a depth of statistical material which makes it compelling. The sense of outrage is palpable on each page. It is short some 200 pages but the depth of its research and the clearness of its arguments make it a must read.

Great book, wished I have of read it before the class required. Great source of information (dated, but still relevant.)

In nice condition!

My professor suggested this for the criminal justice class, and its a great book! I love it! Its a must read if you love law!

Michael Tonry takes an in-depth look into the racism that permeates every level of the criminal justice and law enforcement institutions in this country. Tonry's book covers racial profiling, racially targeted crime policy, the unnecessary War on Drugs, punishment, sentencing policy, and the like. Reading Malign Neglect can lead to the basest of conclusions: that "The Burden on Black Americans" is vast and deeply entrenched. Tonry's discussion of the history behind the War on Drugs, while leaving out the Nixon input, faults policy makers who knew the disparate impact it would have on black Americans. Seeing that when the official war on drugs was launched, the overall drug use in the country was decreasing, yet there was a change in norms, illustrates just

how calculated the negative effects of the "war" were. The only population where drug use was not on an overall decline was the disadvantaged inner city populations. Therefore, with increased surveillance and increased punishment, it is malign neglect to assume all people will be treated equally by this "war." Tonry does an excellent job explaining that there are no unfortunate accidents in terms of policies that over target African Americans. He makes the point that it is such policies that lead to the disintegration of communities based on the over-incarceration of black men. Tonry does not imply that crime should be ignored, but that it is un-Constitutional to target races for policies designed in the veil of universal. Tonry supports jury nullification which is the setting free (with the exception of violent crimes) black defendants as a method of evening the score, so to speak, for the mistreatment of blacks by the justice system to date. Tonry explores many issues that answer topics that Randall Kennedy attempts to tackle in "Race, Crime, and the Law. I would recommend reading them together.

"Malign Neglect : Race, Crime, and Punishment in America" is one the more revealing and informative books I have ever had the pleasure of reading. In looking at America's racist crime policies over the last couple of decades, Tonry elucidates what has been a virtual war against minorities and the poor. Tonry effectively points out that the elite intelligentsia who have crafted these racist programmes knew exactly that they were scapegoating minorities - specifically young Afro-American men. A tremendously important book in terms of understanding the history of class conflict and racism and their current guises as manifest in contemporary society.

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