Power, Authority, and the Riot Act
Adrian Randall

in Riotous Assemblies: Popular Protest in Hanoverian England
Published in print: 2006 Published Online: January 2010
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DOI: 10.1093/acprof:oso/9780199259908.003.0002
Item type: chapter

This chapter examines both the legal background to riot and the forces of law and order available to confront protest in Hanoverian England. Riot characterized Hanoverian England, with the reigns of the first three Georges probably seeing a higher level of social disorder than any other similar period, the Civil War included. In a desperate attempt to reinforce its grip on a law and order situation in the country, the government under the reign of George I introduced a new statute, ‘An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters’. This ‘Riot Act’, flawed in some key respects, was to survive as the primary judicial weapon against public disturbance until its eventual repeal in 1919. The new Act significantly changed the definition of riot and the legal context for its suppression.

Hate Speech, Extreme Speech, and Collective Defamation in French Law
Pascal Mbongo

in Extreme Speech and Democracy
Published in print: 2009 Published Online: May 2009
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780199548781.003.0013
Item type: chapter

This chapter provides a picture of the French authorities' (Government and judges) interference in the freedom of expression which are justified by the refusal of Hate speech. These interferences appear like mirrors, not only of the French notion of freedom of expression, but also of the relationship that the French state maintains with society. The French notion of freedom of expression has in fact always been relativistic if
only because, by constantly establishing a balance between freedom of expression and ‘law and order’, French constitutional texts have never brought about a debate comparable to the American debate relating to the First Amendment's provision that Congress shall make no law abridging freedom of speech. As a matter of fact, the constancy of this balance between freedom of expression and ‘law and order’ tells us something about a certain form of ‘paternalism’ that is particularly characteristic of the French state in its relations with society.

Conventional Wisdom and Its Discontents
Lisa D. Brush
in Poverty, Battered Women, and Work in U.S. Public Policy
Published in print: 2011 Published Online: September 2011
Item type: chapter

This chapter provides the intellectual scaffolding for the book. The chapter reviews the explanatory frameworks that together constitute the conventional wisdom about poverty, battering, and the central role of women’s work in addressing them. The hegemonic explanations for poverty and abuse include victim empowerment folklore, criminological expertise and law-and-order logic, the politics of disgust, and work-first common sense. The chapter then presents an alternative approach (drawn from feminist structural challenges to conventional wisdom) that focuses on how women are trapped by poverty and abuse. The chapter concludes the chapter with a critical description of the contradictory dynamics of the institutionalization of conventional wisdom in two key U.S. policies on poverty and battering: the Personal Responsibility Act and the Violence Against Women Act.

Making the Peace
Charles Townshend
Published in print: 1993 Published Online: October 2011
Item type: book

In recent years, such episodes as the death of Blair Peach, the Miners' Strike, the Scarman Report, and the Ponting and Stalker affairs have raised serious doubts as to whether the ‘British trick’ of maintaining law and order by consensus is still feasible. Beginning with the Swing, Chartist, and Plug Riots, this book shows how public order was steadily tightened during the Victorian era and how that process has continued
throughout this century, thanks to such legislation as the Official Secrets, Public Order, Defence of the Realm, and Emergency Powers Acts. This is a historical analysis of the fundamental concepts on which the law-and-order debate rests. In addition to exploring the issues and events that have influenced mainland affairs, the book also examines the Irish situation between the First Land Act and the Prevention of Terrorism Act, and offers valuable insights into the periodic ‘crises of order’ that seem to be threatening modern Britain.

Public International Law Approaches to Jurisdiction
Cedric Ryngaert

in Jurisdiction in International Law
Published in print: 2008 Published Online: January 2009
Publisher: Oxford University Press
Item type: chapter

Under public international law, two approaches could be taken to the question of jurisdiction. Either one allows States to exercise jurisdiction as they see fit, unless there is a prohibitive rule to the contrary, or one prohibits States from exercising jurisdiction as they see fit, unless there is a permissive rule to the contrary. The first approach was taken by the PCIJ in the 1927 Lotus case. The second has been taken by most States and the majority of the doctrine. Under this approach, States are not authorized to exercise their jurisdiction, unless they could rely on such permissive principles as the territoriality, personality, protective, and universality principles. It is unclear which doctrine has the upper hand.

Conclusion
O.P. Mishra

in Policing Delhi: Urbanization, Crime, and Law Enforcement
Published in print: 2012 Published Online: September 2012
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780198075950.003.0011
Item type: chapter

This concluding chapter discusses the importance of the police. It provides an evaluation of the overall performance of the Delhi police and an analysis of police station-wise crime. The chapter also shows different steps they have undertaken to help fight crime in the city. The first is the general expansion of the police force. This has provided a greater number of police officers to help, detect, and prevent crime; more police stations in various sections of the city and the addition of
specialized police units for specific types of crime. The second is placing effective pressure on the recorded criminals and budding gangs through community policing. The third is on the proper management of traffic congestion and regulation. The final step in fighting crime in Delhi is maintaining law and order.

**Polity and Society in British India**

Deepak Lal

in *The Hindu Equilibrium: India c.1500 B.C. - 2000 A.D.*

Published in print: 2004
Published Online: September 2008
Item type: chapter

This chapter addresses the question of whether the British succeeded in altering the living conditions of the mass of the Indian people, and whether this latest foreign assault on the Hindu equilibrium established at the beginning of the Christian era was any more successful in altering the basic parameters of India's polity, society, and economy than its predecessor. The British conquest of India was virtually completed by 1818. Acquired by a band of foreign merchants, Britain's Indian empire at that date ran along the coast from Bengal to Gujarat except for the territorial pockets of Portuguese Goa and French Pondicherry, which were in the hands of the other two European powers who had established footholds in India's coastal economies.

**Neoliberal Governmentality**

Miguel de Beistegui

in *The Government of Desire: A Genealogy of the Liberal Subject*

Published in print: 2018
Published Online: May 2019
Item type: chapter

This chapter argues that the complex phenomenon known as neoliberalism reveals a radicalization and further internalization of the economic regime of desire, which defines liberalism, and which consists in a normalization of subjectivity through the promotion of self-interest and the maximization of utility. But it also departs from liberalism on a few key aspects, and introduces new norms and new technologies of desire. So, whilst neoliberalism inherits the normative framework initially introduced by the likes of James Stuart, Adam Smith, and John Stuart Mill, it also builds on it, and innovates: to the norms of interest
and utility, through which individuals experience and govern their own subjectivity, it adds those of competition, efficiency, and management (of one’s life, one’s human capital, and the risks one is willing or encouraged to take). It sees those norms as inseparable, and as revealing the true mechanisms behind the actions and motivations of human beings.

The Miranda “Revolution”
George C. Thomas III and Richard A. Leo
in Confessions of Guilt: From Torture to Miranda and Beyond
Published in print: 2012 Published Online: May 2012
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780195338935.003.0007
Item type: chapter

In the twentieth century, American interrogation law moved from the Hawkins “no pressure” principle to a Wigmore rationalist approach that included the third degree as a deviant outlier. Partly as a reaction to the third degree, partly as a result of state courts ignoring high-pressure tactics, and partly as a realization that many of the state cases involved black suspects and white law enforcement, the Supreme Court began in the 1940s to attempt to control state and local police interrogation. It first applied the common law norm that confessions had to be “voluntary.” This doctrinal move was doomed to failure because it is too vague to constrain courts and conceptually incoherent—all utterances are voluntary in the only meaningful sense of the term. In 1966, Miranda v. Arizona held that statements were inadmissible unless the police had warned the suspect of the right to remain silent and the right to counsel. The 5-4 decision sparked virulent opposition from police, prosecutors, Congress, and many newspapers. The charge was that the Court had befriended criminals to the detriment of law and order. Miranda was an issue in the 1968 presidential campaign and probably helped lead to the election of Richard Nixon.

With Respect to Order, the Rules of the Game have Changed: New Labour’s Dominance of the ‘Law and Order’ Agenda
Rod Morgan
Published in print: 2009 Published Online: March 2012
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780199565955.003.0004
Item type: chapter
This chapter extends the analysis in which David Downes and the author engaged in their joint essay on ‘law and order’ politics over three editions of the Oxford Handbook of Criminology. In doing so, it reflects on developments since the new millennium. It also suggests as the starting point Prime Minister Blair's pronouncement that the excesses to be laid at the door of the liberal 1960s are now to be tackled head on. This represents, it argues, the latest effort by New Labour finally to expel the Old Labour ‘skeletons in the cupboard’, as David and the author termed it, thereby preventing the Tories from recovering their traditional stronghold to the ‘law and order’ right of Labour. It is stated that the rules of the game have indeed changed, and are radically changing. The autumn 2005 ‘rules’ debate has of course been placed on a much more bitter argument about whether the 2003 invasion and subsequent occupation of Iraq was and is justified, and whether those events have made the world and Britain a more dangerous place.

The Enigma of Federal Reform
Sarah Deer

in The Beginning and End of Rape: Confronting Sexual Violence in Native America

Published in print: 2015 Published Online: May 2016
Publisher: University of Minnesota Press
DOI: 10.5749/minnesota/9780816696314.003.0007
Item type: chapter

This chapter focuses on a discussion of contemporary policy and potential reform. It provides detailed information about recent federal reform in the Tribal Law and Order Act of 2010 and the reauthorization in 2013 of the Violence Against Women Act. These reforms, largely spearheaded by grassroots Native women activists, present a new era in federal–tribal relations and provide a starting point for full reform. While many tribal-sovereignty activists may reject engagement with the federal systems that created the problems they seek to address, it argues the case for working with the federal government to reform a system that has been deeply damaged by the failure to include tribal perspectives.

Fighting Modernity: The Extreme Right and Conservative Values
della Porta and Caiani Wagemann

in Mobilizing on the Extreme Right: Germany, Italy, and the United States

Published in print: 2012 Published Online: May 2012
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780199641260.003.0007
Chapter 7 looks at the way in which the extreme right frames and acts upon conservative values, within its fight against modernity. Notwithstanding the general religious revival, law and order concerns emerged in the analysis as still stronger than religious ones. In each of the three countries under study, the extreme right focuses on (and emphasizes) different aspects of conservative issues, more oriented towards God in the US, the family in Italy, and the nation in Germany. These results are linked to the different political and cultural opportunity structures offered by the three contexts.

Law and Order
Alasdair Roberts

in America's First Great Depression: Economic Crisis and Political Disorder after the Panic of 1837

Published in print: 2012 Published Online: August 2016

This chapter discusses the impact of the First Great Depression on law and order. In cities and farms across the United States, economic decline awakened old grievances about inequities in the distribution of economic and political power. Disgruntled Americans were organized more easily to push for change, and many were willing to resort to violence to demonstrate their resistance to the status quo. This was most clearly the case in the northeastern United States, where agrarian and industrial laborers, not shackled by the institution of slavery, had the capacity to organize and articulate their grievances. The violence raised questions about the capacity of citizens to regulate themselves, and also about the ability of a nation organized on democratic principles to maintain civil peace. In Rhode Island, New York, and Philadelphia, authorities responded to severe outbreaks of violence in similar ways. Tentative attempts to maintain order eventually gave way to the ruthless suppression of resistance against established authority. Law and order had to be preserved, and police power became one of the essential requirements for the survival of a fragile, open economy.
Legal Consciousness(es) in Russia
Kathryn Hendley

in Everyday Law in Russia
Published in print: 2016 Published Online: May 2017
Item type: chapter

This chapter examines Russian public opinion about law and courts. It first provides an overview of Russian legal consciousness, alternatively referred to as legal culture, before explaining the methodology employed in the present analysis. It then considers the available empirical evidence to determine whether law matters to Russians and if it does, then for whom and under what circumstances. It also discusses those factors that tend to encourage or discourage trust in the capacity of Russian law to matter as well as the Russians' willingness to use the law to solve their problems. Respondents were asked, for example, about their level of support for cornerstone principles of democracy, such as free elections, law and order, and freedom of speech. The results show that Russians are moving away from legal nihilism and that law matters for an increasing percentage of Russians. They shy away from the courts, tending to use them only when no other options are available. Furthermore, Russians' confidence in law and legal institutions is situational.

Custodialism Reborn
Anne E. Parsons

in From Asylum to Prison: Deinstitutionalization and the Rise of Mass Incarceration after 1945
Published in print: 2018 Published Online: May 2019
Item type: chapter

By the end of the 1960s, anti-institutionalism had extended beyond mental health and bled into prison reform. This chapter tracks the rise and fall of efforts to find alternatives to prisons. In the late 1960s and early 1970s, changes in psychiatry, politics, and the law led to a deinstitutionalization in both mental health and corrections policy making. Not only did politicians and advocates look for alternatives to mental hospitals, they also sought alternatives to prisons. They expanded probation, parole, and furlough and created community corrections initiatives such as halfway houses and work-release
programs. The number of people in prisons and jails fell, even during a time of increased policing. These reforms came under attack, however, as politicians depicted people in prison as dangerous criminals and ushered in harsh sentencing reforms. A law and order politics that relied on racial discrimination halted efforts to deinstitutionalize prisons. By the mid-1970s, after more than a decade of decline, new prison construction began and the number of imprisoned people nationwide rose. These changes had a devastating effect on individuals with mental health conditions. Many of them were caught in the web of this new era of mass incarceration.

Going Berserk for Punishment
Julilly Kohler-Hausmann

in Getting Tough: Welfare and Imprisonment in 1970s America
Published in print: 2017 Published Online: May 2018
DOI: 10.23943/princeton/9780691174525.003.0007
Item type: chapter

This chapter illustrates how California politicians went “berserk in terms of punishment” and helped balloon the prison system to a scale few could have imagined possible in the early 1970s. While determinate sentencing in itself does not ratchet up punishment, the ensuing battles in California over setting prison terms became a vehicle for the ascendance of the so-called “toughness imperative.” “Law-and-order” politicians in both parties used the displacement of the rehabilitative ideal to assert a new vision for the prison. They interpreted the upheaval in California’s prisons as evidence that corporal containment and harsh, degrading punishment were the only viable response to street crime.

Thatcherism and Crime: The Beast That Never Roared?
Stephen Farrall and Will Jennings

Published in print: 2014 Published Online: January 2015
DOI: 10.5871/bacad/9780197265703.003.0012
Item type: chapter

This chapter explores the Thatcherite legacy for crime and the criminal justice system. We argue that, despite much of Thatcher’s rhetoric on ‘law and order’, most criminal justice activity during her period in office was essentially liberal (that is, progressive) in nature. Nevertheless, the
social and economic policies pursued in the early to mid-1980s were, we argue, associated with rises in the crime rate, which in turn shifted public attitudes towards crime and the treatment of offenders. Coupled with the Labour party's shift rightwards from the early 1990s and Blair's focus on crime as a topic Labour ‘owned’ meant that both the Conservative and Labour parties were engaged in a crime ‘arms race’ towards policies which were in tune with the Thatcherite instinct on crime.

Agamben and The Rise of ‘Bare Life’
John Lechte and Saul Newman

Through ‘bare life, securitisation and the camp as its paradigm case ever tightens its grip. But what precisely is the nature of ‘bare life’ in Agamben's work and more generally? Such is the guiding question of this chapter. In particular, it shows that modernity's underlying framework is based on notions of need and scarcity: the human must, above all, have enough to survive and to sustain existence before embarking on the road to freedom. Darwin's utilitarian concept of life, it is argued, makes ‘bare life’ the antithesis of transcendence. Through reference to Foucault's distinction between ‘law and order, where order always prevails, and Heidegger's notion of facticity, which evokes a form of life that is distinct from life as an object, the notion of ‘bare life’ is progressively brought into question in favour of a way of life as a form of transcendence. The possible links between Heidegger and Nazism on the issue of life are also considered.

Brutes and Bludgeoners: The Police
Chris Millington

This chapter analyses the behaviour of the police during violent confrontations. The democratic Third Republic strove to control the behaviour of the forces of order, hoping to inculcate a respect for citizens’ democratic rights in the policeman. However, in the heat of the
moment, officers frequently lashed out at political activists and innocent bystanders. They thus earned a deserved reputation for gratuitous brutality. As political conflict worsened during the 1930s, the Mobile Guard riot police were increasingly called to maintain law and order, sometimes with fatal consequences. While the authorities deplored such killings they nevertheless recognised that lethal force was sometimes necessary to defend the regime.

Introduction: why ‘anti-social behaviour’? Debating ASBOs
Peter Squires

This text, which is about the anti-social behaviour (ASB) phenomenon in the United Kingdom, aims to capture, in a single volume, a wide range of positions that one might take up in respect of the ‘anti-social behaviour question’. The chapters chart the first emergence of the issue, the differing interpretations of ASB and contrasting reactions to it. The book includes a selection of the emerging research evidence about ASB and the impact of research findings on policy making. In this, then, the book embraces a broad debate about the contemporary significance of ASB and what could, or should, be done about it. Accordingly, contributions in this book were solicited from a wide variety of authors representing a range of agencies, interests, and perspectives surrounding the ASB issue. The Anti-Social Behaviour Order (ASBO) rapidly came to be seen as a specific response to youth problems and ASB. This book also tackles the politics of law and order, the cultural politics of ASB, and issues about communities, social capital, respect and tolerance.