

PHILOSOPHY TALKS

ABOUT

RACE AND PRISON

SEPTEMBER 17
5-7 PM

PROSECUTING RACE

MASS INCARCERATION AND THE UNFINISHED PROJECT OF AMERICAN ABOLITION

More than 95 percent of criminal convictions in the U.S. never go to trial, as the vast majority of defendants forfeit their constitutional rights to due process in the pervasive practice of plea bargaining. This paper analyzes the relationship between American mass incarceration and this mass forfeiture of procedural justice by situating the practice of plea bargaining in the normative framework drawn by recent Supreme Court rulings and the recent proliferation of criminal statutes, including mandatory minimum sentencing legislation. Looking at systemic racial disparities in sentence severity and incarceration rates for otherwise similarly situated defendants, I argue that, rather than a voluntary waiver of constitutional rights, this mass forfeiture of due process rights ought to be conceptualized as the product of an entrenched system of procedural entrapment. Such entrapment, I argue, ought to be abolished not only on grounds of procedural injustice, but because the practice refashions rather than redresses forms of racial domination derived from prior eras. The article concludes by exploring the tactic of mass conscientious plea refusal through the collectively organized assertion of constitutional due process rights as a strategy of resisting mass incarceration.



Brady Heiner is an Assistant Professor of Philosophy at CSU Fullerton

JOIN US!

Thursday
September 17
5-7PM
Refreshments will be provided

Questions?
Contact Prof. Pilchman
pilchman@chapman.edu