

CRIME, INEQUALITY, AND POWER

EILEEN B. LEONARD

CRIME, INEQUALITY, AND POWER

‘Eileen B. Leonard succeeds wonderfully well in imposing a highly effective framework on how we should understand the concept of crime, and how we can best respond to the problem of crime. She documents persuasively the societal overreaction to crimes of the powerless and the societal under-reaction to crimes of the powerful. Students and their professors alike have much to learn from this book.’

—David O. Friedrichs, *Distinguished Professor of Sociology, University of Scranton, USA*

‘*Crime, Inequality, and Power* offers a timely, thoughtful, and much-needed comparative perspective on the problem of crime and the construction of the offender. As Leonard systematically demonstrates, based on a wide range of clearly presented examples, crime in the streets and crime in the suites make and manufacture definitions about the criminal enterprise. This book is a must-read for anyone interested in understanding the present-day status of inequality within the criminal justice system.’

—Bruce Arrigo, *Professor of Criminology, Law and Society and of Public Policy at the University of North Carolina at Charlotte, USA*

‘In *Crime, Inequality, and Power*, Leonard offers a powerful critique of our current system of justice and the underlying socially constructed biases that continue to focus upon specific types of criminal behavior, while minimizing others. Central to her thesis is that “... power and persistent inequality in America has more to do with our understanding of crime and our punishment of it, rather than the harm that behavior inflicts”. *Crime, Inequality, and Power* is an important addition to the discipline of criminology and an essential read for students, policymakers and scholars interested in this complex topic.’

—David Polizzi, PhD, M.A., M.A., LCAC, *Associate Professor, Department of Criminology & Criminal Justice, Indiana State University, USA*

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CRIME, INEQUALITY, AND POWER

Crime, Inequality, and Power challenges the dominant definitions of crime and the criminal through its uniquely comparative approach. In this book Eileen Leonard analyzes multiple forms of criminal behavior in the United States, including violence, sexual assault, theft, and drug law violations, while also asking readers to consider the parallels between crimes that are rarely thought comparable. Leonard's juxtaposition of familiar street crimes, such as car theft, alongside large-scale corporate theft, vividly exposes profound inequalities in the way crime is defined, and the treatment it receives within the criminal justice system.

Leonard's analysis also reveals the underlying inequalities of race, class, and gender which enable the perpetuation of such crimes, as well as calling into question the reality of fundamental American ideals of fairness and equal justice. Moreover, the book questions whether current policies that punish street crime excessively while minimizing the crimes of the powerful, fail to keep the public safe. A broader consideration of crime, and the inequalities that underlie it, offers a fresh opportunity to rethink public policies and enduring issues of crime and criminal justice.

Challenging the many persistent inequalities in the perception of and response to crime, this critique of American crime and punishment will be of interest to undergraduate and postgraduate students, as well as scholars, in the fields of criminology, sociology, and law.

Eileen B. Leonard is Professor of Sociology at Vassar College, and she teaches a yearly course at Taconic Correctional Facility for Women. Her teaching and research focus on crime, gender, inequality, and social theory. Leonard has chaired the Sociology Department at Vassar College and has been Director of the Women's Studies Program and the American Studies Program. She is currently Director of Faculty Teaching Development at Vassar.

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For my brother, Tom,
who raises houses out of floodwaters;
and my sister, Jeanne,
who brings those houses together

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INTRODUCTION

After teaching criminology for many years, I have learned to begin the course by asking students to picture—without censoring their thoughts—what comes to mind when I say “the criminal.” I ask them to jot down their descriptions of this image in as much detail as possible including, for example, the person’s clothes, height, age, hair color, and demeanor. I then ask a series of questions: How many pictured a woman? An elderly person? A man in a business suit? Through a process of elimination, I find that each time the great majority of students envision a young, lower-class male, often a person of color. I point out that national polls of Americans document similar responses, and, indeed, the fields of criminology and criminal justice put most of their emphasis on these criminals in journals, textbooks, and even graduate programs (Lynch et al., 2004; Russell, 2001: 157). Moreover, the vast majority of people in prison fit that profile: They are poor, undereducated, unemployed or marginally employed, and disproportionately people of color.

It is reasonable to assume that this image, and the punishment that follows, is the result of who commits crime, who causes the most harm, and who among us is the most violent. But that would be incorrect.

Sound, empirical evidence reveals that many types of crime, such as corporate crime, state crime, or domestic violence, cause multiple times the financial damage, death and personal injury, and yet they rarely come to mind in conversations about criminals, and they seldom result in imprisonment. Our conception of crime is typically very narrow: what we fear, and what politicians eagerly rail about, is “street crime,” often understood as violent, one-on-one confrontations with a stranger, as well as nonviolent offenses like burglary, larceny-theft, and auto theft. In terms of both victims and offenders, these are typically the crimes of the poor and disproportionately the crimes of people of color. Citizens rightly dread these offenses, and for most of us they define the “crime problem.” The United States punishes street crime severely, with sanctions that are much harsher than those of other industrial

2 Introduction

societies. As a result, it now incarcerates its citizens at a rate that exceeds that of any other nation on the planet. This includes many nonviolent offenders, all at great public expense and with questionable effectiveness. On the other hand, domestic violence (as one example) is still treated with leniency, if punished at all.

This book explores a wide range of harmful criminal behaviors, from rape to drug law violations to state crime, and asks why the focus of attention and the burden of punishment are consistently placed on such a limited portion of crime. Why, for example, does the FBI include in its “major crimes” index the theft of an upscale bicycle but not the theft of a retirement fund? Why is the rape of a woman by a stranger likely to cause outrage and severe punishment while a rape by her date does not? Although the economic disaster of 2008 was the result of widespread financial crimes, why have most arrests involved those protesting these crimes, rather than the executives who actually committed them? What are the consequences of these distinctions for us as individuals and for society? Do they benefit and keep us safe? Do they allow us to live in a relatively crime-free society? The answer, unfortunately, is no, and the explanation for this brings us face-to-face with fundamental aspects of American society.

I argue that power and persistent inequality in America have more to do with our understanding of crime and our punishment of it, rather than the harm that behavior inflicts. I illustrate this through a comparative analysis of various types of crime that make this inequality vividly evident. Furthermore, I demonstrate that the way we currently frame crime leads to consequences that are not only unjust, but fail to keep the public safe. Shifting the conversation from an emphasis on conventional and popular notions of crime, to a more complex comparative understanding of a wider range of criminal behavior, offers a more realistic view of crime, and a sounder approach to effective public policies that prevent crime.

Stereotypes of Crime

News reports, gossip, comments of politicians, and popular entertainments often concentrate on the criminal actions of impoverished, working-class, and minority people. Street crime is easy to report on the evening news since information about it is readily available through law enforcement sources, and given that it fits into our stock story of crime, there is no apparent need to contextualize the issue. In addition, street crime offers vivid visuals: bodies, distraught neighbors, and frightening suspects. These images of the predatory criminal dominate news and entertainment (Surette and Otto, 2001: 150), and sensitize us to fear some crimes rather than others. The same stories are repeated so often; it makes sense that most of us have similar images of the criminal.

The crimes of corporations, on the other hand, seldom play a prominent role in discussions of crime on network news or in personal conversations unless they reach the proportions of an Enron scandal or the 2008 financial crisis. Most of

these offenses are buried in the business section of newspapers, and while investigative reporting of corporate crime plays a vital role in exposing this illegality, the placement of information often implies that these crimes are distinctly different from conventional crime. Television dramas, films, and reality TV overwhelmingly deal with street crime. The most widely available information about crime thus invites easy consumption of standard images of what crime entails, not thoughtful perspectives that would inform us about harmful behaviors or crime in a broader context.

We learn to assume that street crime (committed by marginalized people) and elite crime (committed by the powerful) are mutually exclusive, but we rarely question this assumption, or ask why we focus predominately on one rather than the other. As we noted, even professional criminologists organize the study and presentation of the field in this way. Street crime and the crimes of the privileged are generally treated as separate categories, and the emphasis in the field is overwhelmingly on street crime. Research by Michael Lynch et al. (2004) indicates that white-collar crime accounts for only a sliver of the articles in the field's journals, less than 5 percent of the pages of sampled texts, and remarkably few of the courses in Ph.D. programs in criminal justice. They conclude that after 60 years of research in the field, "white-collar crime and corporate crime remained on the margins of the criminological research agenda" (395). This bolsters the image of crime as primarily the actions of "outsiders," the poor, and the disadvantaged, and it unintentionally reinforces the way street criminals are demonized and often punished in a way that is unjust and ineffective. In sharp contrast, the crimes of corporations and the state, as well as domestic violence, are thus delegitimized as "real" crime that warrants comparable punishment or at least accountability.

Going back to the classical work of criminologist Edwin Sutherland in the 1940s, there has been an effort to expand our understanding of what constitutes harmful behavior, by including the crimes of people of high social status. However, even when criminologists focus on elite crime, they often frame it as distinct from conventional crime, and thus inadvertently maintain the dominant public and professional discussion of street crime. The crime categories of the Federal Bureau of Investigation (FBI) reflect and perpetuate the same separation. The FBI has traditionally indexed and monitored what they refer to as the seven "major crimes" in the United States each year, which include four violent offenses (murder, assault, rape, and robbery) and three nonviolent offenses (burglary, larceny-theft, and auto theft). These statistics are widely publicized. Most of us would agree that these are significant violations and need to be vigorously addressed, but the exclusion of other offenses from this list is telling. None of the categories, for example, are designed to include the crimes of corporations. Yet, surely, the financial crimes of some corporations like insider trading, price-fixing, or the marketing of unsafe products are more serious than the larceny-theft of a bicycle.

Victims of Crime

Our stereotypes of criminals are important but equally significant (and misinformed) is the way we envision victims. Esther Madriz (1997) did a careful empirical study of women's fear of crime and how it relates to dominant images of criminals and victims. She found that regardless of the race or class of her women respondents, their images of criminals were highly racialized. As one African-American woman told her: "I feel ashamed by saying this, but the image that comes to mind when I think about criminals is that of a brother" (345). On the other hand, when discussing their understanding of who the victims are, the majority of women (again regardless of their social backgrounds) identified white, middle-class women as the typical victims. As one Latino teenager put it, "White girls are afraid of everybody, of Latinos, of Blacks. That is why they are more victims. They have it worse" (quoted in Madriz, 1997: 350).

This conventional matching of white, middle-class, female victims and impoverished black, male offenders is wildly inaccurate. Men, and disproportionately minority men, are far more likely than women to be victims of violent street crime. Moreover, most crimes occur within one's racial group, and typically at the hands of someone we know rather than a stranger. Black women are more likely to be victimized than are white women, and Native Americans have the highest victimization rates of any racial group in the United States. But Madriz's respondents like the general public, view crime largely in stereotypical terms. This diverts attention from other crime victims, including women of color and virtually all women who are victimized by domestic violence. Standard discussions of violent crime rarely include the fact that women are in more danger of violence in their own homes than on the street. Any consideration of the countless women and men who are victims of corporate or state violence is totally absent. As Katheryn Russell (2001) points out, some offenses are simply invisible in discussions of crime as are some racial groups, like whites, who nonetheless comprise the majority of those arrested.

This focus on street crime serves a variety of interests: the majority of us can be comforted by the belief that we are entirely different from the "evil ones" among us, the media is provided with sensationalist images of crime, and politicians can rail against street crime with no fear of reprisals from anyone. (In fact, being viewed as "soft on crime" can ruin a political career in the United States.) Elites also benefit because misleading ideas about crime help maintain the current social and economic system, assuring us that it is fundamentally sound, while scapegoating street criminals as the troublemakers. Blame is placed squarely on the shoulders of targeted individual criminals and is seen as having little to do with the larger social system. Focusing anger and fear on the powerless takes attention away from elite crime and also from the inequality that underlies this. As Robert Bohm (1986) puts it:

The poor, as a result, bear the bulk of the blame while continuing to be the most victimized; and the middle class, also victimized, must bear the bulk

of the costs of policies that would not provide them the protection and the security they are seeking. (210)

This book looks at the way we think about crime and punishment in the United States. It takes the position that much of our public and even our scholarly discussion of crime continues to be based on a narrow conception of harmful behavior, while often ignoring or minimizing the widespread crimes of those who are powerful socially or politically. What most Americans regard as serious crime, what they fear and even dread, is the violent behavior of a stranger in a one-on-one encounter: the rapist who attacks a woman walking home from work late at night, the man with a gun who suddenly appears when a car stops at a traffic light, the stranger who crawls through an open window while the family sleeps. It is further understood that this behavior is best prevented and contained through punishment or the threat of punishment—and the harsher it is, the more effective. Most of us embrace these “common sense” notions of criminals and support efforts to do something about them. We assume that the way crime is defined and punished, and the legal rights extended to all citizens, ultimately embody fairness and protect everyone. And, let me repeat, street crime is a serious social problem in the United States and it causes tremendous harm to its victims and to the social fabric. It deserves our full attention. Americans have a right to a safe society, to know that they and their loved ones are protected, that they can walk freely in their neighborhoods and cities, and go about their daily business without fear or danger.

Consider, however, the possibility that our standard images of crime are at best partial and misleading, and ultimately leave the American public at risk. In other words, what we have been taught to regard as crime and punish most severely, is the behavior of the most marginalized among us, while we ignore, excuse, or minimize the crimes of the powerful that are even more damaging. Yes, more damaging. This hampers our ability to deal with any form of crime effectively, and it leaves citizens unprepared to participate in discussions about policies that might actually curtail harmful behavior. Let me make this point by providing an example of a crime that I suspect everyone is familiar with: child abduction.

Child Abduction

Child abduction receives a great deal of attention from news reports and flyers in the mail, to television shows and public notification on cell phones. The thought of a child being abducted is unspeakable, and conjures up images of strangers preying on innocent children in our own communities. We often associate child abduction with sexual predators, which makes it all the more horrific. We have reacted to it with harsher laws, getting our children fingerprinted, and trying to teach them at school and at home about this danger using children’s books like *The Berenstain Bears Learn about Strangers* (1985). We even have a National Center for Missing and Exploited Children, established in 1984. Indisputably, appalling crimes are committed against children.

However, if we pause for a moment and consider some of the facts surrounding this crime, we may be surprised. Let's first consider how we define "missing children" in the United States. We use a very broad definition—any person under 18 years of age reported to the police as missing. Although we may fear predatory strangers, many of these children simply return home late, have run away from home of their own volition, or have been taken by a parent who does not have legal custody. Sensationalist reports on missing children from advocacy groups claim that anywhere between 1.5 million and 2.5 million children are missing from their homes each year. More careful studies found in reputable journals, however, reveal that nearly 1.7 million are, in fact, runaways. As many as 15 percent more are abducted by parents who don't have legal custody. Moreover, the vast majority of children are found within 24 hours (Kappeler and Potter, 2005: 62).

Bill Treanor, director of the American Youth Center, presents even more cautious statistics. He argues that in any given year almost 98 percent of missing children have run away. The remaining 2 or 3 percent are virtually all abducted by parents. This leaves fewer than 200 to 300 children abducted by strangers in a nation of over 300 million people (Kappeler and Potter, 2005: 627). A 2008 New York State report supports these statistics (Osburn, 2008). A total of 21,100 New York children under age 17 were reported missing in 2007, and more than 91 percent of them were runaways. Others were lost children or children abducted by family members or acquaintances. Denise O'Donnell, Commissioner of the Department of Criminal Justice Services, notes that, "We teach our children to be wary of strangers. Unfortunately, these statistics show that children are often placed in harm's way by someone who knows them" (Osburn, 2008). In 2007, the vast majority of missing children in New York returned home safely, almost half of their own accord. The idea of an unknown kidnapper is terrifying, but children are more likely to be murdered by their parents than kidnapped by a stranger (Goodman, 1995). This bears repeating: American children are in far more danger from their parents than from predatory strangers.

Even one abducted child is too many, but serious consequences flow from the misunderstandings we have about this crime. First of all, inflated accounts trigger anxiety about the dangers our children face while targeting extremely unlikely perpetrators. Children are most often victimized by acquaintances: by parents, uncles, neighbors, priests, and athletic coaches rather than by strangers. The main problem with targeting strangers is that we avoid serious consideration of those who are most likely to be a threat to our children. We minimize problems within the family and problems with child custody. Disturbing evidence has emerged that female runaways are often fleeing family sexual abuse (Humphrey, 2004). We focus our energy and attention on outsiders, "others," not the family unit or people we may know, trust, and even respect.

As long as an inaccurate understanding of a problem persists, we can never get to a genuine solution. In addition to targeting the relatively few strangers harming our children, we should ask why 1.7 million American children flee their homes each year, and what public policies might mitigate this. We could also focus more directly

on the prevention of sexual abuse by family members and trusted acquaintances. Misinformation about criminal behavior leaves serious problems unresolved, and thus our children remain at risk of sexual assault, abduction, and even murder. This also has profound implications for a democratic society since a lack of informed discussion about a significant public issue is the antithesis of a functioning democracy. One of the perplexing facts about crime in the United States is that although it is a topic of great interest, and is regularly listed among the major concerns of the nation, almost all of us lack accurate information about it. We are often poorly informed about such basic facts as: the volume of crime, the range of criminal behavior, the varying causes of crime, the extent of domestic violence, the damage caused by corporate crime, the comparative harshness of punishment in the United States, the ineffectiveness and inequalities in our treatment of criminals, and so forth. An issue as significant as crime and punishment should be the focus of serious debate, enabling citizens to make knowledgeable decisions. We need reliable information, not buzzwords, sound bites, or mere entertainment. This book is a step toward thinking more realistically and effectively about crime and public safety.

Value of a Comparative Perspective on Crime

There are good reasons for treating street crime and elite crime separately: they differ in significant ways, they are rooted in various causal factors, they elicit different reactions, and they certainly are treated differently within our legal system. However, they have more in common than is generally acknowledged, and we can discover a great deal by looking at them comparatively. To emphasize the striking similarities in various criminal activities, this book is organized in terms of traditional categories found in the FBI index of “major crimes,” including murder and assault, theft, and rape. Selected Part II offenses, deemed less serious, such as drug law violations, are also considered. Unlike the FBI, however, within these broad categories we compare the crimes of very different social groups, and explore how they are treated in the criminal justice system. Although we cannot examine every type of crime, exploring a selection of them demonstrates their range and variety and, most significantly, highlights striking sociological patterns that repeatedly emerge. As John Braithwaite (1992: 88) correctly notes, the rich don’t commit the exact same crimes as the poor because they have much better alternatives. We will see, for example, that under the category of theft, crimes by inner-city offenders, like larceny theft, are treated much more severely than the fraud of corporate officers. This led former bank regulator and professor of economics and law, William K. Black (2005), to entitle his book about the scandal of the Savings and Loan Associations in the 1980s and 1990s, *The Best Way to Rob a Bank Is to Own One*. Similarly, with assault, the case of a woman accosted by a stranger receives far more scrutiny by law enforcement than does the same assault committed by her husband, demonstrating the way we emphasize street crime while marginalizing domestic violence.

This approach compares and contrasts conventional understandings of street crime with other forms of criminal behavior, and thus encourages a more balanced and less biased understanding of crime.

One of the advantages of a comparative approach is that it vividly exposes the contradictions in the way we deal with different crimes, and can allow us to rethink crime and justice in a larger context. Currently the focus is on street crime as the *main* category of crime, whereas corporate crime or state crime is reserved for a special news report, supplementary reading within a criminology course, or a topic of public discussion regarded as distinct from “real” crime. The crimes of the powerful are thus minimized because they don’t fit the standard definition of crime, and focusing on them separately only reinforces this.

A comparative approach also alerts us to the glaring social inequalities that exist in terms of our definitions of crime and our treatment of offenders despite U.S. ideals and assumptions about fairness. This inequality is easy to ignore when street crime is the sole or dominant focus, and domestic violence or state crime is regarded as an entirely different category of harm. Sharply dividing street crime from elite crime implies that one is more harmful than the other, and justifies the secondary status of elite crime and its more lenient treatment. When examined side-by-side, however, the tremendous harm done by elite crime emerges, as does the vast inequality evident in the way our society deals with crime.

A comparative analysis of street crime and elite crime encourages a more sociological and thus more complete understanding of crime. The dominant image of crime as the realm of the “bad guys” casts crime solely as an individual phenomenon rather than a social problem and thus severs crime—in all its forms—from the way society is organized. It is easy and tempting to locate the causes of crime in the shortcomings of individual offenders, and to attribute the actions of street criminals to evil or sick people who deserve a “get tough” response. But when examining a much wider range of harmful behavior, it becomes increasingly difficult to view everything in such individualistic terms, as simply the problems of sick people (as Sutherland argued so long ago). For example, those who may initially be persuaded that street criminals are evil and unworthy of assistance or rehabilitation often find it difficult to maintain those beliefs when faced with the crimes of corporate executives, or the domestic violence of their neighbors.

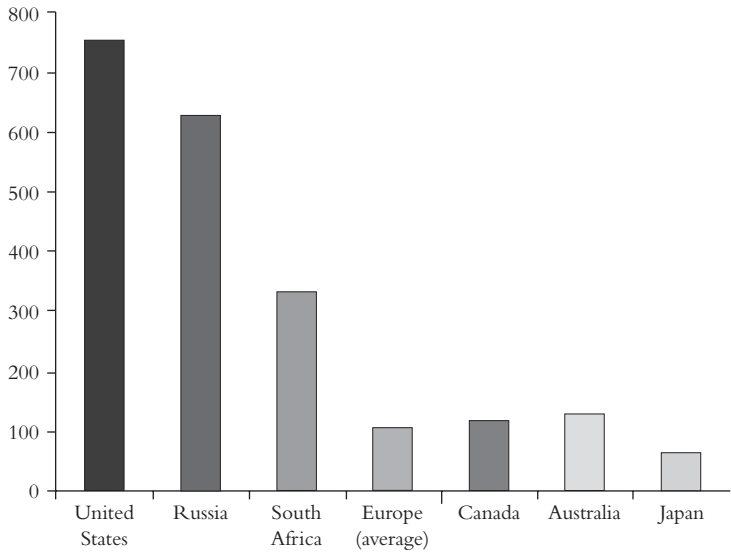
Finally, a comparison of conventional and elite crime is particularly helpful in enhancing efforts to curb crime through more effective public policy. Much of the social wrath directed toward street crime is embedded in an understanding that it is uniquely harmful behavior, and these cruel and even pathological offenders are irredeemable and deserve severe punishment. This encourages us to respond in harsh and ineffective ways that could be ameliorated with a more informed understanding of the range of crime and the need to hold everyone accountable, without undue severity for some alongside great leniency toward others. By challenging taken-for-granted assumptions about crime, a comparative analysis can encourage clearer thinking and a far more rational approach to crime.

Current Criminal Justice Policy

No one wants to defend a system that severely punishes the actions and behaviors of some groups while turning a blind eye to the same or even more egregious behavior on the part of others. We shall see that the death and injury caused by street criminals is punished mercilessly, while death and injury at the hands of corporate executives is rationalized as the unfortunate cost of doing business in a for-profit economy. Thefts committed by the powerless result in significant prison time although they account for a small fraction of the money stolen by the powerful who, in turn, are typically punished with fines that often do not even approach the profits they made from their law breaking. Young people engaged in illegal drug use in our central cities are far more likely to be arrested and labeled as criminal than young illicit drug users on college campuses. Harsh “stop and frisk” policies, which have led to an abundance of arrests for minor offenses, are aimed at inner cities and would simply not be tolerated in wealthier white neighborhoods. Rape at the hands of a stranger results in serious prison time; date rape may bring the offender perfunctory punishment, if any at all.

This should offend our sense of justice, and it does—as indicated by the widespread public dismay regarding the lack of accountability for the criminal actions of the powerful whether on Wall Street, in the U.S. military, or in the Catholic Church. A fundamental expectation from the founding of the United States that the law applies equally to everyone is being flouted in practice. As this book demonstrates, unequal treatment is routine in the U.S. criminal justice system. Rather than the guilt of the offender or the quality of the offense being the central issue, wealthy people and corporations are more protected than the vast majority of people, white privilege enables some to escape the reach of the law at the expense of people of color, and women are not accorded the same protections as men. We place responsibility for one’s actions on some shoulders not others. This is a far cry from the ideal of equality that most Americans embrace regarding the criminal justice system, and it demonstrates a degree of injustice that many would find repugnant.

Current U.S. policy of mass incarceration vividly illustrates this injustice. Since the 1980s, the United States has embarked on a unique and costly experiment with mass incarceration as a way of confronting crime. No other nation approaches crime and punishment the way it does. In 2012, with less than 5 percent of the world’s population, the United States housed almost 25 percent of the world’s prisoners, a total of over 2 million people (ACLU, “The Prison Crisis”). It imprisons at a rate of 751 people per 100,000. The only country even close is Russia with 627 per 100,000. Other countries have far lower rates of imprisonment (England 151, Germany 88, and Japan 63 per 100,000). Figure 0.1 illustrates this, especially the startling difference between the United States and other advanced democracies.



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FIGURE 0.1 United States is the World's Leading Jailer.

Source: The November Coalition, www.november.org; data from Roy Walmsley, *World Prison Population List*, 2009, 8th ed. (United Kingdom Home Office Research).

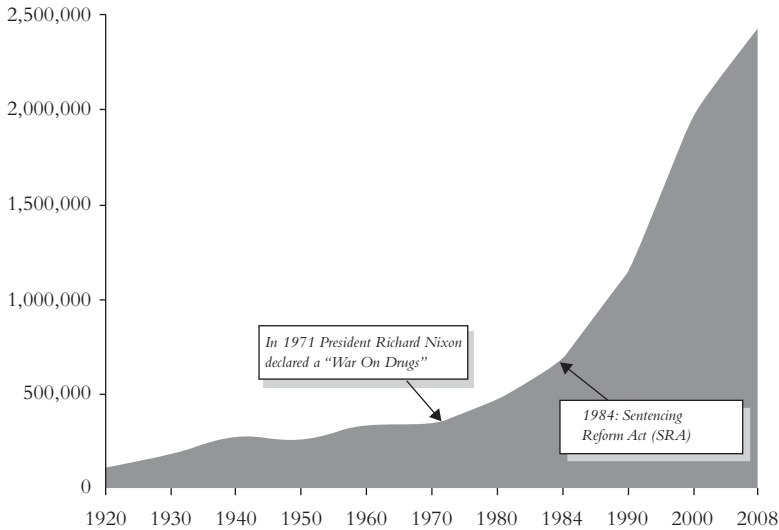


FIGURE 0.2 Incarcerated Americans, 1920–2008.

Source: The November Coalition, www.november.org; data from *Justice Policy Institute Report: The Pushing Decade* and U.S. Bureau of Justice statistics.

Significantly, this high rate of incarceration is a new trend in America. U.S. prison rates had been stable at 110 per 100,000 from 1925 through 1975, when an unprecedented expansion began, even as crime had begun to decline. Figure 0.2 provides a graphic illustration.

So remarkable was this change that Christopher Shea (2007) rightly compares it to a “new New Deal,” meaning that it has had as much impact on the United States as Franklin D. Roosevelt’s New Deal policies did earlier. But astonishingly, no one really paid attention. There was no widespread public (and democratic) discussion of such a significant change. Moreover, instead of lifting people out of poverty (like the original New Deal), this policy made people poorer and less able to gain employment, thereby *increasing* inequality, particularly in communities of color. Citizens are imprisoned in the United States for nonviolent crimes like writing bad checks or possession of drugs, crimes that rarely result in imprisonment in other Western countries, and our sentences for many crimes are exceptionally severe. As law professor David Cole (2011) notes:

For some types of crimes, American sentences are roughly twice as long as those in the United Kingdom, four times longer than those meted out by the Dutch, five times longer than those in Sweden, and five to ten times longer than those imposed in France. (40)

But mass incarceration has aimed solely at a particular type of crime—street crime—and thus a particular segment of our population. As if in a parallel universe, those with higher social status escape accountability and are not effectively prevented from committing their particular crimes. They rarely see the inside of a prison cell. An example that immediately comes to mind is the lack of prosecution of those on Wall Street who, through illegal activities, brought the global economic system to the brink of disaster from which we are still recovering. Six years after this crisis began, not one of these powerful people has been arrested. Firms have paid large fines (less than their profits), but none has had to admit “wrong-doing.” Only those protesting this injustice through the Occupy Wall Street movement have been arrested and jailed.

The damage caused by our dominant understanding of crime runs deeper than the unjust treatment of some groups. It also fails to keep Americans safe from crime. Consider, for example, that although U.S. levels of street violence have eased considerably, they remain higher than any other comparable country. Moreover some communities, particularly communities of color, have been devastated as a result of these extraordinarily punitive policies, and this does not bode well in terms of the conditions likely to spur continued violence. There is general agreement that the “war on drugs” has been a dismal failure. Corporate crime remains pervasive and, as we shall see, affects virtually everyone. It costs 20 to 40 times more than street crime, and it also causes far more death and injury, even though we don’t usually

think of corporate crime as violent (Lynch et al., 2004: 391–392). Certain forms of corporate crime actually bolster the economic inequality that lies at the heart of much street crime. Refusing to deal appropriately with crimes like domestic violence serves to perpetuate this criminal behavior and to maintain the inequality of women. Ultimately, we look to law and law enforcement to keep us safe, but our biased treatment of different categories of crime prevents us from addressing any of them adequately: our harsh treatment of street crime perpetuates the very conditions that give rise to it in the first place, while our refusal to hold the more powerful accountable allows them to persist in their illegal behavior undaunted. This leaves us vulnerable to a much wider range of crime than we typically even consider, and it saddles us with policies that exacerbate rather than resolve the crime problem.

Crime and Inequality

We can learn a great deal about any society by looking at its patterns of crime and punishment. The Russian novelist, Fyodor Dostoyevsky, who spent years in Russian prisons, famously commented that, “The degree of civilization in a society can be judged by entering its prisons.” But prisons and our criminal justice system in general offer much more than a measuring rod of our degree of civilization (or the lack thereof). They speak volumes about what and whom we value, about the state of public knowledge regarding significant issues and social policy, and even about the vitality of a democratic system. And they offer a window on power and social inequality.

The dominant image of the U.S. criminal justice system is familiar to all Americans. It is celebrated in schoolbooks and on television series, in film and fiction: Americans are innocent until proven guilty, we have a right to face our accusers, we are given legal assistance if we cannot afford it, and we are guaranteed the right to trial by a jury of our peers. Above all, we are equal before the law; our system is designed to insure fairness and justice for everyone. Yet alongside this ideal of fairness sits a contradictory reality of stark inequality. These inequalities are evident when we compare those who are arrested, prosecuted and imprisoned, with others who *could* be prosecuted and find themselves punished but are shielded from the force of the law not by their innocence, but by the subtle (and sometimes not very subtle) privilege of their social status or power.

Our limited definitions of crime are certainly not a conscious plot to punish the poor or powerless. Politicians and the powerful have themselves learned a skewed version of what constitutes “real” crime, and they often defend these definitions quite sincerely. Jay Jones offers a good example of a powerful individual who was held accountable for his behavior but could not accept the fact that it was criminal.

Jones worked for Commercial Financial Services located outside Tulsa, Oklahoma. He received a five-year prison sentence for corporate fraud, pleading guilty to deceiving investors by making it seem as though the company was doing better collecting on bad loans than it actually was, so investors would keep buying

bonds. When the truth emerged, the consequences of Jones' behavior were severe: bond sales tanked, the company went bankrupt, 4,000 workers lost their jobs, and bondholders lost more than \$1 billion. Jones had lived the high life before this all came down: he and his wife were building a \$5 million house, he took frequent trips on the company's \$25 million jet, vacations in Paris and the Caribbean were counted as business expenses, and he could easily drop \$30,000 gambling in a weekend. But when he fraudulently misrepresented the plight of his company, had he committed a crime? He didn't think so:

I certainly knew it was nefarious, a little wormy, unethical, make no mistake about that. But criminal? Whether I thought that or not, I can't remember. ... Fraud? ... Here, it seemed like I was being a good soldier.

(quoted in Porter, 2004: 52)

I believe that Jones is sincere when he claims he is not a criminal. For him, and many others, "real" criminals are street criminals, not rich and successful businessmen.

Overview of Chapters

After the introduction, Chapter 1, "The Social Construction of Crime," discusses a sociological perspective on crime, focusing on certain categories and theoretical perspectives that are particularly useful in making sense of the patterns we have sketched here. Chapter 2, "Murder and Assault: Comparing Street Crime and Elite Crime," begins our discussion of specific types of crime by looking at criminal violence including murder and assault. We examine behavior that is generally called to mind within this category: fear of death or injury at the hands of strangers and the considerable harm this entails. In addition, we deal with domestic violence and corporate violence, drawing comparisons with street crime, and thus offering a much broader understanding of the violence that threatens our lives and our safety. This chapter begins to document how our perceptions of crime and punishment frequently depend on the class, race, and gender of offenders as well as victims.

Chapter 3, "Rape and Sexual Assault: Perpetrators as Strangers or Significant Others," turns our attention to rape. This crime has often been sensationalized through a focus on stranger rape or particularly gruesome events. Less acknowledged in discussions of rape is the more common violence that occurs at home and in dating situations. Acquaintance rape and marital rape are viewed and punished quite differently compared to stranger rape, and this has much to do with the status of the offender. Husbands and boyfriends have far more credibility and are not usually regarded as violent offenders. We further extend this topic by discussing the rape and sexual assault of children by adult authority figures and the responses of institutions, such as the Catholic Church, to these crimes. We also consider prison rape and rape in the U.S. military, all of which illuminate aspects of inequality.

Chapter 4, “Theft by the Rich and Poor,” examines various forms of nonviolent theft including conventional larceny, burglary, and auto theft; the frequency and cost of these crimes; and our policies toward offenders. We then contrast this with the thievery of corporations, including a discussion of the financial crisis of 2008.

By discussing the distinctions involved in defining acceptable and unacceptable drug use, Chapter 5, “Drug Law Violations: From Street Corners to Pharmaceutical Headquarters,” again illustrates inequities within our criminal justice system. Despite the fact that white and black Americans use and sell drugs at approximately the same rates, the treatment of these offenders is striking different and egregiously unfair: African Americans are 12 percent of the U.S. population, 14 percent of monthly drug users, 37 percent of those arrested on drug charges, 59 percent of those convicted on drug charges, and 74 percent of drug offenders sentenced to prison (Webb, 2009). Pregnant drug addicts, particularly women of color, have felt the sting of legal sanctions and the loss of their children, whereas more privileged pregnant women addicted to alcohol or prescription drugs typically go unreported. We examine the “war on drugs” since this public policy has played a defining role in mass incarceration and vividly illustrates the inequality at the root of our approach to crime. This chapter also focuses attention on the serious violations of pharmaceutical corporations as an example of elite crime that is rarely examined in discussions of drug offenses.

Chapter 6, “State Crime: Crimes against the State and Crimes by the State,” examines state crime, first exploring behavior viewed as threatening to our society and our government. This includes the political activities of marginalized people and groups in the United States, as well as the explicit violence of the Oklahoma City bombers McVeigh and Nichols, and the attacks on the World Trade Center in New York City. We then compare these activities with crimes committed by the state and public officials. We give particular attention to developments in the wake of the attack on the World Trade Center on September 11, 2001. The tremendous costs of crimes by the state will be illustrated and emphasized.

Chapter 7, “Punishing Crime,” considers the impact our framing of crime has had on public policies regarding punishment. It explores conventional penalties and the sharp distinctions that exist in penalizing the crimes of different social groups. We take a close look at imprisonment, given the profound policy developments in this area of criminal justice, and current discontent with the cost and ineffectiveness of this approach to crime. This chapter provides an overview of current trends regarding imprisonment, compares the United States to the rest of the world in this regard, and discusses prison conditions. The profile of those who serve prison sentences will be discussed including attention to social class backgrounds, racial issues, and gender differences.

Chapter 8, “Social Change: Public Policies for a Safer Society,” explores proposals for change, including short-term policies that have proven effective against crime, both in the United States and elsewhere. However, the criminal justice system alone cannot control crime. We discuss the need for significant social change in various forms of inequality since this must ultimately be confronted in order to reduce crime and protect the public.

Conclusion

Crime is a stubborn problem in the United States, and far too serious to be ignored or burdened with misinformation and failed policies. The way we view crime and the assumptions we make about it have profound consequences. All definitions of crime are value laden and biased to some degree (Henry and Lanier, 2001: 7), but our standard images of crime are riddled with inaccuracies that inhibit effective policies, and reflect and perpetuate inequalities that harm most if not all Americans. These stereotypes are not inevitable. Feminist criminologists have demonstrated what is required for a new awareness of offenses such as domestic violence or sexual assault. At the very least, it entails challenging the official state definitions of such offenses, and reconstructing alternative understandings and approaches (Tombs, 2007: 538). Along the same lines, we can take another look at crime from a comparative perspective, with a view toward the harm and social injury it causes. We can consider more humane and rational responses to crime, and ways of reducing it dramatically. This entails shifting from how we make sense of crime in distorted individualistic terms, to a more comprehensive and honest view that promises benefits for the vast majority of us. It ultimately requires challenging the un-American inequality exposed by, and implicated in, our dominant approach to crime.

My hope is that this study will play a part in shifting our public and professional conversation about crime from an emphasis on conventional and popular notions of crime and criminals, to a more complex comparative understanding of a wider range of behavior. The wisdom of our current policies of severe sanctions and imprisonment for some offenders is being questioned on both sides of the political aisle because of the financial cost, the ineffectiveness, and the inhumanity of this system. But as we rethink America's approach to crime and punishment, it is vital to look beyond street criminals. Explicitly comparing a wider range of crime allows our failed policies and the inequality associated with them to become vividly evident, while pointing toward genuine possibilities for change that would keep all of us safer. As we shall see, many policies could initiate immediate and significant change. However, fundamental change in criminal justice is not possible without a higher degree of social justice in our society and movement toward the ideal of equality for all.

1

THE SOCIAL CONSTRUCTION OF CRIME

We have noted the emphasis placed on street crime and the value of a comparative perspective in demonstrating the stereotypical ways we view crime and criminals. Our purpose, however, is not only to challenge “common sense” understandings of crime but also to examine how these understandings are related to entrenched patterns of inequality in American society. In light of this, it may be useful to briefly review how sociologists think about crime and social categories such as class, race, and gender. It is not my purpose to provide a detailed discussion of the many concepts and theoretical perspectives that have been used to analyze crime, but instead to point to a few that have informed this text, raising central questions and providing frameworks that should be of use to any student of crime.

A Sociological Perspective

One of the basic principles of sociology is that we are profoundly affected not just by our immediate personal situation but also by the larger social system. It follows that to make sense of our lives, and our society, we need to understand this larger social context and the influence it exerts on us, including how wealth and power are distributed, as well as the force of our cultural beliefs and practices. This provides a fuller understanding of the social world and enables us to be more knowing participants in it. Sociology is not only an intellectual discipline. Understanding larger social issues, where they come from, and how they relate to us offers the possibility of being part of the solution to these issues as well (Johnson, 2008: 152).

One of the impediments to this type of analysis lies in the U.S. emphasis on individualism. Americans are steeped in a way of thinking that encourages us to explain the world in terms of what goes on inside individuals and nothing else. The presentation of crime, for example, is often framed as a problem of “bad people.”

But thinking about it in such individualistic terms is fragmentary and dangerous because it prevents us from seeing the larger social context and the systemic issues involved. Broader social forces that would provide context, and a deeper understanding of a variety of crimes, are largely shunned. The question becomes: What's wrong with "these people"? It logically follows that individuals need to be changed, not the social conditions that actually foster crime. Thus policy alternatives involving structural and organizational change are largely absent (Henry, 2003), limiting the possibilities for greater public safety.

Let me be clear. I am not denying that a psychological or a biological perspective have much to offer our understanding of crime. Ultimately, a more complete picture of crime requires numerous disciplinary approaches. But a sociological perspective offers a different lens, and one that moves beyond the individual level. To the extent that social conditions are implicated in crime, changing them becomes a crucial element of crime prevention.

American individualism makes it difficult to discuss the inequality that underlies crime by framing social problems as though individuals alone are to blame. Poverty, for example, is blamed on people who are lazy, or rich people who are too greedy. Sexism is not seen as a social problem, but rather a matter overly sensitive women or particularly insensitive men. Racism is framed in terms of bigoted white people. But inequality is a social reality built into the culture and structures of society; and we all participate (knowingly or not) in this reality without necessarily being greedy, insensitive, or hateful individuals. Put another way, racism, sexism, and class inequality are about something more than individuals, and if we are going to resolve these issues, we need to understand that and confront it directly. Without a larger sociological analysis, most of us don't even realize the ways we are participating in systems and producing consequences in other people's lives, without any conscious intention of doing so. A white person may not feel or act like a racist, for example, she may even hate racism, but she is involved in one way or another because of her very position in society. When a society is organized in racist ways, white privilege (a term we will explain later in this chapter) is built into the system itself whether an individual likes it or not. When a white man is allowed to walk down the street unimpeded, while a black man is stopped and frisked, this has little to do with them as individuals but everything to do with the larger racial context of law enforcement policies.

When a man and a woman argue about whether date rape is "really" rape, the conversation is not just about them as individuals. A larger context frames this discussion: The ways we define crime, the privilege men have over women, and gender expectations. An individualistic model is narrow and misses much of what's going on because it does not include the power dynamics of larger social systems.

Individualism also facilitates a stereotypical understanding of street criminals. They are readily demonized as "bad people," "other," as people who have nothing in common with law-abiding citizens. Think of the language used to describe these offenders: animals, beasts, and savages. They are considered not merely dangerous but fundamentally less human. In 2013, the progressive mayor of Philadelphia,

Michael Nutter, referred to the perpetrators of street violence as “idiots” and stated that his administration will “track you down like the dogs that you are” (quoted in Trulear, February 5, 2013). This rhetoric encourages punishing these offenders in extraordinarily harsh ways since they are regarded as irredeemable. Significantly, our image of the street criminal is also profoundly racialized (and gendered): *He* is virtually always imagined as a person of color. Despite the fact that white men are the majority of street criminals, when they are involved in crime, additional explanations (still focused on the individual) are needed. Jody Miller et al. (2006) observe that when a criminal is white, a great deal of energy is expended explaining what went wrong that led him or her down such a path. This type of discussion is unnecessary for people of color because the public imagination predefines them as criminal.

Even when state crime or corporate crime is the topic of discussion, responsibility is still typically located solely at the individual level, scapegoating some and again ignoring the larger context. The crimes that occur on Wall Street, for example, are not simply the result of a few “bad apples” but are rooted in the policies and procedures of investment banks and our financial structures themselves. Similarly, domestic violence is often regarded as involving damaged individuals (victims in this case as well as offenders), ignoring the role played by gender inequality in society. I am not arguing that individuals commit crime because they have no choice, or that they have no personal responsibility for their actions. But the criminal choices of the poor, as well as the privileged, do not occur in a void, but are socially structured. Society as a whole *is* implicated in these decisions. For our safety, we need to understand the social arrangements that make criminal choices compelling and public policies that would mitigate this.

A key theoretical shift is thus needed. The conventional analysis of crime as a matter of individual intent can be reframed to a more robust sociological understanding of social structures that predictably result in criminal behavior. Rather than focusing only on individual pathology, we can also look to the social and political context in which crime occurs and who is vulnerable both as victims and as offenders.

Privilege and Inequality

Patterns of inequality are major features of how social systems work, whether these patterns are based on race, class, gender, ethnicity, sexual orientation, or age. At the heart of this is the distribution of power, with some groups having great advantages over others. Significantly, privilege is a feature of social systems, not merely individuals. It exists when one group is granted something of value that is systematically denied another group not because of anything they did as individuals but simply because of the group they are part of (Johnson, 2006: 21). Charles Derber (2000) provides a good example through his analysis of conversations among men and

women. His research shows that men tend to dominate these conversations, and the topics discussed are the ones men initiate. When a pattern like this is observed and documented, it is not only about particular men or women as individuals, but about the privilege that men have as a group as opposed to women. They are regarded as more authoritative than women, and they are permitted to speak longer, and interrupt women. Of course, this doesn't happen every time men and women speak, and individual personalities play a part here. However, an observable pattern is evident and that indicates that something is occurring beyond the level of individuals.

Similarly, race confers privilege on some. White people, for example, can generally assume that when they shop at a store they will be regarded as potential customers; people of color regularly report being followed as though they are potential thieves. These perceptions have nothing to do with the shoppers as individuals; they simply reflect the privilege of the racial groups to which they belong. The first shopper did nothing to "earn" white privilege and, in fact, can do nothing to resist it as an individual. The second shopper did nothing to "deserve" being viewed as a criminal.

The other side of privilege is oppression. If privilege works to advantage some groups, it necessarily operates to disadvantage others. Being wealthy provides an individual with connections, opportunities, and experiences that are simply unavailable to someone who is poor. Again, this is not about individual abilities, talents, or diligence but a matter of the social groups to which you belong.

I often ask students in class to respond quickly and in unison to questions relating to which groups are more valued in American society: Men or women? Nurses or doctors? White people or black people? Immigrants or citizens? Gay people or heterosexuals? Rich or poor? No one has any trouble answering these questions, although in the same breath we will adamantly assert that everyone is equal. In fact, people are not merely different, but in society we rank different groups of people, and we privilege some at the expense of others.

Thus, difference amounts to more than just variety, but is instead a basis for privilege. The problem is that our social world is organized in ways that, as Allan Johnson (2006) puts it,

encourage people to *use* difference to include or exclude, reward or punish, credit or discredit, elevate or oppress, value or devalue, leave alone or harass. (16)

These rankings of different groups vary from one society to another, and they change over time within societies. This is a clear indication that they are not hard and fast natural realities (like the law of gravity) but instead what sociologists refer to as the "social construction of reality." That is, we, society, make the rules; and we can change them. But these constructions are amenable to change only when we

recognize that they are not just about changing individual attitudes, but instead entail altering fundamental ways that society is organized. Unless we are willing to see these inequalities, and discuss them, we cannot begin to challenge privilege and oppression.

People are, however, reluctant to talk about privilege and inequality, and often become silent or defensive when the topics arise. Subordinate groups know that there can be a price to pay for even raising these issues. Such conversations make Americans uncomfortable in part because equality is such a valued principle in this society. Many Americans are sincerely committed to notions of equality, and to enter into serious exchanges about the lack of equality, and the part we play in this, is fraught with tension. In addition, since we tend to think of social issues mainly in terms of individuals, and thus assign personal blame, it is understandable why people become upset. If a woman talks about the effects of sexism on her life, and individualistic thinking encourages a man to hear this as a personal attack, the conversation will likely be antagonistic.

But the key to the continued existence of privilege and oppression is unawareness of its roots and ramifications because, as Allan Johnson (2006) puts it, “privilege contradicts so many basic human values that it invariably arouses opposition when people know about it” (137). So we need a way to understand inequality in terms of the larger social systems that shape us all. The patterns of crime and punishment that we will discuss are due to the extremes of inequality that exist within American society, and that are embedded within an unnecessarily winner-take-all form of capitalism. The point of challenging “common sense” notions of crime and punishment is to recognize the inequality that causes and maintains our understanding of them. This is essential if we are to build a system that is fairer and more effective.

This is also to assert that criminology and social science have contributions to make to the creation of a society that is more just. A society, for example, that takes the perpetrators and victims of corporate crime as well as street crime seriously, a society that acknowledges the humanity as well as the responsibility of offenders, a society that understands that society itself also has responsibilities. An individualistic perspective on these issues has appealing simplicity but it is partial and distorted and, in fact, unfair.

Let’s consider the way we define crime and criminals before turning to a fuller discussion of class, race and gender.

The Social Definition of Crime and Criminals

Although we typically take for granted the way we think about crime, assuming that our definitions of it are only common sense, things are not as simple or straightforward as they first appear. Crime is not a purely objective, universal, or unchanging category but is instead socially defined, meaning that how we understand and

interpret it changes and depends to a large extent on the social context. To say that crime is socially constructed may initially seem overly relativistic; one could argue that assault, for example, is always wrong and is appropriately punished. However, a historical perspective immediately suggests otherwise. For hundreds of years, assaulting one's wife was regarded as private matter in the United States, and not a crime at all. Until recently, the police rarely acted to protect victims of domestic violence, instead equating these incidents with violations of municipal ordinances such as barking dogs (Belknap and Potter, 2006: 172).

Everyone may agree that killing is wrong but we allow numerous exceptions in combat (even the bombing of civilian neighborhoods), or self-defense, or the death penalty. Abortion and homosexuality were both criminalized in the United States, but this has changed dramatically in recent decades. Reality (including crime) is defined and interpreted before it becomes meaningful. What we consider criminal (or not), which criminals we pursue (or not), and how we treat some lawbreakers (as opposed to others) is remarkably revealing.

A sharp distinction exists between the damage caused by various behaviors on the one hand, and which of those behaviors we select to criminalize and punish, on the other. A drug that is inadequately tested may cause much more injury and even death than a neighborhood drug dealer, but the latter is far more likely to be held accountable. Once it becomes clear that "objective" harm alone does not necessarily explain what we regard as crime, we may be intrigued to know what does. How do we, after all, decide what is serious crime?

Crime is society's definition of what is right and wrong, so it logically follows that any definition or redefinition of crime is bound to be political. When we think in terms of alternative definitions, however, we are often told that this compromises our value neutrality or our objectivity. But let's be clear, dominant approaches to crime are also based on political points of view, although they are less apt to be recognized as such since they align with standard, taken-for-granted assumptions. Do we really believe that all the attention paid to street crime, and the amazing lack of attention devoted to the crimes of the powerful, is objective?

Alternative perspectives can be open, honest, and rigorous, even as they challenge dominant perspectives. Power is always a central factor in determining whose definition holds sway. But once we understand that definitions of crime are socially constructed, we know that they can be altered and dissolved. For our purposes, this entails exposing the pernicious crimes inflicted on citizens by the powerful and illuminating what has largely been obscured or ignored.

Unquestioning acceptance of standards definitions of crime maintains our current view of the world unchallenged. In this book, the reader is asked instead to consider possible alternatives to the way we have learned to conceptualize crime through the media, through informal conversation, and even in many academic courses in criminology and criminal justice. Let's turn to a brief overview of some of the fundamental inequalities that shape our understanding of crime

and criminal justice and then selected theoretical perspectives that further illuminate this.

The Centrality of Class, Race, and Gender

Class, race, and gender are fundamental in structuring society and in conferring privilege or unearned advantages on some groups while disadvantaging others. Nonetheless, a dominant belief system in the United States is that we live in a color-blind, classless, and gender-equal society. These ideas shield us from acknowledging the persistent differences in power and privilege that characterize U.S. society. The more privileged are often segregated from the hardships of other groups, rendering these structural inequalities invisible. But we don't have to look far to find them. At every level, the criminal justice system, as we shall see, offers convincing evidence as to the continuing power of these categories.

Class Inequality

Class basically relates to the distribution of income, wealth, and status in society. In the United States, capitalism plays a major role in the distribution of wealth and the resulting inequality. The point of capitalism is to make money; the system itself is not mindful of ethical concerns. Making money entails selling goods or services for more money than the capitalist has to pay for raw materials and workers' salaries. One consequence of this is that it provides a built-in incentive to keep wages low by paying workers as little as possible, by making them do increasing amounts of work for the same salary, by using technology to do jobs rather than human labor, by hiring non-union workers, and by relocating jobs to developing countries where wages are low.

Capitalism produces a great deal of wealth, which is why Karl Marx regarded it as superior to previous economic systems. But this wealth is not distributed fairly; instead, when unregulated, it belongs largely to those who own and control the large businesses. This has resulted in great inequality within the United States as well as globally. Many capitalist countries in Europe, however, are more highly regulated, and thus have far less inequality (and far less violence). In recent decades, those at the top of the U.S. economic structure have been amassing fortunes, while the wages of workers who enable them to make these fortunes have remained stagnant. Moreover, the wealth that working families have managed to accrue (which seldom amounts to more than a house and a car), now requires two wage earners, two or more jobs between them, and enormous debt. Americans are also working longer hours than they were 40 years ago.

Class divisions are a major form of social inequality, and when these divisions become vast and rigid, as they have in recent years, they preclude most chances to realize the American dream of advancing through hard work and initiative.

Many have observed that the United States is currently experiencing an era that is as extravagant as the original Gilded Age of the 1920s. Vast shifts in the distribution of income and wealth have occurred in the past 40 years, and many Americans were barely aware of the tremendous gap that exists between the rich and the poor until the economic crisis of 2008. A *New York Times*/CBS poll documented, however, that almost 50 percent of Americans now accept the basic concerns of the Occupy movement regarding inequality, and two-thirds believe that wealth should be distributed more evenly (Zeleny and Thee-Brenan, October 26, 2011). Nobel Prize-winning economist Paul Krugman (2002) notes that

[t]he concentration of income at the top is the key reason that the United States, for all its economic achievements, has more poverty and lower life expectancy than any other major advanced nation. (64)

He believes that the United States can be justifiably proud of its record of economic growth, but that growth had not enhanced the lives of ordinary families. Many Americans assume because the United States is the richest country in the world, it is better off in all aspects than every other country. But just to use Sweden as an example, life expectancy there is three years longer than in the United States; its infant mortality rate is half that of the United States; it has much less illiteracy; its people take longer vacations, work fewer hours, and have higher wages; and Sweden's higher tax burden brings social services that most Americans can only dream about.

Currently, the wealthiest few in the United States control more of the country's wealth than ever before. When the first income tax law was ratified in 1913, the richest 0.1 percent of the population received 8.6 percent of the nation's income. In 2007, as the recession started, that tiny group reaped 12.3 percent (Pear, 2011). Since the mid-1970s, class inequality has grown, and government policy has favored redistribute of wealth to those who are already rich (Eavis, April 12, 2014). In 2011, the nonpartisan Congressional Budget Office revealed that the top 1 percent in the United States more than doubled its share of the nation's income in the previous three decades (Pear, 2011). Its income increased 275 percent, while the poorest fifth, on the other hand, increased only 18 percent.

Corporate America continues to do well. The median compensation for a chief executive officer in 2013 was \$13.9 million, up 9 percent from the previous year. The *New York Times* conducted a survey of 100 CEOs and found that their combined pay in 2011 was \$1.5 billion. The Dodd-Frank Act of 2010 requires public companies to disclose the ratio of CEO pay to the median compensation at their firms. But this regulation has fierce opponents on Wall Street who argue that it would be too costly to figure this out, and would provide little insight (Eavis, April 12, 2014).

Another significant aspect of the inequality of income and wealth is the tendency of politicians to cater to the interests of the wealthy (Krugman, 2002: 76).

Many social observers have long recognized that economic inequality threatens the possibility of a free and democratic system. Supreme Court Justice Louis Brandeis put it well when he said, “We can have a democracy in this country or we can have great wealth concentrated in the hands of the few. We cannot have both” (quoted in Brook, 2008). Concentrated wealth allows the privileged few to dominate the government. Through campaign financing and lobbying they can exert extensive control over the legislative process, and the laws about criminal activities that emerge from that.

On the other hand, the poverty that exists in the United States is equally surprising. According to the U.S. Census Bureau (“Poverty,” 2012), the official poverty rate in the United States in 2012 was 15 percent. This amounted to 46.5 million people, up 2.5 percent since 2007. Perhaps most distressing, in 2012, the poverty rate for children 18 years of age and younger was fully 21.8 percent. Thus, one in five children in this wealthy country live in poverty. How we measure poverty adds to the bleakness of the picture. Again, according to the U.S. Census Bureau (“Poverty Thresholds,” 2013), the income threshold to determine if one is poor in 2013 was \$12,119 per year for one person. And, for a family of four, it was \$24,028 per year. Thus, if an individual earned \$12,500 or a family of four had an annual income of \$24,500, they were not officially poor in America in 2013.

Jeffrey Reiman and Paul Leighton (2013) make the significant point that “poverty exists in a wealthy society like ours *because we allow it to exist*” (102). This includes the one in five American children that are poor. The existence of poverty is crucial because it has such dramatic effects on one’s quality of life. The poor suffer from more bad health, have less educational opportunities, worse job prospects, and they die sooner than other people. Their mortality rates for heart disease, diabetes, high blood pressure, and several forms of cancer are all higher (103).

Understanding class is crucial in understanding the criminal justice system (Barak et al., 2010; Reiman and Leighton, 2013). As Reiman and Leighton (2013) point out,

For similar crimes, the poor are more likely to be arrested, more likely to be charged, more likely to be convicted, and more likely to be sentenced to longer prison sentences, than members of the middle and upper classes. (118)

We will explore how the criminal justice system reflects and reinforces these class inequalities in terms of various categories of crime.

Racial Inequality

Race is another socially constructed category, meaning that although there are differences among people, many of these differences are not due to natural racial characteristics, but instead result from social and economic structures. Racism entails stereotypical attitudes toward certain groups of people, typically defining those who

are not “white” as inferior. The concept of prejudice refers to these negative attitudes and actions that are attributable to a particular person or persons. Sociologists distinguish between individual prejudice and institutionalized racism, which is built into the way organizations function, even without individual meanness or the deliberate intent to discriminate. Systematic patterns of inequality regarding race exist in economic and legal systems, in political power, in school systems, and health care, and all kinds of social services (Johnson, 2008: 102). For example, when colleges admit students based largely on standardized test scores and involvement in extra-curricular activities, they may inadvertently omit talented students of color who have been inadequately prepared for standardized testing (which do not predict academic success), or who may have been unable to participate in extracurricular activities or educational trips because of financial constraints, including the necessity of having a job.

Thus, racism is not simply about individual bias. It is not just a way of thinking or feeling, but rather an integral part of how our system empowers some groups at the expense of others (Johnson, 2008: 102). This makes ending racism about more than changing attitudes, but also about changing the complex set of social arrangements that perpetuate inequality. Moreover, race as a category is not only about people of color. When one racial group is marginalized, this necessarily means that another racial group is privileged. But, because “white” is taken for granted as the norm, the unearned advantages that it brings are not necessarily seen or acknowledged. A white man can reasonably assume that if he decides to take a road trip across the United States, he will be welcome at any eating establishment or motel he might choose to patronize. He is unlikely, on the other hand, to be stopped and searched by law enforcement while on his journey, and it probably would never even occur to him that this might happen. That is white privilege.

Racial inequality is documented in the United States in many ways. A Pew research study found that the median wealth (money or assets beyond one’s income) of white households in 2009 was 20 times greater than that of black households (Rochhar et al., July 26, 2011). The wealth of a typical black household was \$5,677, and that of a typical white household was \$113,149. In addition, the poverty rates of blacks was 27.4 percent in 2009, while the white rate was 9.9 percent (DeNavas-Wait et al., 2009). Even middle class blacks only earn 70 cents for every dollar that similarly situated whites earn (Oliver and Shapiro, 2006).

According to the U.S. Census Bureau, unemployment “remained twice as high among blacks in 2010 as compared to whites” (“Unemployed Workers,” 2012), while residential segregation is profound. Blacks populate inner cities, while whites are the majority in the suburbs (Massey, 2004). This has a serious impact on education, since schools are largely funded through property taxes, leading to a lower quality of educational resources in poorer neighborhoods. Thus, independent of individual feelings, structural racism is pervasive in the United States and we will see how it persists in the criminal justice system in ways that are blatant as well as subtle (Barak et al., 2010).

Gender Inequality

Sex refers to the biological differences between men and women while gender entails all the behaviors and traits we associate with being male or female in any given society. In other words, gender (like race) is socially constructed. We are taught the expectations associated with one gender or the other, and each is typically construed in opposing terms. Moreover, they are not seen as symmetrical but instead as based on male superiority and dominance (Daly and Chesney-Lind, 1988). In most societies, men occupy positions of power compared to women. Men are accorded higher status in American society, and this is readily apparent when we consider the different roles that men and women are assigned, and the power they possess. Women are vastly overrepresented in clerical and service occupations, but make up less than 8 percent of the chief executive officers at Fortune 500 companies (Reiman and Leighton, 2010: 127). Sexism, again like racism, is not merely a matter of individual attitudes, but is built into our social institutions. We need only look to the political and economic spheres of our society to see that men dominate in positions of authority. In 2010, U.S. women earned 77 cents for every dollar earned by men, a figure that has barely narrowed since the mid-1990s. Women have now surpassed men in educational achievements, but even in the highest-level jobs and professions, they earn less than men in similar occupations (127).

In 2012, over 5 million more U.S. women were living below the poverty level as compared to men, and 31 percent of families headed by single women were poor, compared to 16.4 percent of households headed by men (National Center for Law and Justice, 2013). Men's contributions to housework and childcare have grown significantly over the past 25 years, but are still far below the contributions of women. In this respect, women still have essentially two underpaid jobs: paid employment and unpaid work in the home.

Patriarchy refers to a society that is male dominated in its positions of authority such as the corporate world, the political domain, higher education, media, and so forth. This dominance gives men power over women in most every realm, including business decisions, passing legislation, and shaping culture. The social norms and ideas about what is normal and desirable are associated with men. Allan Johnson (1997) acknowledges that women are not devalued entirely, but are especially prized for what they may offer men in terms of beauty, sex, or children. However, the work they do (including child care) tends to be underpaid and devalued. Men are primarily the focus of attention, whether it is in the boardroom, the classroom, or in everyday conversation. Johnson (1997) is clear that this is about the oppression of women, not merely differences between the sexes. He points to the pervasive violence against women as an indication of patriarchy, while the public hostility to feminism indicates the denial of this inequality.

Intersectionality

Intersectionality alerts us to the fact that the dynamics of race, class, and gender are all happening at the same time. Everyone is affected by class, race and gender, but none of us experience them singly. Instead they intersect and combine with one another, and the way they do so varies greatly. These intersections are profoundly significant in terms of how they affect one's life chances. Law professor Kimberle Crenshaw (1991) first coined the term intersectionality. By focusing on the simultaneous interaction of race, class, and gender on all individuals' lives, intersectionality illuminates the complexity of the human experience and various dimensions of inequality. Sociologist Patricia Hill Collins (2000), a leading scholar in developing this type of analysis, argues that race, class, and gender are organized into what she calls a "matrix of domination" (Norris et al., 2007). This moves us beyond simply recognizing "diversity," or discussing a single form, to a sociological examination of several types of domination and the way they work together. They are so intricately connected that it is best to see them in a larger framework or matrix. It is difficult to tease them apart and, Collins argues, fruitless to engage in discussions of which form of oppression is most pernicious. Different forms of inequality often reinforce one another, and amplify the benefits of the unearned advantages of privilege as well as the disadvantages of oppression.

Allan Johnson (2006) provides the example of white men having greater access to class privilege compared to men of color, and greater claim on male privilege because of their greater earning power as compared to women. These intricate connections ultimately make it necessary to challenge all the varieties of oppression because we will not get rid of one without doing something about the others. This is fundamentally about systems of power, and encourages us to think about structures and relationships. As Margaret Andersen (2005) puts it, "analyzing race, class, and gender must be about hierarchies and systems of domination that permeate society" (446). Individual choice always plays a role in shaping society, but it is important to remember the role of social structures and power relations that are embedded in race, class, and gender (Andersen, 2005: 452). And that they all happen at once.

Since these inequalities are built into our social systems—as we shall see with the criminal justice system—the larger solutions do not lie with individuals alone, but with changing structural inequalities. In addition, both sides of these categories must be considered. For example, in terms of social class, we need to consider not only how the economically impoverished are treated regarding crime and punishment, but also how we treat the wealthy. Rather than focus solely on blacks and crime when we discuss race, we need to understand how white privilege operates in the same context. Finally, we must consider how gender impacts both men and women in the criminal justice system in an unequal society.