Why Economic Inequality Matters for Criminology and Criminal Justice

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Class, Race and Gender are primary determinants of social life but “discourses about modern society have been largely de-classed.”

“The scale of this inequality is almost beyond comprehension, perhaps not surprisingly as much of it remains hidden from view”

Roadmap

• Inequality
  • US as extreme case: shows widest range of dynamics in sharpest relief

• Inequality & Crime

• Inequality & Criminal Justice

• Conclusions

http://occuprint.org/
## Income Distribution, 2012

<table>
<thead>
<tr>
<th>Households</th>
<th>Share of Aggregate Income</th>
<th>Upper Limit (You are in this group if you make less than...)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest Fifth</td>
<td>3.2%</td>
<td>$20,599</td>
</tr>
<tr>
<td>Second Fifth</td>
<td>8.3%</td>
<td>$39,764</td>
</tr>
<tr>
<td>Third Fifth</td>
<td>14.4%</td>
<td>$64,582</td>
</tr>
<tr>
<td>Fourth Fifth</td>
<td>23%</td>
<td>$104,096</td>
</tr>
<tr>
<td>Highest Fifth</td>
<td>51%</td>
<td></td>
</tr>
<tr>
<td>Top 5%</td>
<td>22.3%</td>
<td>Lower limit = $191,156</td>
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http://www.census.gov/hhes/www/income/data/historical/household/
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</tr>
<tr>
<td>Highest Fifth</td>
<td>$2,200,000,000,000</td>
</tr>
<tr>
<td>Top 5%</td>
<td><strong>Lower limit = $191,156</strong></td>
</tr>
</tbody>
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*Forbes*, The 40 Highest-Earning Hedge Fund Managers and Traders,
Wealth = assets – debts

Financial security and political power

Top 20% *actually* control 84% of wealth; people *believe* they control 59%; *ideally*, top 20% *should* control 32%

Bottom 60% *actually* own 5% of wealth; people *believe* they control about 20%; *ideally*, the bottom 60% *should* control 45% of wealth.

## Unequal Wealth Distribution

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bottom 50%</td>
<td>1.1%</td>
<td>At 25&lt;sup&gt;th&lt;/sup&gt; Percentile, wealth = $3,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50&lt;sup&gt;th&lt;/sup&gt; Percentile (median) = $56,335</td>
</tr>
<tr>
<td>50 – 90&lt;sup&gt;th&lt;/sup&gt; percentile</td>
<td>24.3%</td>
<td>75&lt;sup&gt;th&lt;/sup&gt; percentile = $260,405</td>
</tr>
<tr>
<td>90 – 99&lt;sup&gt;th&lt;/sup&gt; percentile</td>
<td>40%</td>
<td>90&lt;sup&gt;th&lt;/sup&gt; percentile = $763,099</td>
</tr>
<tr>
<td></td>
<td></td>
<td>95&lt;sup&gt;th&lt;/sup&gt; Percentile = $1,364,834</td>
</tr>
<tr>
<td>99 – 100&lt;sup&gt;th&lt;/sup&gt; percentile</td>
<td>34.5%</td>
<td>Does not include Forbes 400. 2012 total wealth = $2 trillion (min = $1.3 billion, max = $72 billion)</td>
</tr>
</tbody>
</table>

Inequality between real and corporate persons, 2010

International Monetary Fund, World Economic Outlook Database, April 2011. [http://www.imf.org](http://www.imf.org)
## Country GDP v Corporate Revenue, 2010

<table>
<thead>
<tr>
<th>Overall Rank</th>
<th>Country Rank</th>
<th>Company Rank</th>
<th>Country/Company</th>
<th>GDP/Revenue*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td></td>
<td>United States</td>
<td>$15,065</td>
</tr>
<tr>
<td>29</td>
<td>29</td>
<td></td>
<td>South Africa</td>
<td>$560</td>
</tr>
<tr>
<td>30</td>
<td>1</td>
<td></td>
<td>Wal-Mart</td>
<td>$422</td>
</tr>
<tr>
<td>32</td>
<td>2</td>
<td></td>
<td>Exxon-Mobil</td>
<td>$354</td>
</tr>
<tr>
<td>62</td>
<td>6</td>
<td></td>
<td>General Electric</td>
<td>$152</td>
</tr>
<tr>
<td>66</td>
<td>9</td>
<td></td>
<td>Bank of America</td>
<td>$134</td>
</tr>
<tr>
<td>70</td>
<td>58</td>
<td></td>
<td>Vietnam</td>
<td>$121</td>
</tr>
<tr>
<td>71</td>
<td>13</td>
<td></td>
<td>J.P. Morgan Chase</td>
<td>$116</td>
</tr>
<tr>
<td>73</td>
<td>14</td>
<td></td>
<td>Citigroup</td>
<td>$111</td>
</tr>
<tr>
<td>86</td>
<td>23</td>
<td></td>
<td>Wells Fargo</td>
<td>$93</td>
</tr>
</tbody>
</table>


* In billions of US dollars
Inequality & Criminology

• Inequality worsens both crimes of poverty motivated by need and crimes of wealth motivated by greed

• “Need”: absolute, what we perceive others to have, what whites have, expectations based on “advertising and dramatization of bourgeois lifestyles” (p 83)

Inequality & crimes of the rich

• Having additional money matters to the rich
• “increasing concentrations of wealth [enables] the constitution of new forms of illegitimate opportunity” (p 85)
  • Novel illegitimate strategies that “excel because they cannot be contemplated by those who are not wealthy” (p 88)
• “people in positions of power have opportunity to commit crimes that involve the abuse of power, and the more power they have, the more abusive those crimes can be” (p 89)
• “undermines respect for the dominion of others” (p 80)

All quotes from Braithwaite 1992
Inequality and CJ

Inequality worsens crimes of rich and poor. CJ system focuses on poor while rich are processed out of the system at every stage.
Inequality & Law Making

• The 1% are not seen as a special interest and lobby so that the harms they do are
  • Civil violations (fines) not criminal (prison)
  • Misdemeanor (minor) not felony
  • Not recognized in law

“Capitol Hill works like a vending machine. You put coins in the slot, select your law, and the desired legislation slides out” (Ritholtz 2012)
Inequality in Policing/Regulation

- Crimes of poor: “get tough” ~ “zero tolerance” ~ “WAR on crime” ~ “law and order”
- Policing of the powerful: “deregulation”
  - Regulators = cops on the beat
  - We wouldn’t allow the Super Bowl to be played without referees because “we know that players would give in to their worst impulses.” The financial system is the same. Barry Ritholtz, “Where’s the Ref?” Forbes, September 12, 2008.
Inequality in Lawyers & Legal Outcomes

• Indigent man on death row: “the lawyer himself was on probation for public intoxication and addicted to crystal methamphetamine... the lawyer would be charged with drug possession, declare bankruptcy and commit suicide” (NYT 2013)
  • A 2011 study found that death penalty lawyers “often spend little time preparing their cases and put on only the barest defense. They neglect basic steps, such as interviewing defendants, seeking out witnesses, and investigating a defendant's background.”

• One upper-class campus drug dealer studied in Dorm Room Dealers described himself as “untouchably wealthy,” ended up with a “possession ticket” because “I got real good lawyers [laughs]. Like real good lawyers... fucking like six lawyers.” (Mohamed and Fritsvold 2012, p 159)
Inequality and Sentencing (Cumulative Impact)

- *SEC v Citigroup* (2011), Citi fined less than investor losses. They agreed not to violate securities laws. They “agreed not to violate the very same antifraud statute in July 2010. And in May 2006. Also as far as back as March 2005 and April 2000.”

- Peaceful protesters get arrested for disorderly conduct, while those who created serious disorder with the world economy keep getting bonuses and go about business as usual. Financial crooks lobby against reform legislation and consumer financial protection.

Conclusions: There’s More Inequality Than You Think

**Ideology**

“when ideas, however unintentionally, distort reality in a way that justifies the prevailing distribution of power and wealth, hides society’s injustices, and thus secures uncritical allegiance to the existing social order”

No neutrality in the face of injustice

“to claim to be apolitical or neutral in the face of such injustices would be, in actuality, to uphold the status quo – a very political position to take and on the side of the oppressors” -Sister Helen Prejean, *Dead Man Walking*
‘Declassed’ criminology more state propaganda than science

• Accepts political definition of crime
• Focuses coercive CJ system on poor and neglects threats to public safety/wellbeing from white collar and corporate crime
• CJ can be no more fair than the society for which it provides ‘law and order’ - reflect and recreate injustices in social order
• ‘Equality under law’ requires assessment of class bias in CJ

http://occuprint.org
Dr. Paul Leighton is a professor in the Department of Sociology, Anthropology & Criminology at Eastern Michigan University.

More information about him is available on his website, http://paulsjusticepage.com/paul/pauls-cv.htm

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