

POVERTY, POWER, WHITE-COLLAR CRIME AND THE PARADOXES OF CRIMINOLOGICAL THEORY*

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Sutherland's aspiration for a general theory of both white-collar and common crime can be pursued by focusing on inequality as an explanatory variable. Powerlessness and poverty increase the chances that needs are so little satisfied that crime is an irresistible temptation to actors alienated from the social order and that punishment is non-credible to actors who have nothing to lose. It may be theoretically fruitful to move away from a positivist conception of need to needs socially constructed as wants that can be satisfied (contrasted with greed — socially constructed as insatiable wants). When needs are satisfied, further power and wealth enables crime motivated by greed. New types of criminal opportunities and new paths to immunity from accountability are constituted by concentrations of wealth and power. Inequality thus worsens both crimes of poverty motivated by need for goods for use and crimes of wealth motivated by greed enabled by goods for exchange. Furthermore, much crime, particularly violent crime, is motivated by the humiliation of the offender and the offender's perceived right to humiliate the victim. Inegalitarian societies, it is argued, are more structurally humiliating. Dimensions of inequality relevant to the explanation of both white-collar and common crime are economic inequality, inequality in political power (slavery, totalitarianism), racism, ageism and patriarchy. Neither of these lines of explanation is advanced as the whole story on crimes of the powerless or crimes of the powerful; but they may be a theoretically interesting and politically important part of the whole story.

Unlike many contemporary criminologists, I continue to be motivated by the goal that Edwin Sutherland set for us of developing criminological theory of maximum possible generality. Like most contemporary criminologists, I accept that Sutherland's revelation of the nature and extent of white-collar crime creates some acute problems for traditional criminological theories. And as Sutherland so convincingly argued, the dominant tradition of criminological theory that excises white-collar crime from its explanatory scope lays the foundations for a class-biased criminology and criminal justice policy.

Having accepted all this, in this article I want to reject Sutherland's view that the widespread reality of white-collar crime means that poverty and inequality cannot be important variables in a general theory of crime. Sutherland is provocative on this point: 'If it can be shown that white collar crimes are frequent, a general theory that crime is due to poverty and its related pathologies is shown to be invalid' (Sutherland, 1983:7). Sutherland did show that white-collar crime is frequent, when white-collar crime is defined as 'a crime committed by a person of respectability and high social status in the course of his occupation' (Sutherland, 1983: 7). Indeed, work since Sutherland leaves little doubt that more of the most serious crimes that cause the greatest property loss and the greatest physical injury are perpetrated by the rich than by the poor (eg, Cullen, Maakestaad and Cavender, 1987; Clinard and Yeager, 1980; Pepinsky and Jesilow, 1984; Geis, 1973; Pearce, 1976).

My contention is that inequality is relevant to the explanation of both crime in the streets and crime in the suites. I will seek to argue that this is true of various forms of inequality — based on class, race, age and gender. Yet how do issues of inequality of wealth and power connect with my explanatory theory of crime in *Crime, Shame and Reintegration*? In a sense, what I do in this article is couple the work in that book to

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my 1979 book, *Inequality, Crime and Public Policy*. This first attempt to make sense of the connection between the analysis of inequality and crime and the analysis of shaming and crime has only become possible thanks to a number of recent and exciting contributions to the criminological literature. These are Jack Katz's (1988) *Seductions of Crime*, the work of Scheff and Benson on humiliation and rage, and Cohen and Machalek's (1988) 'General Theory of Expropriative Crime'.

In this article I will not summarise the evidence for the inequality-crime association compiled in *Inequality, Crime and Public Policy*, nor the evidence accumulated since. The purpose of the article is simply to advance a theoretical solution to a problem left with us by Sutherland. It is to show that the claim that poverty is causally implicated in crime can in fact be reconciled with the widespread reality of white-collar crime documented by Sutherland. While the reconciliation is theoretically interesting, whether it is empirically right is something which I simply leave on criminology's research agenda. Even if it is right, inequality is advanced only as a partial explanation of crime of modest explanatory power. More impressive explanatory capacity is only likely when inequality is integrated with other explanatory variables, perhaps in the way I suggested in *Crime, Shame and Reintegration*, perhaps in some other way.

I regard the theoretical work in this article as relevant to explaining crime conceived in either of two ways. First, as in *Crime, Shame and Reintegration*, it can be read as an attempt at explaining what Glaser (1978: 31-2) conceived as predatory crime (crime where an offender preys on others). What is advanced does not seem to me a very good theory of nonpredatory crimes such as drug use.

Alternatively, it can be read as theory concerning that domain of crimes which republicans ought to regard as crimes. Republican normative theory contends that acts ought only to be criminalised when they threaten the dominion of citizens, and when there is no less intrusive way of protecting that dominion than criminalisation (Braithwaite and Pettit, 1990). Dominion includes the sphere of control citizens properly enjoy over their persons, their property and their province. To enjoy dominion, a citizen must live in a social world where other citizens respect their liberty and where this mutual respect is socially assured and generally recognised. An attraction of the republican definition for our present purposes is that it connects with a key empirical claim I will advance: when inequality of wealth and power is structurally humiliating, this undermines respect for the dominion of others. And a society where respect for dominion is lost will be a society riddled with crime.

Republican normative commitments direct us to take both political and economic inequality (Montesquieu, 1977: Chs 3-4; Pettit, 1990) and community disapproval (Pocock, 1977; Braithwaite and Pettit, 1990) seriously as issues. Sunstein (1988) advances 4 commitments as basic to republicanism: (1) deliberation in government which shapes as well as balances interests (as opposed to simply doing deals between pre-political interests); (2) political equality; (3) universality, or debate to reconcile competing views, as a regulative ideal; and (4) citizenship, community participation in public life.

Opportunity Theory

In this section, I argue:

- (1) that crime is motivated in part by needs;
 - (2) that needs are more likely to be satisfied as we move up the class structure;
- and

- (3) that redistributive policies will do more to increase the need satisfaction of the poor than to decrease the need satisfaction of the rich.

Notwithstanding these 3 hypotheses, greed motivates crime even after need is satisfied. More importantly, wealthy actors who have their needs satisfied will want to accumulate goods for exchange rather than use. Accumulations of goods for exchange enable the constitution of illegitimate opportunities for the rich that cannot be constituted for the poor. Hence, I will argue that inequality causes crime by:

- (i) decreasing the goods available for *use* by the poor to satisfy needs; and
- (ii) increasing the goods available to rich people (and organisations) who have needs satisfied, but whose accumulation of goods for *exchange* constitute criminal opportunities to indulge greed.

Inequality therefore at the same time causes:

crimes of <i>poverty</i>	Crimes of <i>wealth</i>
motivated by <i>need</i>	motivated by <i>greed</i>
for goods for <i>use</i>	enabled by goods for
	<i>exchange</i> (that are surplus
	to those required for use).

Inequality, Crime and Public Policy began to explore the theory and empirical evidence in support of the proposition that societies with more unequal distributions of wealth and power will have deeper crime problems. An account was advanced as to why inequality will often worsen both crime in the streets and crime in the suites. Through building on Cohen and Machalek (1988), I believe we can more clearly theorise the dynamics of this proposition than I was able to manage in *Inequality, Crime and Public Policy*.

The traditional account of opportunity theory as an explanation for crimes of the powerless continues to hold great attraction. This starts with Merton's (1957) observation that in any society there are a number of widely shared goals which provide an aspirational frame of reference. The most important of these in capitalist societies is material success. In addition to cultural goals held up as worth striving for, there are defined legitimate institutionalised means for achieving the cultural goals. When these are blocked, crime is more likely. Elaborating on Merton, Cloward and Ohlin (1960) maintained that if delinquency is to result from blockage of legitimate means to achieving a cultural goal, then there is a second requirement: illegitimate means for achieving the goal must be open.

The problem is reconciling white-collar crime within this framework. White-collar crime highlights the fact that illegitimate opportunities are grasped not only to satisfy need but also to gratify greed. In a sense, what I will set up here is explication of a transition as we move up the class structure from crime motivated by beliefs about the importance of satisfying needs to crime motivated by greed — even by the belief, in the immortal words of Michael Douglas from the movie 'Wall Street', that 'greed is good'.

But first things first — crime motivated by beliefs about needs. I am not interested in a positivist definition of need. I am interested in the phenomenon of need being socially constructed in culturally contingent ways that motivate crime. So we have criminals who act on a subsistence model of need, as in the classic case of English slum dwellers transported to Australia for stealing a loaf of bread to feed their family. There are criminals who act on models of need represented at every point of Maslow's (1954) hierarchy of needs. There are criminals motivated by the need for a decent standard of living, where 'decent' can mean what they perceive most people

in their community to enjoy, what whites but not blacks enjoy, what they used to enjoy before they lost their job, what they were led to expect to enjoy by the advertising and dramatisation of bourgeois lifestyles on television. In short, the social construction of needs which motivate crime is culturally relative.

However relative they are, I advance one claim about them of general import. This claim is that as we become wealthier, it becomes more likely that any and all conceptions of need will be satisfied. If my income doubles, irrespective of whether my needs are framed in terms of subsistence, the average standard of living, or unrealistic expectations or aspirations, it is likely that I will view those needs as better met than they were before. The general claim is that as we move up the class structure, people are more likely to view their needs as satisfied. This, of course, is an empirically rebuttable claim.

Substituting the term needs in Cloward and Ohlin's (1960) formulation, the theory becomes that when legitimate means for satisfying needs are blocked and illegitimate means are open, crime is more likely. Controlling for aggregate national wealth, let us then compare a society with an equal distribution of wealth and one with an unequal distribution. It follows that because the poor will be poorer in the unequal case, those toward the bottom of the class structure will be less likely to perceive their needs as met (whether those needs are of a subsistence, absolute or relative sort). Because they view so few of their needs as met, the poor are also more likely to take the view that they have little to lose through a criminal conviction. More polemically, the more unequal the class structure, the more of scarce national wealth is devoted to gratifying greed among people whose needs are satisfied, the less is devoted to satisfying unmet need.

Consider a socially defined need for housing. The more unequal the class structure, the greater the proportion of housing expenditure that will be devoted to building bigger and bigger mansions for the rich, the greater the number of homeless, and the more the poor will turn to crime in preference to being put on the street. A more equal class structure may reduce the incidence of crimes of the poor connected to the need for housing.

Because wealthier people are more likely in a position where most of their needs are met, they are less likely to steal for this reason. As in standard welfare economics, let us assume that as we get richer we progressively work down our needs, starting with those that are most important to us. The wealthier we are, the lower the marginal returns to need satisfaction from acquiring a dollar of extra wealth through crime. Our first dollar is worth more to us than our ten millionth dollar. Hence, the crime-preventive effects of redistributing wealth from rich to poor to satisfy the needs of the poor will not be fully counterbalanced by crime-instigating effects on wealthy people who suffer reduced satisfaction of their needs.

Yet we know that even when wealthy people have all of their self-defined personal needs fully met, the extra dollar is not valueless to them. Even though a dollar has less value to a person whose needs are mostly satisfied than to one whose needs are not, the dollar will mostly continue to have some value to people with satisfied needs. Such people can continue to be motivated to pursue wealth for many other reasons — to signify their worth by conspicuous consumption, to prove success to themselves, to build an empire, to leave an inheritance.

For this reason, it is sensible to also apply a Mertonian framework to the economic aspirations of the upper class. We can readily conceive of the blocked aspirations of the already wealthy man to become a millionaire. We might understand his behaviour in paying a bribe in these terms: legitimate means for securing a contract are blocked at the time and an illegitimate opportunity to do so

corruptly is open. Vaughan (1983: 59) suggests that a cultural emphasis on economic success motivates the setting of a new goal whenever the old one is attained. While needs are socially constructed as wants that can be satisfied, greed is distinguished as a want that can never be satisfied: success is ever-receding; having more leads to wanting more again.

While it is meaningless to accumulate certain sensual use-values indefinitely, since their worth is limited by their usefulness, the accretion of exchange-value, being merely quantitative, suffers no such constraints. (Haug, 1986: 18)

Wheeler's (1991) paper directs us to the motivational importance of fear of falling as well as greed for gain in white-collar crime. There is no problem in accommodating this within the theoretical framework of the present analysis. Crime can be motivated by: (a) a desire for goods for use; (b) a fear of losing goods for use; (c) a desire for goods for exchange; or (d) a fear of losing goods for exchange. My proposition is that (a) and (b) are more relevant to motivating the crimes of poor people; (c) and (d) are more relevant to motivating the crimes of wealthy people and organisations. These distributional tendencies can hold even though (a) to (d) might all be involved in the mixed motives driving say a single corporate crime. Some individuals who play a part in the crime may be motivated by (a), others by (b), others (c) and others (d). Indeed, within some individuals there may be mixed motives that range across the four categories. This does not change the distributional hypothesis that use-motivations will more often be involved in the criminal choices of the poor, exchange-motivations more often involved in the criminal choices of the rich.

I will now argue that just as the poverty of the poor in unequal societies contributes to crime, so does the wealth of the wealthy. We have established that the latter cannot be true because of a purely Mertonian analysis of legitimate opportunities to satisfy needs because the rich have more of their needs satisfied by ready access to legitimate means of need satisfaction.

One line of argument here is that conspicuous concentrations of wealth increase the illegitimate opportunities available to the poor (and indeed the non-poor). Being a car thief is more remunerative when there are many \$50,000 cars available to be stolen than when \$20,000 cars are the best one can find. Evidence that wealthy neighbourhoods located near slums are especially likely to be victimised by property offenders supports this line of analysis (Boggs, 1965). But it is not a theoretical path I wish to pursue here.

The theoretically important criminogenic effect of increasing concentrations of wealth is in enabling the constitution of new forms of illegitimate opportunity that are not available to the poor or the average income earner, opportunities that can be extremely lucrative. It is important to understand here that increasing wealth for the poor or the average income earner does not constitute new illegitimate opportunities in the way I will discuss.

Marx's distinction of value for use and value for exchange is helpful here. In his 'Economic and Philosophical Manuscripts', use is associated with need: 'every real and possible need is a weakness which will tempt the fly to the gluepot' (Marx, 1973: 148). Also every product that can be used 'is a bait with which to seduce away the other's very being, his money'. Up to the point where legitimate work generates for the worker only value for use (in meeting needs), she has no surplus. Up to this point, extra income is used instead of invested in the constitution of illegitimate opportunities. But when surplus is acquired (value for exchange rather than for use), it can be invested in the constitution of illegitimate opportunities.

A limitation of Cloward and Ohlin's (1960) analysis is that it tends to view illegitimate opportunities as a fact of society independent of the agency of the criminal actor — ready and waiting for the criminal actor to seize. This conception forgets the point that, if they are powerful enough, criminals can actively constitute illegitimate opportunities. This power is not totally explained by control of surplus value — the working class juvenile can constitute a gang as a vehicle for collective criminal enterprises that would be beyond her grasp as an individual. But surplus value can be used to constitute criminal opportunities of an order that is not available to the poor. As Weisburd et al (1989: 79) found in their systematic study of white-collar criminals in New York: 'The most consequential white-collar crimes — in terms of their scope, impact and cost in dollars — appear to require for their commission, that their perpetrators operate in an environment that provides access to both money and the organisation through which money moves.'

Persons with some spare capital can start up a company; the company can be used as a vehicle to defraud consumers or investors; the principal can siphon off funds into a personal account, bankrupting the company and leaving creditors stranded. They can set up a Swiss bank account and a shell company in a tax haven. But to launder dirty money, to employ the lawyers and accountants to evade taxes, they must have some surplus to start with. And the more they have, the more grand the illegitimate opportunities they can constitute. When they become big enough, shares in their company can be traded publicly. They can then indulge in some very lucrative forms of insider trading and share ramping. If they become billionaires like Nelson Bunker Hunt and W Herbert Hunt, they can even try to manipulate the entire market for a commodity like silver (Abolafia, 1985). If they become an oligopolist in a market, they can work with the other oligopolists to fix prices and breach other trade practice laws. If they become a monopolist, a further array of illegal predatory practices become available. The proposition is that capital can be used to constitute illegitimate opportunities, and the more capital the bigger the opportunities. And obversely to our analysis of need, an egalitarian redistribution of wealth away from surplus for the rich in favour of increased wealth for the poor will not correspondingly expand illegitimate opportunities for the poor. This is because in the hands of the poor, income is for use; it is not available as surplus for constituting illegitimate opportunities.

Other things being equal, the rich will prefer to stay out of trouble by investing in legitimate rather than illegitimate opportunities. But when goals are set with the expectation that they will be secured legitimately, environmental contingencies frequently intervene to block legitimate goal attainment. Powerful actors regularly have the opportunity in these circumstances to achieve the goal illegitimately. The production target cannot be achieved because the effluent treatment plant has broken down. So it is achieved by allowing untreated effluent to flow into the river late at night. Most capital investment simultaneously constitutes a range of both legitimate and illegitimate means of further increasing the wealth of the capitalist. The wealth that creates legal opportunities at the same time brings illegal opportunities for achieving the same result into existence. In this additional sense, investment creates criminal opportunities in a way that use does not. It is just that there is a difference in the way we evaluate illegitimate opportunities that are inherent in any legitimate investment compared with illegitimate opportunities that are created intentionally. The former are unfortunate side-effects of mostly desirable processes of creating wealth. The latter are the main and intended effects of a mostly undesirable process of criminal exploitation. Whatever the mix of desirable and undesirable effects of shifting wealth from the poor to the rich, the

only effect we are theoretically interested in here is the creation of more illegitimate opportunities for the rich. My main point is that surplus can be used intentionally to constitute illegitimate opportunities — whether by setting up an illegal traffic in arms or drugs or by setting up a tax evasion scheme — in a way that income for use cannot.

Here it is useful to think of the implications of Cohen and Machalek's (1988) evolutionary ecological approach to expropriative crime. The first point in this analysis is that the returns to an expropriative strategy vary inversely with the number of others who are engaging in the same strategy. In nature, a behavioral strategy of predation is more likely to persist if it is different from that used by other predators. There is no 'best' strategy that will be adopted by every predator because it is the best; for a predator to opt for a strategy, it must be one that is not crowded out by others using a similar strategy. Minority strategies can flourish.

Extreme wealth fosters extraordinarily lucrative minority strategies. The wealthy can pursue illegitimate strategies that are novel and that excel because they cannot be contemplated by those who are not wealthy. Where there is no limit on what can be spent on an expropriative strategy, it can be designed to beat all alternative less adequately funded strategies against which it must compete. This is why the most damaging and most lucrative expropriative strategies are white-collar crimes. Those who have no inhibitions against duck-shooting out of season, who need spare no expense on their artillery, for whom no strategy is too novel (even shooting other hunters), are likely to get the best haul of ducks.

Anyone can stage a bank robbery. But bank robbery is not a particularly cost-effective form of illegitimate work. Very few people can buy a bank. Yet as Pontell and Calavita (1990) quote in their paper on Savings and Loans fraud, 'The best way to rob a bank is to own one'.

Cohen and Machalek (1988) suggest that the 'resource holding potential' (RHP) of the poor means they will commit crimes that amount to 'making the best of a bad job'. The RHP of the rich, in contrast, allows them to 'take advantage of a good job'. The rich will rarely resort to the illegitimate means which are criminal staples among the poor because they can secure much higher returns by pursuing either legitimate or illegitimate means to which the poor have no access. There will be little direct competition between the powerful and the powerless criminal. Instead, they will develop different minority strategies that reflect their different RHPs. Where there is direct competition, it is fragile. The small drug dealer can be crushed by the powerful organised criminal unless she finds a way of complementing him, picking up his crumbs or operating outside his area instead of competing with him.

The other peculiar advantage that powerful criminals have is in the domain that the evolutionary ecologists call counter-strategy dynamics. Fast predators activate a selective force favouring faster prey and vice versa (Cohen and Machalek, 1988). The expropriative strategy of conning consumers into buying dangerous or ineffective patent medicines was countered by the strategy of regulatory agencies seizing drugs which had not been through a pre-Marketing clearance process. The most ruthless participants in the industry used their considerable resources to short-circuit such counter-strategies, however. They bribed those responsible for pre-marketing clearance decisions; they paid unethical researchers to produce fraudulent evidence that their products were safe and efficacious (Braithwaite, 1984). To indulge this kind of thwarting of the counter-strategy process requires abundant resources of a sort unavailable to indigent criminals. Box (1983: 59) has written at length on how the greatest comparative advantage of corporate criminals 'lies in their ability to prevent their actions from becoming subject to criminal

sanctions in the first place'. Again Pontell and Calavita's (1990) case study of the Savings and Loans crisis illustrates: the counter-strategy relevant there was the deregulatory reforms that the financial sector extracted from the Congress and the Executive in the early 80s, thus rendering their power less accountable.

In *Inequality, Crime and Public Policy*, I developed in some detail the proposition that it is the unaccountable power that accrues to the most wealthy that explains why they can get away with crimes of extreme seriousness. It was argued there that power corrupts and unaccountable power corrupts with impunity.¹ The upper class use their resources to ensure that their power is unaccountable; they benefit from a hegemony that renders their power corrupting. At its most basic level, only people in positions of power have the opportunity to commit crimes that involve the abuse of power, and the more power they have, the more abusive those crimes can be. As Taylor, Walton and Young (1973: 30) put it:

... radical deviancy theory has the task of demonstrating analytically that such rule-breaking is institutionalized, regular and widespread among the powerful, that it is a given result of the structural position enjoyed by powerful men — whether they be Cabinet ministers, judges, captains of industry or policemen.

In this analysis, power as well as money is conceived as something that can be exchanged, invested to generate more power. Hence, the crimes of a J Edgar Hoover (Geis and Goff, 1990) can be interpreted as motivated by an insatiable desire to accumulate more power for exchange. The extreme manifestation of this problem is seen in a Marcos or Ceausescu, whose power is inestimable, whose immunity from accountability is total, whose capacity for crime knows no bounds. In contrast to the insatiable demands of a totalitarian ruler to control more totally more and more people, the criminogenic powerlessness of the poor is bounded. It is bounded by the need to assert control over the life of just one person — their own person.

Inequality, Crime and Public Policy argued that if crime in the suites arises from the fact that certain people have great wealth and power, and if crime in the streets arises from the fact that certain other people have very little wealth or power, then policies to redistribute wealth and power may simultaneously relieve both types of crime problems.

I have been led to the same conclusion by the considerations in this article. If it is wealth and power that enable a range of extremely harmful expropriative strategies that are distinctive to those at the top of the class structure, then redistribution of wealth and power in favour of the upper class will increase that which enables their crimes. Redistribution of wealth and power away from the poor will worsen the 'bad lot' of which the best they can make is crime. It will further exacerbate the blockage of legitimate means, thereby increasing the attraction of illegitimate means for satisfying needs. And it will increase the alienation, the hopelessness, the live-for-the-moment desperation of those who feel that they do not have power over their own future.

Moreover, it may be that extremes of wealth and power mean that the rich justify their exploitative class position with exploitative and criminogenic ideologies not so unlike the caricature, 'greed is good'. It may be that just as the criminality of the rich is accounted for in terms of the fact that they exploit, the criminality of the poor is accounted for by the fact that they are exploited. While the forms of crime that predominate at the two ends of the class spectrum are sharply distinguishable minority strategies, they may be different sides of the same coin, both products of the same inequality, of the exploitation perceived by those who are exploited and of the exploiting legitimated for those who exploit.

At both ends, criminal subcultures develop to communicate symbolic reassurance to those who decide to prey on others, to sustain techniques for neutralising the evil of crime (Sykes and Matza, 1957) and to communicate knowledge about how to do it. Black criminal subcultures in America collect, dramatise and transmit the injustices of a society dominated by whites and ruled by an oppressive Anglo-Saxon criminal justice system. The subcultures of Wall Street rationalise exploitative behaviour as that which made America great. Business subcultures of tax evasion are memory files that collect the injustices of the Internal Revenue Service (cf Matza, 1964:102) and communicate resentment over the disproportionate tax burden shouldered by the rich. An oligopolistic price fixing subculture under the auspices of an industry association communicates the social benefits of 'orderly marketing'; it constitutes and reproduces an illegitimate opportunity structure.

The focus of the discussion so far has been excessively on property crime. But it need not have been. A business subculture of resistance to an occupational health and safety agency can foster methods of legal defiance, circumvention and counter-attack that kill. The unaccountable power of a Marcos or a Ceausescu can be used to kill. A wealthy person can use their capital to establish a toxic waste disposal company that directs the violence of cancer against an unsuspecting community by illegal dumping of toxins. The resentment of a black person who feels powerless and exploited because of his race can be manifested by violent as well as acquisitive crime. There are, however, some arguments about inequality that may have some special force in the domain of violent crime. To these I now turn.

The Social Structure of Humiliation

A stunning recent contribution to criminology is Jack Katz's (1988) *The Seductions of Crime*. On the central issue of this paper, Katz stands with Sutherland: 'Because of its insistence on attributing causation to material conditions in personal and social backgrounds, modern social thought has been unable either to acknowledge the embrace of evil by common or street criminals, or, and for the same reason, develop empirical bite and intellectual depth in the study of criminality by the wealthy and powerful' (Katz, 1988:10).

The importance of Katz's work resides in his analysis of violence or rage as 'livid with the awareness of humiliation' (Katz, 1988: 23). Rage both recalls and transforms the experience of humiliation. The experience of a sense of righteousness is the stepping stone from humiliation to rage; the embrace of righteous violence resolves humiliation 'through the overwhelming sensuality of rage' (Katz, 1988: 24; see also Marongiu and Newman, 1987). For Katz it is not coincidental that spouse assault is so often associated with taunting about sexual performance or innuendo of sexual infidelity. Domestic homicide transforms such sexual degradation 'in a last violent stand in defence of his basic worth' (p 26). Rage transcends the offender's humiliation by taking him to dominance over the situation.

Katz's analysis of righteous slaughter is a useful complement to the rather instrumental analysis of opportunity and strategy in the first part of this paper precisely because it is such a non-instrumental analysis. Katz notes the frequency with which murderers cease an attack long before death and indeed in the midst of evidence of persistent life such as screams and pleas for mercy (p 32). The inference that rage is not instrumentally concerned with causing death is also warranted in cases where death is not a *sufficient* concern:

In a 'stomping', the attacker may announce to his victim the objective of 'kicking your eyes out of your head'. The specific practical objective — to remove precisely the condition of

the attacker's humiliation, the victim's offending gaze — is more imaginatively related to the project of transcending humiliation than would be the victim's death. (p 33)

Violence transcends humiliation by casting the person who degraded the offender into an ontologically lower status. Mounted in a flurry of curses, the attack 'will be against some morally lower, polluted, corrupted, profanized form of life, and hence in honor of a morally higher, more sacred, and — this bears special emphasis — an eternally respectable realm of being' (p 36). The claim that rage is about asserting respect, I will argue, is fundamental to distinguishing forms of shaming that provoke crime and forms that prevent it. Shame and respect are the key concepts for understanding crime. Far from being a self-interested instrumental evildoer, the attacker is immersed in a frenzy of upholding the decent and respectable. Just as humiliation of the *offender* is implicated in the onset of his rage, so the need to humiliate the *victim* enables her victimisation.

Katz reached these conclusions from an analysis of several hundred criminal acts quite independently of similar conclusions reached by psychiatric scholars. Kohut (1972), a psychoanalyst, identified 'narcissistic rage' as a compound of shame and rage. Lewis's (1971) cases led her to conclude that unacknowledged shame and anger causes a feeling trap, alternation between shame and anger that can produce explosive violence she calls humiliated fury. The work of Lansky (1984, 1987) and Scheff et al (1989) similarly emphasises the importance of humiliation that is unacknowledged. Innuendo, underhanded disrespect more than overt insult, opens up a cycle of humiliation, revenge, counter-revenge, ultimately to violence. Scheff (1987) identified two ways of reacting to scorn — shame or anger. But sometimes humiliated actors alternate between the two in what Scheff calls a shame-rage spiral.

Katz denies that material circumstances have anything to do with his conclusions about humiliation and rage. Here I believe he is wrong. Some societies and institutions are structurally more humiliating than others. For a black, living in South Africa is structurally more humiliating than living in Tanzania. Living in a prison is structurally more humiliating than living in a nursing home and the latter is more humiliating than dwelling in a luxury apartment. Slavery is structurally more humiliating than freedom.

School systems such as I experienced as a child, where children are linearly ordered in their classroom according to their rank, 'dunces' sitting at the front, are structurally humiliating for those who fail. These are school systems where dunces are regularly afflicted with degradation ceremonies. And there are alternative structures which are less humiliating, less the mouse race that caricatures the rat race for which children are prepared. An example is Knight's (1985: 266) conception of redemptive schooling:

A redemptive schooling practice would aim to integrate students into all aspects of school learning and not build fences around students through bureaucratic rituals or prior assumptions concerning student ability. A clear expectation from teachers must be that all students can be taught, and in turn an expectation on the part of students that they can learn. A school succeeds democratically when everyone's competence is valued and is put to use in a variety of socially desirable projects. Indeed, the same may be said to hold for a good society.

More generally, *inegalitarian societies are structurally humiliating*. When parents cannot supply the most basic needs of their children, while at the same time they are assailed by the ostentatious consumption of the affluent, this is structurally humiliating for the poor. Where inequality is great, the rich humiliate the poor through conspicuous consumption and the poor are humiliated as failures for being poor. Both sides of this equation are important. The propensity to feel powerless

and exploited among the poor and the propensity of the rich to see exploiting as legitimate both, as we have seen, enable crime.

Racist societies are structurally humiliating: These are societies where the despised racial group is viewed as unworthy of respect, where the superordinate group humiliates the subordinate group, where the subordinate group feels daily humiliation. Such racist oppression can be criminogenic.

Patriarchy is structurally humiliating: Patriarchy is a condition where women enjoy limited dominion, where men do not respect the dominion of women, where women are humiliated by men. However, it is common in patriarchal societies for women not to feel humiliated. Similarly, it is not uncommon for oppressed racial minorities and for the poor *not* to feel humiliated in racist and inegalitarian societies. Here the Gramscian (1971) concept of hegemony is useful. It often happens that part of the success of the domination by the superordinate group is in persuading the subordinate group that they should accept the ideology of superordination; they identify their own interests with those of their rulers.² Their subordination is regarded as something natural rather than something to resent (see also Scheff, 1990).

But hegemony never works perfectly. A substantial fraction of the oppressed group is always humiliated by their oppression. It is just that historically, hegemony has tended to work better with the oppression of women than it has with the oppression of racial minorities. In the US or Australia, for example, even though there are many more women than blacks, there are more cases of blacks than of women who feel humiliated to the point of daily seething rage which explodes into violence.

To understand why women commit less crime than men, in spite of their oppression, we need to understand why it is that women, instead of feeling humiliation and rage, feel shame and guilt. I have begun to address this in *Crime, Shame and Reintegration*, and will return to the issue later in this article. For the moment, I note only how I would propose to deal with the critical issue of the operationalisation problem with the infamously vague concept of hegemony. It is through measuring the things to which the theory proposes hegemony leads — shame and guilt when it is present, humiliation and anger when it is not (see further Scheff, 1990).

The fact that patriarchy does not engender feelings of humiliation and rage among most women does not absolve patriarchy of criminogenesis. Remember, there are two sides to our story. The hypothesis is that humiliation both motivates violence among those humiliated and enables violence among those who humiliate. Hence, the degradation of women countenanced by men who do not grant women dominion enables rape and violence against women on a massive scale in patriarchal societies, not to mention commercial exploitation of the bodies of women by actors who might ambiguously be labelled white-collar criminals. Empirical work on homicides by men against women confirms that homicide can be viewed as an attempt by the male to assert '... their power and control over their wives' (Wallace, 1986: 126; Polk and Ranson, 1991). In passing, it is important to note that the willingness to humiliate women should, according to the theory, be more profound among men who see themselves as having been humiliated — as a black humiliated by whites, as an American soldier in Vietnam humiliated by protesters back home, by 'Gooks' who defeat him militarily, and by an authoritarian military.

Ageist societies are structurally humiliating: Where the very young or the very old are not worthy of respect, where they do not enjoy the dominion accorded human beings

at the peak of their powers, the young and the old will be abused, including physically abused — both in the home and in institutions specialising in their care (schools and nursing homes). While the very old rarely have the physical power to transcend their humiliation with violent rage, the young do, especially as they become older, stronger young males. The physical powerlessness of the very old makes their abuse the most invisible and insidious in complex societies. As Joel Handler (1989: 5) points out, even prisoners can riot, but the frail aged have neither muscle nor voice. The very young, and particularly the very old (Fattah and Sacco, 1989:174-7), are also vulnerable and attractive targets for consumer fraud.

Ageist and gendered exploitation interact in important ways. Contemporarily we see this in many studies of elder abuse which report over 70%, and sometimes over 80%, of victims of elderly abuse to be female (Hudson, 1986; Wolf and Pillemer 1989:33).³ Historically, we see it in the victimisation of older women labelled as witches in the 16th and 17th centuries in many parts of the western world (Stearns, 1986: 7).

Totalitarian societies are structurally humiliating: Totalitarian societies are, by definition, disrespectful of the dominion of ordinary citizens. They are societies that trample on the dominion of individual citizens to serve the interests of the ruling party. Atrocities by the state are enabled by disrespect for its citizens. The disrespect that degraded citizens in turn accord to the laws of the totalitarian state is also criminogenic.

Retributive societies are structurally humiliating⁴: These are societies where evildoers are viewed as unworthy of respect, as enjoying no right to have their dominion protected, as worthy of humiliation. The degraded status of prisoners in retributive societies frees those responsible for their daily degradation from restraints to respect the dominion of prisoners. The result can be the systematic violence directed against prisoners that we saw documented in the Royal Commission into New South Wales Prisons (Jewson, 1978) and which was a central cultural fact of the first 100 years of our colonial history. We can see this in Stotland's interpretation of the slaughter of prisoners at Attica: 'For both troopers and guards, sense of competence, violence and self-esteem . . . are linked' (Stotland, 1976: 88). 'A person's self-esteem can be threatened by failure [and] insults' (p 86) (see also, Scheff, 1989: 187; McKay Commission 1972). In another study of the 1970 killings by National Guardsmen at Kent State University, Stotland and Martinez (1976: 12) reached the same conclusion:

The events . . . leading up to the killings were a series of inept, ineffectual, almost humiliating moves by the Guardsmen against the 'enemy' . . . The answer to these threats to their self-esteem, to their sense of competence, was violence . . . Another aspect . . . which added to the threat to the self-esteem of the Guardsmen [was that] during their presence on . . . campus . . . the students insulted Guardsmen. . . [and the Guardsmen] were not in a position to answer back. Their relative silence was another humiliation for them.

Scheff et al (1989) have discussed both of these cases of collective violence. They focused on the 'brutality and humiliation of the inmates' (such as forcing prisoners to crawl through mud) documented in the McKay Commission (1972) report. But the prison officers were also humiliated by the assertion of inmate power, the mistreatment of hostages and the recognition their superiors in the prison administration gave to prisoner demands (treating them 'as if they were equals'), and their denunciation by the prisoners on television. Scheff et al (1989: 193) interpreted this as a triple shame/rage spiral:

The guards were shamed by the behaviour of the administration and the inmates, were powerless to confront the administration, and became hostile toward the inmates, who in turn were shamed by the guards' lack of respect and reacted with an angry lack of respect towards the guards.

When two parties are each stigmatising the other, on both sides stigmatisation enables one's own violence and provokes the violence of the other.

In *Crime, Shame and Reintegration*, I have developed in more detail the criminogenic consequences of stigmatisation. Because I mainly talk of stigmatisation there rather than humiliation, it is important to clarify the difference between the two terms. Humiliation means disrespectful disapproval. Stigmatisation is humiliation that is sustained over an indefinitely long period. In *Crime, Shame and Reintegration* I partitioned shaming into reintegrative shaming (which prevents crime) and stigmatisation (which encourages it).⁵ Reintegrative shaming is disapproval extended while a relationship of respect is sustained with the offender. Stigmatisation is disrespectful, humiliating shaming where degradation ceremonies are never terminated by gestures of reacceptance of the offender. The offender is branded an evil person and cast out in a permanent, open-ended way. Reintegrative shaming, in contrast, might vigorously shame an evil deed, but the offender is cast as a respected person rather than an evil person. Even the shaming of the deed is finite in duration, terminated by ceremonies of forgiveness-apology-repentance. The preventive effect of reintegratively shaming criminals occurs when the offender recognises the wrongdoing and shames himself. This distinction also appears in the work of Katz (1988: 26-7): 'Thus I may "become ashamed of myself" but I do not become humiliated of myself'.

The case is made in *Crime, Shame and Reintegration* that stigmatisation fosters crime by increasing the attraction of criminal subcultures to the stigmatised; we have also in this article seen that humiliation directly provokes violence. Here we have sought to suggest that stigmatisation not only encourages crime *by* those stigmatised; it also enables crime to be targeted *against* those stigmatised. For example, carers for the aged who have stigmatised images of the elderly are more likely to be found among those who abuse their old folk (Phillips, 1983).

The empirical claims derived from the theory in this chapter can be simply summarised. Nations will have more crime the more they are unequal in wealth and power, racist, patriarchal, ageist, totalitarian and retributive. To the extent that hegemony works to convince the subordinate fractions of the population that their oppression is natural rather than humiliating, these effects will be attenuated — we will see evidence of feeling ashamed rather than feeling humiliated, perhaps of more inwardly-directed rather than other-directed violence. The prediction of the theory, nevertheless, is that even where hegemony is strong, inequality will still have some effect on the crime rate because: (a) hegemony will never be total, and (b) because hegemony undermines feelings of being exploited without undermining the ideology of exploitation that enables the victimisation of the exploited. These hypotheses are not banal; they cut against the grain of some popular alternative accounts of crime — for example, the account of Sutherland, Katz and others that materialist explanation does not work, the account that a high crime rate is a price we pay for freedom, the account that retributive crime control policies will have crime-reducing deterrent effects. In the years ahead, I will be doing my best to apply some international comparative data to crude preliminary tests of these propositions.

It may be that when humiliation is deeply structured into a social system, it is not only the subordinate who suffer frequent humiliation. In a class system where the motivation to conspicuously flaunt superior wealth is profound, in a school system

motivated by ranking in the class, dropping from number one to number two can be humiliating. Merton saw this point, quoting a well-to-do Hollywood resident of the 30s: 'In this town, I'm snubbed socially because I only get a thousand a week. That hurts.' (Merton, 1968: 190). We also saw this in the case of the Attica riot: in a social system where the prisoners were totally subordinated, the very willingness of the administration to negotiate with the prisoners was humiliating to the prison officers.

This two-way street is perhaps most vivid in the domain of gender and sexuality. Patriarchy is often manifested as measuring the worth of women against a yardstick of youthful physical beauty, while machismo is about male domination of women by sexual virility — the revered male is he who conquers the largest number of beautiful women. Needless to say, societies where success is so measured are structurally humiliating for women who inevitably lose their youth and who resent being used as a score. But when resentment and humiliation is structured into sexuality, the male is also at risk. Katz's (1988) work shows how women taunt men for their poor sexual performance and how violence can be unleashed when they do so.

The key to a feminist criminology of some explanatory power, I submit, is to understand the relationship between gender and my two types of shaming. The sexually stratified structure of shame is why women kill less than men (Braithwaite, 1989). The sexually stratified structure of humiliation is why when women do kill, it is rarely other women (Zahn, 1980: 125; Katz, 1988; Polk and Ranson, 1991).

Just as in the first half of this article the disproportionate emphasis was on property offences, in the second half we have been developing an approach which seems most powerful in the domain of traditional violent offences. However, the analysis is by no means without relevance to the explanation of property and white-collar offences as well.

Katz (1988) makes much of the 'badass' who takes pride in a defiant reputation as bad:

The badass, with searing purposiveness, tries to scare humiliation off; as one ex-punk explained to me, after years of adolescent anxiety about the ugliness of his complexion and the stupidity of his every word, he found a wonderful calm in making 'them' anxious about *his* perceptions and understandings. (Katz, 1988: 312-3)

The point here is that pride in a badness that transcends humiliation might just as well be the badness of vandalism or theft as the badness of violence. This has been a repeated theme in street-corner criminological research. It is most strongly expressed in Albert Cohen's (1955) notion of reaction formation. Humiliation at school brings about a status problem for the children who fail in a competitive school system. This status problem is solved collectively with other students who have been similarly humiliated by the school. The outcasts set up their own status system with values which are the exact inverse of those of the school — contempt for property and authority instead of respect for property and authority, immediate impulse gratification instead of impulse control, toughness instead of control of aggression. This inverted status system is one in which the delinquent is guaranteed some success. It is clear that many non-violent forms of delinquency will do for dealing with humiliation by rejecting one's rejectors.

Benson (1990) has shown the importance of humiliation and rage among 30 convicted white-collar property offenders. Adjudication of their cases engendered anger and rage as well as shame and embarrassment. The way humiliation unfolded meant that anger usually won out over shame as a way of dealing with the situation. The likely result of feeling unfairly stigmatised, according to Benson, is reduced

commitment to the legitimacy of the law. In this sense, Benson argues, a criminal justice system based on reintegrative shaming is less likely to be counter-productive than one based on stigmatisation.

It would be perverse indeed to interpret the second half of this article as only a story about the explanation of common violence in the streets. In the same year that Edwin Sutherland introduced white-collar crime into our lexicon, the greatest white-collar criminal of our century set the world alight. His name was Adolf Hitler. Thomas Scheff points out that 'Every page of Hitler's *Mein Kampf* bristles with shame and rage' (Scheff, 1987: 147). Indeed Hitler's appeal was the appeal of humiliated fury, an appeal which struck a responsive chord with many German people who felt they had been tricked and humiliated at Versailles⁶, defeated by 'traitors, Communists and Jews'. War crimes are partly about blocked legitimate opportunities to achieve national economic objectives. But they are also about being humiliated, wanting to humiliate, and fear of being humiliated on both sides of a conflict.

There is fear of defeat and fear of humiliation. There is the great fear of being seen to be a loser. It could be argued that the reason the British war fleet was sent to the Falklands was really the fear of humiliation. The preservation of a self-image on a personal or national level is extremely important and fear of losing that image is a strong motivator. Indeed, Enoch Powell goaded Mrs Thatcher in the House of Commons with exactly this approach: how could she, of all people stand for this Argentine insult. (de Bono, 1985:145).

When Saddam Hussein broadcast his appeal of 10 August 1990 to all Arabs, humiliation was a key repetitive element of his text: 'Rise up, so that the voice of right can be heard in the Arab nation. Rebel against all attempts to humiliate Mecca. Make it clear to your rulers, the emirs of oil, as they serve the foreigner; tell them the traitors there is no place for them on Arab soil after they have humiliated Arab honour and dignity.' (*The Times*, 11 August 1990, p1)

Criminology as a Model of how to do Social Theory?

In all of these recent developments in criminological theory, it seems to me that we can do more than satisfy Sutherland's ideal of criminological theory which brings in white-collar crime, which is maximally general in its scope. We can bring class back in (in a way that Sutherland would not approve) and gender, race, age and politics as well. We can call on normative theory which is articulated to explanatory theory to define objects of explanation that are not trivial to the human condition. Philip Pettit and my republican theory (Braithwaite and Pettit, 1990) is, we hope, the most comprehensively developed such normative theory of criminal justice. But there are Marxist, socialist realist, liberal and retributivist models available which are also specified with increasing coherence.

Nevertheless, the most important accomplishment which might be within our grasp is at a more meta-theoretical level. This is to integrate theoretically four ideas:

- (1) the reasoning individual (the strategist) and the reasoning collectivity (the corporate strategist);
- (2) the somatic, the body, emotions (humiliation, rage, shame, forgiveness, love, respect);
- (3) the micro interaction (the degradation ceremony, the assault, the proffering of forgiveness, apology, the ceremony to decertify deviance);
- (4) the macro, the structural (relations of production, patriarchy, communitarianism, age structure, urbanisation).

Each of these four levels can be shown to be actively shaping, enabling and constraining each of the others. In *Crime, Shame and Reintegration*, I made much of

the reasoning individual acting in ways enabled and constrained by structural factors, but exercising agency in micro encounters that both reproduce and transform those very structures.

Where I did not go far enough was in playing up a similar recursiveness among the somatic, the micro and the macro. Yet we should be emboldened by the work of Scheff and Katz to take this extra step. As Barbalet and Lyon (1989) have pointed out, we have Foucault more than anyone to thank for bringing the body back in to social theory. But for Foucault the body is little more than a text on which is inscribed disciplinary practices, relations of power. Agency is rarely conceded to the somatic. Yet the non-trivial role of Hitler's humiliation and sustained rage in events which transformed the world shows that social theory which writes out somatic agency will have truncated explanatory power.

Katz failed to go beyond the interface between the compelling force of emotions and individual reasoning in the micro encounter. It is the failure for which an earlier generation of micro-sociologists was so eloquently condemned by Taylor, Walton and Young (1973). Why can we not put all of these newer elements together with the legacy of Sutherland to make criminology one of the best exemplars we have in the social sciences of how to do social theory and praxis? It is within our grasp to constructively bring together normative and explanatory theory. And explanatory theory is possible which illuminates the mutual shaping that occurs among reason, emotion, micro-process and macro-structure.

NOTES

- 1 Sorokin and Lunden (1959: 37) make essentially the same point: 'The greater, more absolute, and coercive the power of rulers, political leaders, and big executives of business, labor and other organisations, and the less freely this power is approved by the ruled population, the more corrupt and criminal such ruling groups and executives tend to be . . . With a progressive limitation of their power, criminality of rulers and executives tends to decrease qualitatively (by becoming less grave and murderous) and quantitatively (by decreasing the rate of criminal actions)'.
- 2 Merton was not unaware of this issue. He conceded that where the poor do not aspire to the same material success goals held out as important for the upper classes, where there are 'differential class symbols of success', they will not suffer the same frustration from blocked legitimate opportunities (Merton, 1968: 201).
- 3 The exception to this finding is the victim survey of Pillemer and Finkelhor (1988). In this study elderly males were significantly more likely to be abused than elderly females, though the female victims suffered more severe victimisations than the males.
- 4 Retributiveness may not seem to be a dimension of inequality. But I have argued elsewhere (Braithwaite, 1982; Braithwaite and Pettit, 1990) that under retributive policies 'just deserts' tends to be imposed successfully on the poor and unsuccessfully on the rich. Retributivism exacerbates important inequalities under any feasible programme of implementation.
- 5 Stigmatisation at least encourages crime among those who are stigmatised, though it will discourage crime among others who witness the stigmatisation (see Braithwaite, 1989:Ch 5).
- 6 Certainly the emotions attributed to the Germans at the time were in the vocabulary of humiliation. The Australian press observer at Versailles described the arrival of the German foreign minister thus: 'Count von Brockdorff-Rantzau appeared to feel the humiliation of his position, and stood bareheaded . . .' (*Sydney Morning Herald*, 3 May, 1919).

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