“Inequality, Race, & Criminality”

I. Announcements:

Cameron Tummel on Thursday, Questions by 6PM today to TA

New Assignment (at end of lecture)

Questions?
The Institutional Construction of the Racial Inequality

I. Race and Inequality:
Vast Differences in U.S. by race, ethnicity.
percentage of women, men, children, and female-headed households in poverty by racial/ethnic group

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Women</th>
<th>Men</th>
<th>Children aged 18 and under</th>
<th>Female-headed Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Hispanic whites</td>
<td>8.6</td>
<td>9.5</td>
<td>7.7</td>
<td>10.5</td>
<td>28.2</td>
</tr>
<tr>
<td>Blacks</td>
<td>24.7</td>
<td>26.5</td>
<td>22.6</td>
<td>33.6</td>
<td>45</td>
</tr>
<tr>
<td>Hispanics</td>
<td>21.9</td>
<td>24.0</td>
<td>19.9</td>
<td>28.9</td>
<td>45.1</td>
</tr>
<tr>
<td>Asians</td>
<td>9.8</td>
<td>11.3</td>
<td>9.3</td>
<td>10</td>
<td>16.3</td>
</tr>
</tbody>
</table>

The Institutional Construction of the Racial Inequality

II. How do we explain variations by race?

Individual-Centered Perspectives:

A. History of Morality & Self
   (Intrinsically Good vs. Bad People):

   • (Recall) Back through history of the rise of the self, a focus on individual responsibility and moral culpability...
   • “Moral Bank Account” (Christianity)
   • “Predestination” (God has chosen)
The Institutional Construction of the Racial Inequality

B. The Enlightenment and the rise of the “individual” to explain politics, markets, success.

- How do we make ourselves?
- Smart and dedicated to our calling?
- Hard work or lazy?
- “Waste not, want not,” “penny saved is a penny earned” (Benjamin Franklin)
The Institutional Construction of the Racial Inequality

C. Biology: (19c variant of individual centered explanations)

Variations can be explained by looking at the natural biological capacities & differences of the Races.
The Institutional Construction of the Racial Inequality

C. Biological Racism was wide-spread in 19th century...

Thomas Jefferson:
“Blacks, whether originally a distinct race, or made distinct by time and circumstance, are inferior to whites in their endowment both of body and mind.”
The Institutional Construction of the Racial Inequality

Biological Racism was wide-spread in 19th century

Abraham Lincoln:
“There is a physical difference between the white and black races which I believe will for ever forbid the two races living together on terms of social and political equality. And... I as much as any other man am in favor of having a superior position assigned to the white race.”
The Institutional Construction of the Racial Inequality

Biological Racism was wide-spread in 19th century

Charles Darwin:
the gap between human and ape little increase by the anticipated extinction of such intermediaries as chimpanzees and Hottentots.
The Institutional Construction of the Racial Inequality
Samuel Morton (?-1851 d.).
*Crania Americana* (1839).

Measured skulls for brain sizes....
Found over 40 Species of humans.
Hierarchy: Whites/Indians/Blacks.
Just Among Whites:
English/Germanic/Jewish/Hindus.
The Institutional Construction of the Racial Inequality

C. Biology: Explanations can be explained by looking at the natural biological capacities & differences of the Races.

Joseph Arthur de Gobineau (1816-1882).

*The Inequality of Human Races* (1853)
The Institutional Construction of the Racial Inequality

Saw races as 3 Distinct “Species of humans”: White, Black & Yellow

Whites:
Aryan Race: Indo-European/Iranian:
Represented highest dvlpt of Civilization. Greatest Energy + Intelligence
Natural Conquerer of Other Races
Best able to govern and promote growth of other civilizations
The Institutional Construction of the Racial Inequality

Yellow Race:
Lacks Physical Vigor,
but a Natural Talent for Technical Accomplishment
Pseudo-Civilized.

Black Race:
Dominated by Desire,
Natural Enemy to Civilization.
Racial Prejudice is ancient, but this trend was an especially good fit with 19c. State Policies of Colonialism (European countries systematically conquering, other countries, installing colonial govt., taking natural resources).

Science showed that colonial rule was for “their own good.”
The Institutional Construction of the Racial Inequality
Samuel Cartwright (La):

-a- Drapetomania.
   — Sulkiness, Dissatisfaction, desire for escape.
   — "...their own good require that they be punished until they fall into that submissive state which it was intended for them to occupy..."

-b- Dysaesthesia Aethiopis (Rascality).
   — Torpor, insensibility.
   — labors in headlong, careless manner.
   — pay no attention to the "rights of property."
   — insensible to pain when punished.
II. Institutional Centered Perspectives:

A. Critical of Bad Science: Racial Ideologies cloaked in Science.

Stephen Jay Gould recalculated Samuel Morton’s analyses—found all data were "fudged." Excluded Skulls (as abnormal); Sex differences, data errors, etc. (See his *The Mismeasure of Man*, 1981)
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:

B. Melvin Oliver Lecture:

1. Longstanding Policies that build racial discrimination into state policies and practices that have long-term enduring consequences.

2. From wealth at time of slavery, to Jim Crow period, on down through Civil Rights Era.

3. Main point, these institutional effects endure. (Even for successful minorities)
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:
B. Why Inequality (Fischer, Hout, etc):
   1. There are 2 questions:
      A. Who gets ahead? (The Ladder).
      B. How much do you get if you are ahead?
      C. Critical of contemporary Biological Explanations (Hernstein & Murray).
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:

B. Why Inequality (Fischer, Hout, etc):

1. There are 2 questions:
   A. Who gets ahead? (The Ladder).
   B. How much do you get if you are ahead?
   C. In the U.S., key determinant of success access to education and the resources that allow you to succeed in school.
II. Individual-Centered Explanations.
C. Biological Explanations.

3. Hernstein & Murray:
   • Argued that IQ determined success.
   • Also argued that IQ determined criminality.

3. Hout et al. show it is bad science. Useful for an ideology of individual centered failures as explanations for inequality, but sadly lacking in solid science.
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:

C. Savage Inequalities (J. Kozol):

1. Show how fundamentally Unequal is education in America Today:

A. For those at the lower rungs of society, the possibility of success is severely constrained by poor quality of schools, opportunities.
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:

D. Influence of the Family (J. MacLeod):

“"The Hallway Hangers"

1. Little support for educational goals.
2. Few role models for success
3. Huge barriers to overcome a lifestyle steeped in limitations, crime, deviance.
The Institutional Construction of the Racial Inequality

II. Institutional Centered Perspectives:
C. Omi & Winant:
Show that even the idea of race is itself an institutional construction.

- Racial Formations: “process by which social, economic and political forces determine the content and importance of racial categories, And by which they are in turn shaped by racial meanings.” p. 61.
I. What is Deviance?

A. Recall Berger & Berger:

An Institution: A social arrangement or pattern of action, way of behaving or way of knowing that is enduring, widely shared and persistent.

- Institutions objectify Reality
- Have Coercive Power
- Have Moral Authority
- Have Historicity
I. What is Deviance?

B. What happens when you act contrary to the dictates of an institution? Deviance.

C. What happens when you act contrary to the dictates of an institution that has legal standing? Crime.

D. Especially fruitful place to think about individual vs. institutional centered explanations because it is natural and easy to think about deviants (or criminals) as “Bad Individuals”.
I. What is Deviance?

E. Clearly there are important issues to be addressed about serious criminals in society and we all hope and want our society and the institutions of social control to protect us.

Ted Bundy  
Jeffrey Dahmer
II. Individual-Centered Explanations.
C. Biological Explanations.

1. Franz Gall (1758-1828): German physiologist.

- First to Argue that character traits resided in the head (not the heart)
- Developed “Cranioscopy” (Phrenology)
- Could determine personality, mental & moral faculties by examining shape, contours and bumps on the head.
II. Individual-Centered Explanations.
C. Biological Explanations.

1. Franz Gall:

- Different Parts of the Brain Have Different Functions (Not just size that matters)
- Organ of Theft.
- Organ of Perseverance.
- Organ of Secretiveness.
- Organ of Murder.
II. Individual-Centered Explanations.

C. Biological Explanations.


   • Italian Criminologist

   • Argued that Criminality was inherited (genetically)

   • and it left specific physical markers (stigmata)
II. Individual-Centered Explanations.

C. Biological Explanations

2. *Criminal Man* (p.1876) criminals reflect earlier “Apish” past

- Atavism (from atavus Great, Great Grandfather) revert to ancestors form (“evolutionary throw-back.”)
- Animals are savage “Criminals” (lack capacity for moral thinking)
- Traditional People as “savages.”
- Children as “savages.”
- Criminals as reversion to “beasts”
II. Individual-Centered Explanations.

C. Biological Explanations.

2. Criminal “Stigmata”
   - Thickness of Skull
   - Large Jaws
   - Long Arms
   - Precocious Wrinkles
   - Large Ears
II. Individual-Centered Explanations.

C. Biological Explanations.

2. Criminal “Stigmata”
   - Low Forehead
   - Prehensile feet (prostitutes)
   - Hairy
   - Tattooing (Insensitivity to Pain and Atavistic love of Adornment)
III. Institutional-Centered Explanations.

1. Emile Durkheim (1858-1917):
   French sociologist (considered one of most important in sociology).
   (M. Mauss was his nephew & student)
   • Thought Crime had a social function.
   • Provided a basis for social solidarity (as community organized itself against “the others”).
   • Served to mark off institutional boundaries. “Patrol Outer Edges of Group Space”
   • People are “good to think with”.
   • Even a society of saints would require criminality if it is to continue to operate as a society.
III. Institutional-Centered Explanations.

2. Michel Foucault:

- Modified Durkheim suggesting that punishment does mark boundaries & demonstrates Power.
- explains the rise of torture as system of control.
III. Institutional-Centered Explanations.

2. Michel Foucault:

- But documents the change from “Punishment” to “Discipline”.

- A movement from power as symbolic display to the rise of power as a system of control over the small details of movement of the body and ultimately the attentions of the mind and our ability to think or to be a self.
III. Institutional-Centered Explanations.

2. Michel Foucault:

- For Foucault — That which counts as deviant is produced through the rise of systems of Truth/Power.

- Professionally produced scientific systems of knowledge about us, our inner selves, our pathologies, our essential selves.
III. Institutional-Centered Explanations.

2. Michel Foucault:

• The Rise of the Prison System.

• Instead of torturing the body, modern criminology is concerned with the deprivation of liberty.

• Also, the foundations for modern systems of power as “surveillance” (as in the original Panopticon).
III. Institutional-Centered Explanations.
4. American Prison System:

- Take a look at how imprisonment works in the U.S. and ask the question whether individual or institutional centered explanations are more helpful?

- Imprisonment is a huge institution in the U.S.

- As of 2007 1 out of every 131 Americans is in prison or jail (762/100,000).

- Highest Imprisonment rate in the world in 2007, Russia was next with 635/100,000.
III. Institutional-Centered Explanations.


* Number of prisoners per 100,000 population in the United States: 700
* Number of prisoners per 100,000 population in Russia: 665
* Number of prisoners per 100,000 population in Mexico: 150
* Number of prisoners per 100,000 population in Canada: 105
* Number of prisoners per 100,000 population in Denmark: 60
* Number of prisoners per 100,000 population in Finland: 50
* Number of prisoners per 100,000 population in Iceland: 30
* Number of prisoners per 100,000 population in Norway: 60
* Number of prisoners per 100,000 population in Sweden: 65
* Number of prisoners per 100,000 population in England and Wales: 125
* Number of prisoners per 100,000 population in Ireland: 80
* Number of prisoners per 100,000 population in Italy: 95
* Number of prisoners per 100,000 population in France: 80
* Number of prisoners per 100,000 population in Germany: 95
* Number of prisoners per 100,000 population in Portugal: 130
* Number of prisoners per 100,000 population in Estonia: 330
* Number of prisoners per 100,000 population in Latvia: 355
* Number of prisoners per 100,000 population in Japan: 45
* Number of prisoners per 100,000 population in Saudi Arabia: 45
* Number of prisoners per 100,000 population in China: 110
III. Institutional-Centered Explanations.

4. American Prison System:

- Varies by Gender & Race (data from 2007):
  - 1 in 10 (10.4%) black males age 25-29 in prison
  - 1 in 28 (3.6%) Hispanic males age 25-29 in prison
  - 1 in 59 (1.7%) Hispanic males age 25-29 in prison
  - 69 females/100,000 in prison
  - 957 males/100,000 in prison
III. Institutional-Centered Explanations.

4. American Prison System:

• Varies by Gender & Race (data from 2007):
  - black males 32% chance be in prison in their lifetime
  - Hispanic males 17% chance be in prison in their lifetime
  - white males 6% chance be in prison in their lifetime
III. Institutional-Centered Explanations.

5. What’s Going on Here?
III. Institutional-Centered Explanations.

5. What’s Going on Here?

An international incarceration comparison

- South Africa under apartheid (1993): 851
- U.S. under George Bush (2004): 4,919

Prison Policy Initiative
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

• Increase in Individual Centered Thinking dates back to end of Counter-culture days.

• Change in thinking about deviance and control.
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- Drug Addiction—(Increasingly)
  A Marker of A Flawed Self

- Arrested Drug Charges sent to Prison:
  - 1980   19/1000
  - 1992   104/1000

% Prison Inmates Drug Charges
  Fed.   Calif.
1980   22%   7%
1997   62%   27%
III. Institutional-Centered Explanations.

5. What’s Going on Here?

Incarcerated Americans
1920 - 2007


In 1971 President Richard Nixon declared a “War On Drugs”
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- Lower Income Person:
  - 1- More Likely to be Scrutinized.
  - 2- More Likely to be Arrested (if Susp.).
  - 3- More Likely Spend Jail Time pre-trial.
  - 4- More Likely Come to Trial.
  - 5- More Likely be found Guilty.
  - 6- More Likely receive harsh punishment.
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- 1990-No difference by race/class re: drug use.

- 1992 Study–Blacks:
  - 13% total pop.
  - 35% arrested drug possession.
  - 55% convicted " " " ".
  - 74% Serving Sentences " " " ".
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- Crack vs. Powder Cocaine:
  Amount Necy. 5 yr. Mandatory Sentence:

- 5 grams crack (10 doses, $200)
- 500 grams powder (5,000, $20,000)
- 83% convicted for Crack black.
- 95% convicted for Crack black + Hispanic
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- 1990-No difference by race/class re: drug use.

- 1992 Study–Blacks:
  
  - 13% total pop.
  - 35% arrested drug possession.
  - 55% convicted " " " ".
  - 74% Serving Sentences " " " ".
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- Death Penalty (1990 = 2,356, 40% Black):
- Baldus’ study of 2000 homicide cases in Georgia, 1973-1980:

<table>
<thead>
<tr>
<th>Victim</th>
<th>Black</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Killer: Black</td>
<td>1%</td>
<td>22%</td>
</tr>
<tr>
<td>Killer: White</td>
<td>3%</td>
<td>8%</td>
</tr>
</tbody>
</table>
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

• CA 16 new prisons ('85-95) ($10 b).
• CA Spent on ea. UC student (1991) $6,296
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- In 1980’s 17% CA State Budget to Higher ED.
- Today 9% CA State Budget to Higher ED.
- K-12 from top in the nation to 47th per capita spending.
III. Institutional-Centered Explanations.

5. What’s Going on Here?:

- 2.3 million people in prison in U.S.
- $64 billion current cost
CALIFORNIA’S THREE STRIKES LAW FACT SHEET

✖ California’s Three Strikes initiative became law on March 7, 1994. As of September 2003, California had incarcerated 42,445 people under Three Strikes.

✖ The law was intended to put murderers, rapists and hardcore violent criminals in prison for 25 years to life, but 65 percent of those imprisoned have been sentenced for nonviolent offenses. More Californians are serving life sentences under Three Strikes for drug possession than for second degree murder, assault with a deadly weapon and rape, combined.

✖ California’s Three Strikes law is the harshest in the country. No other state allows someone to be convicted under Three Strikes for a nonviolent offense. Prior to California’s Three Strikes law, no one in the history of the nation had received a life sentence for shoplifting. Three hundred and fifty-four people are serving life sentences for petty theft of under $400. Robert Blasi received a 31-year sentence for stealing a pair of AA batteries. Nathan Thomas shoplifted three packs of T-shirts from J.C. Penny and was sentenced to 25 years. Brian Smith was sentenced to 25 years to life for abetting a petty theft when two women he was with shoplifted from a convenience store.

✖ California faces a $15 billion budget shortfall next year.

✖ California spends $5.7 billion a year on prisons. The cost of incarcerating a single inmate each year is $30,929. Inmates over the age of 55 cost the state $50,000 a year.

✖ Incarcerating nonviolent offenders under Three Strikes costs California nearly a billion dollars a year.

✖ Californians want the law changed and the budget balanced by cutting corrections spending.

✖ Sixty-five percent of Californians believe Three Strikes should focus on serious or violent felonies, not petty theft or drug possession.

✖ Californians are more willing to cut corrections spending to balance the state budget than any other state program.

It’s not fair. It sinks California deeper into debt.
Californians want it changed.