

Chapter 2

A Crime by Any Other Name...

CHAPTER SUMMARY

Based on an examination of the various ways in which Americans are harmed, this chapter shows that some of the greatest dangers that we face come from acts that are not labeled crimes. Readers are asked to compare the harms produced by crimes with the harms of noncriminal behavior as a step toward determining if the harsh treatment of those who impose criminal harms, and the gentle treatment of those who impose noncriminal harms, represent intelligent policy. As the response to the Defenders of the Present Legal Order shows, the acts that lead to these noncriminal harms share many elements of criminal conduct—they are harmful acts done knowingly or recklessly. However, they tend to be ignored or minimized by the criminal justice system.

The criminal justice system does not protect us against the gravest threats to life, limb, or possessions. Its definitions of crime are not simply a reflection of the objective dangers that threaten us. The workplace, the medical profession, the air we breathe, and the poverty we refuse to rectify lead to far more human suffering, result in far more death and disability, and take far more dollars from our pockets than the murders, aggravated assaults, and thefts reported annually by the FBI. What is more, this human suffering is preventable. The government could treat many of these harmful behaviors as criminal, and turn the massive powers of the state against their perpetrators in the way that they are turned against the perpetrators of the so-called common crimes, but it does not.

LEARNING OBJECTIVES

- The student will examine the dangers Americans face resulting from acts that are not labeled crimes.
- The student will be able to identify typical arguments made by the Defenders of the Present Legal Order.
- The student will compare and contrast the social and economic impacts of hazardous non-criminal acts to acts currently defined as crimes.
- The student will analyze why the government refuses to change its current definition of "crime."

CHAPTER OUTLINE

- A. What's in a Name?
- B. The Carnival Mirror
- C. Criminal Justice as a Creative Art
- D. A Crime by Any Other Name
 - 1. Work May Be Dangerous to Your Health
 - 2. Health Care May Be Dangerous to Your Health
 - 3. Waging Chemical Warfare Against America
 - 4. Poverty Kills
- E. Summary

KEY TERMS

- Chemical warfare
- Criminal harms
- Crime

- Crime rate
- Historical inertia
- Mass murder
- Noncriminal harms
- Occupational disabilities
- Pollution
- Poverty
- Pyrrhic defeat theory
- Social reality of crime
- Typical criminal

DISCUSSION PROMPTS

1. What are some of the dangers Americans face as a result of acts that are not labeled “crimes”? Have you or someone you know ever experienced these things? Give specific examples of this from the text or from your own observations.
2. Who are the Defenders of the Present Legal Order? What are some of their key stances or arguments? Why are they resistant to changing current laws regarding crime?
3. What are some of the social and economic impacts of hazardous non-criminal acts? How do these compare to the social and economic impacts of acts currently defined as crimes? What conclusions can we draw from this analysis?
4. Describe Quinney’s theory of the social reality of crime. Do you agree with his analysis? Why or why not?
5. Explain the view the criminal justice is a “creative art.” What are some of the specific elements that make it so? Do you agree with this description of criminal justice? Why or why not?
6. Given the current economic and social conditions in the U.S., propose a solution (or multiple solutions) to the problems caused by acts that are currently labeled non-criminal. What things would you change? What would you leave the same?

ADDITIONAL RESOURCES

Websites

American Cancer Society, Cancer Facts & Figures 2011.

[<http://www.cancer.org/Research/CancerFactsFigures/CancerFactsFigures/cancer-facts-figures-2011>]

BLS, Occupational Health and Safety Definitions. [<http://www.bls.gov/iif/oshdef.htm>]

Cancer Prevention Coalition, U.S. National Cancer Institute.

[www.preventcancer.com/losing/nci/why_prevent.htm]

Scientific Priorities for Cancer Research: NCI’s Extraordinary Opportunities: Research on Tobacco and Tobacco-Related Cancers.

[<http://web.archive.org/web/20021111135403/http://2001.cancer.gov/tobacco.htm>]

Urban Institute. 1999. HOMELESSNESS: Programs and the People They Serve.

[<http://www.urban.org/uploadedpdf/homelessness.pdf>]

Films

(2009). *Criminal court process and procedure* [Motion picture]. United States: Insight Media.

(2003). *Criminal justice* [Motion picture]. United States: Insight Media.

(2004). *Homelessness: A contextual case study* [Motion picture]. United States: Insight Media.

(2006). *Stressed to the limit: Stress and health* [Motion picture]. United States: Insight Media.

Books

Duster, T. (1970). *Legislation of morality: Law, drugs and moral judgment*. New York: Free Press.

Hunter, B. (1982). *The mirage of safety*. New York: Penguin.

Morris, N., & Hawkins, G. (1970). *The honest politician's guide to crime control*. Chicago: University of Chicago Press.

Rainwater, L., ed. (1974). *Inequality and justice*. Chicago: Aldine.

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Journals

Alaimo, K., et al. (1998). Food insufficiency exists in the United States: Results from the third national health and nutrition examination survey (NHANES III). *American Journal of Public Health* 88(3), 419–26.

Gibbons, A. (1991). Does war on cancer equal war on poverty? *Science* 253, 260.

Landrigan, P. (1992). Commentary: Environmental disease—a preventable epidemic. *American Journal of Public Health* 82(7), 942.

McGinnis, J. M., & Foege, W. H. (1993). Actual causes of death in the United States. *Journal of the American Medical Association*, 270(18), 2207–12.

Sandro, G., Tracy, M., Hoggatt, K. J., DiMaggio, C., & Karpati, A. (2011). Estimated deaths attributable to social factors in the United States. *American Journal of Public Health* 101(8), 1456–1465.