

Capital Offences

Excusing Suite Crimes and Elite Deviance

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With the Conservative government in Canada pushing its omnibus crime bill which targets street crimes of the working classes for harsher punishment it is critical to address the more serious suite crimes carried out by economic and political elites which are not only routinely overlooked but actually supported by the same governments that prattle on about “public safety.” Perpetrators of corporate deviance, who profit from unsafe working conditions for their employees, the release of dangerous toxins into the air and water, the sale of faulty products and fraudulent business practices among other acts, present ongoing economic, social and physical threats. Yet those responsible for such activities rarely appear in the media or court records. They receive far less attention than deviant youth whose actions may be much less harmful.

The crimes of major corporations, where they are given attention are typically dealt with through less visible and less punitive civil procedures rather than criminal trials. While school crime and deviance undertaken by working class youth become the subjects of moral panics and policing and have relatively large amounts of social resources directed towards stopping the offending behavior, corporate crimes receive relatively little media focus, public outcry or legislative response. One might well question why it is that the waters are being drugged with harmful chemicals yet attention is directed towards arresting youth for minor drug offences, including strictly personal use. There is a pressing need to shift focus from street crimes to the crimes that are hatched planned in the executive suites and corporate head offices.

Excusing Elite Crimes

If we define crime as avoidable misconduct that causes unnecessary harm or damage to society, then it is clear that much of the activities engaged by economic and political elites could and should be considered criminal. White collar and corporate crimes, such as selling unsafe products, unhealthy workplaces, pollution, fraud, and bribery, cause far greater and farther reaching public harm than do more visible street crimes. The result is hundreds of deaths and hundreds of thousands of injuries every year, only a portion of which are even reported.

Typically, however, these activities are not constructed as crime. Elite deviance is normalized and elites are provided a range of excuses by which their activities are obscured or reconstructed as something other than criminal or deviant acts. The reconstruction of elite crimes and deviance as normal, acceptable, or even legitimate parts of “the costs of doing business” or “business as usual” is an effect of power. It is part of the process of hegemony, the construction of elite interests as the common good, and the manufacture of consent. Elite crime and deviance rarely results in criminal labeling. This is true even where corporate actions lead to massive and wide ranging harms, as in mining disasters or factory fires. There is usually no prosecution and rarely any jail time.

The first ideological trick by which elite deviance is normalized and excused is the notion of profit. Using the term profit to describe what is actually a theft, the theft of surplus value, excuses a massive transfer of wealth upward, out of working class communities and into private control for the benefit of capital. In this way the enormous day to day looting of wealth is rendered acceptable. What is called profit is really exploitation. It should be identified as such. Imagine if in place of the term profit the term exploitation was used in public discussions and debates. This would shift the way society viewed the issue. If on the news a report that said the profits of national companies was up reported instead that exploitation by national companies was up,

or theft by national companies was up, people would respond much differently. At the very least the conversation should start by calling it what it really is. Not profit, which sounds positive, but theft, which has a rather different connotation. This is perhaps the only case in which a theft of grand scale is allowed a different name to obscure or cover up what it actually is. Perhaps shoplifting should be called product testing. Break and enter could be called visiting. Only elite crimes are given such positive references with which to cloak themselves. This is a sleight of hand that covers up, indeed encourages, one of the greatest ongoing thefts in human history.

The second ideological mechanism by which elite deviance and criminality is excused and elite perpetrators left off the hook is through the misuse of the term “accident” to describe acts and outcomes that are in no way accidental. Both media and criminal justice system members report elite wrongdoing as accidents when, in fact, the events in question could have been foreseen and avoided—thus were not at all accidental in character. The use of the term accident removes blame from those actually responsible and presents acts with predictable outcomes as random occurrences or acts of nature or flukes that could not have been expected. Yet when one looks at the specific details of most of these events one finds that they are reasonably expected, even high probability outcomes of the actions in question that led to harm. If an employer or manager sends an employee into an unventilated space known to be filled with toxic fumes and without proper breathing equipment and the worker is fatally overcome by fumes and dies, that is not an accident. It is a reasonably expected outcome, a likely outcome. This scenario actually occurred in Langley, British Columbia in 2008, resulting in the deaths of three workers. If a boss asks a worker to use a piece of machinery that is not properly maintained and the worker is injured or killed, that is not an accident, it is a reasonably expected outcome. If a corporate executive orders toxic waste dumped in a local stream and wildlife and people in the community become ill or die, that is not an accident, it is a reasonably expected outcome. Yet such activities occur on an everyday basis in capitalist societies and are identified as accidents rather than what they are—criminal acts.

The third ideological mechanism deployed to excuse elite wrongdoing is the notion of externality. An externality refers to a cost of doing business for a private interest that is offloaded onto the public. Businesses reap the profit from their activities and simultaneously shift the cost of doing business onto society, the local community, or the workers. If a company decides to cut costs by failing to build proper waste treatment facilities and instead dumps their wastes in the environment, the costs of cleanup, rescue of animals, or treatment of the ill are borne, not by the company responsible, but by society at large. That is an externality. If companies do not put proper safety equipment in their workplaces and workers are injured or made ill, the cost of medical treatment and care for workers who are harmed is an externality. The company does not pay for it. You and I do through our medical care system. Once again elite wrongdoers are absolved of blame and treated with impunity by governments, media, and criminal justice systems. Responsibility is not placed where it rightly should be and is instead shifted away from the elite wrongdoers who should be held to account.

Conclusion

Most harmful elite activities go entirely undetected and are not even researched by members of criminal justice organizations or by criminologists. Corporate regulators are understaffed and

underfunded where they exist at all. At the same time public calls go out for increased community policing of the streets and more bylaws that penalize street crimes.

An overall effect is that people remain less aware of and less vigilant of elite crime and deviance. More people in Canada and the US risk death and injury simply going to work to try and put a roof over their heads and food on the table than they do of being assaulted or killed in a street crime. The most dangerous person in anyone's life may well be their employer. Yet, despite the facts of workplace death and injury and their more regular occurrence compared to assault and murder, industrial fatalities and injuries are not at the forefront of public consciousness in the way that street crimes are. Suite crimes, including industrial harms are not recognized largely by state policy or discourse which focuses on street crimes. The mass media do not investigate or emphasize the tragedies of industrial damage, except in occasional extreme cases, which are generally presented as unfortunate "accidents". This is in marked contrast to sensational news accounts presented every day involving street crimes.

These are issues of class rule. Many government officials are drawn from the ranks of corporate executives, lawyers, and accountants. These are the same people then charged with regulating the corporate enterprises, and friends and colleagues, for which they have dutifully spent their working lives. Corporate officials are part of powerful networks, including prestigious university faculties, professional schools, exclusive clubs, high priced law firms, and public relations departments.

In fact much of elite crime and deviance has been made to legislatively disappear. This is made to happen through a variety of acts by governments. First, there is the repeal of already existing laws. In this way many acts of elite wrongdoing are simply decriminalized with the stroke of a pen. Laws against media concentration and monopoly offer recent examples. Second, there is deregulation and the canceling of criminal and civil laws and practices that acted as checks against extremes of elite harm, as in food or health and safety regulations. Third, there is downsizing and the destruction of government regulatory capacities. This occurs through the layoff and firing of regulators and the cutting of resources for remaining regulators. It also occurs through policies of self-regulation, allowing elite entities to police themselves. Notably such options are not available to those who might be engaged in street crimes.

Much of elite wrongdoing is what is sometimes called state-corporate crime in which states and capital work hand in hand to engage in activities that benefit both at the expense of society more broadly. The military-industrial complex (interconnected arms manufactures, contractors, Departments of defense and government reps) is at heart structured to work precisely in this way. This is how they perpetuate their relations of power and rule. The thing is that we cannot prosecute our way out of this situation. No amount of corporate crime or "white collar crime" laws will fundamentally change things. Calls for tougher corporate crime laws, though potentially helpful in the short term, are the route to a dead end. The real task is getting rid of structural relations that encourage, support, and reward the socially harmful activities of elites, and indeed make it necessary for their continued existence. This means ending class systems of property and profit.

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