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The Effect of Social Inequalities on Mass Incarceration

Introduction

Mass incarceration in America has continued to rise since the establishment of the “War on Drugs” by President Richard Nixon in the 1970s. Since then, the numbers of incarcerated men and women persistently rise. The American criminal justice system delivers harsh sentences for nonviolent offenders and has a record of wrongful convictions for both nonviolent and violent crimes. Regardless of the nature of the crimes, the American society reserves more severe punishments for people viewed as “less than”. Institutions in the United States furthers inequalities regarding justice and disproportionately harm minority groups. Systemic injustices against race, economic class, wealth disparities, gender, and age all influence the severity and type of punishment one receives.

Objective and Rationale

Systematic inequalities lead to drastically different life outcomes. Individuals born into wealthy families with many opportunities are much more likely to attend college and gain white-collar jobs in the future than are individuals from low-income families who must work multiple jobs to assist the family’s income. Incarceration lies in many individuals’ future based on their status in American society. In order to stop mass incarceration, society must look at the situations that lead individuals to break the law. Societal inequalities and injustices are a major contributor to the rise in incarceration in the United States.

Literature Review

Racial differences lead to the incarceration of a disproportionate amount of men of color than compared to that of white men in the United States. According to the Innocence Project, a law group that fights wrongful conviction, over half of exonerees are black men (2017). Men of color often face illegal stops and searches, longer bouts of questioning, and harsher sentences than white men. This sociological inequality and treatment lends to an unfair disadvantage of black men that leads to higher levels of incarceration for the black race. The NAACP notes that “Though African Americans and Hispanics make up approximately 32% of the US population, they comprised 56% of all incarcerated people in 2015” (2015:2). The justice system unduly punishes individuals on the basis of race and overpolices people of races viewed as “lesser” by the majority in society.

Disparities in income level lead to more criminal behavior. Individuals who lack the ability to provide for themselves or their families in legal ways often turn to criminal behavior such as drug distribution as a means of income. Roman Pabayo cites, “According to Merton’s social strain theory, when legitimate channels of upward social mobility are denied to individuals, they may seek alternative means of achieving social status and success, such as engaging in the illegal economy” (2014: 572). Although the “American Dream” seems realistic, unfortunately, it is not a reality for most Americans. Facing this blockage of success can cause extreme frustration and lead to more criminal activities as a way to gain some sort of status. Currently, there is a major class divide that continues to grow which could be contributing to the increases in incarceration rates overall.

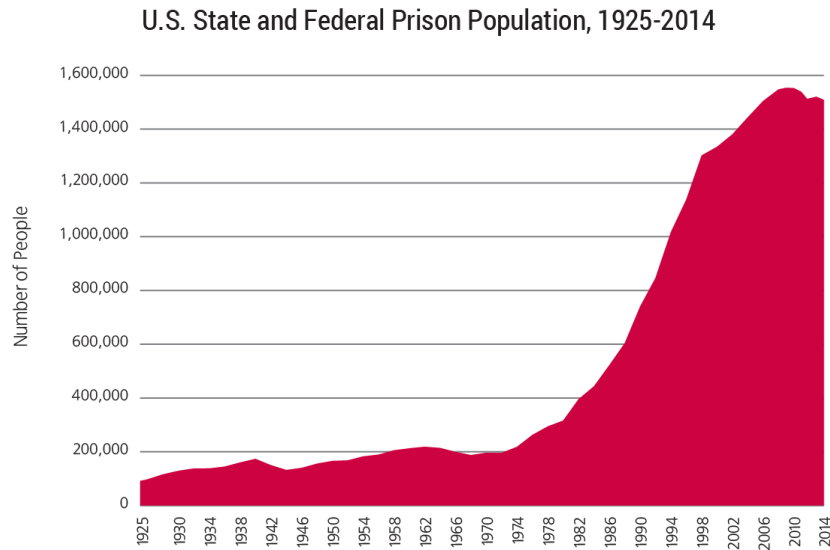
Gender inequality plays a major role in the prevalence of crime and the incarceration rates of individuals. More men than women face arrest and incarceration in the present American society. Nagel and Hagan note that “Women have traditionally been much less likely than men to commit violent crimes...” (1983: 1). Due to the nature of the crimes that the different genders commit, men generally serve longer sentences than women. However, women are generally more likely to commit property crimes such as shoplifting and thievery. In addition, men are more likely to face arrest. Men are “two to five times as likely to be arrested as females” (2012: 161). Although the rate of arrest is much higher on average for men, the ratio of arrests between genders in developed countries is less than the ratio of arrests between genders in less developed countries. Many sociologists contribute this difference in crime to aggression and socialization. Contemporary American society teaches boys to act more aggressively while teaching girls to remain submissive. Courts tend to protect women more than men, furthering the differences in the incarceration of men and women. In addition, the criminal justice system tends to treat mothers and wives easier than men. Overall, the social norms for men and women lead to discrepancies in incarceration rates.

Methodology

Research was collected from various scholarly internet databases. Virginia Tech Summon and Google Scholar both supplied a number of interesting, factual, and accurate articles. In addition, information was gathered from news outlets such as the New York Post and the Washington Post. Graphs and charts were collected from a variety of sources involved directly with the United States criminal justice system. All of this information was necessary in order to

collaborate and provide a holistic understanding of the current criminal justice system and incarceration climate in American society.

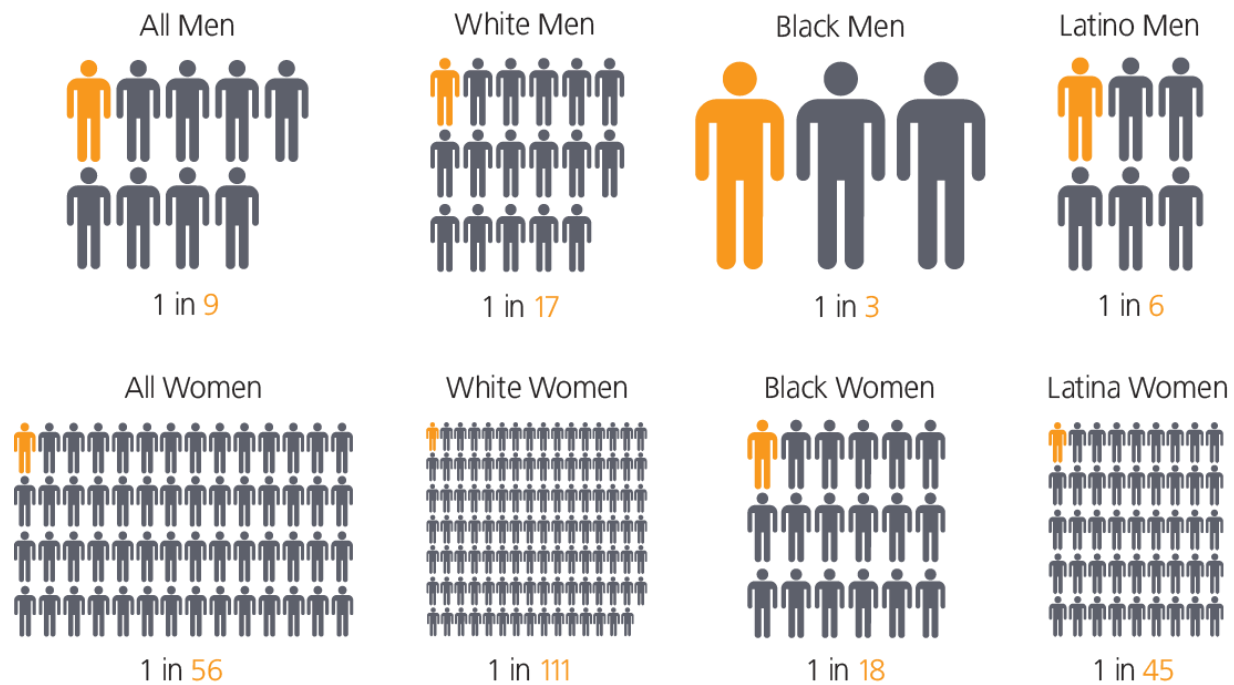
Major arguments, evidence, and examples



Source: Bureau of Justice Statistics *Prisoners Series*.



As evidenced in the above graph from The Sentencing Project, incarceration has sharply and continuously risen since around the year of 1974. During this decade, President Richard Nixon instituted the “War on Drugs” that dramatically increased the number of individuals being arrested (2016: 1). The “War on Drugs” focused police interests on individuals who were using and distributing drugs by requiring mandatory sentences and mandating harsher sentences for first-time offenders. At the same time, the United States criminal justice system began sentencing individuals for longer terms. In 2014, more individuals were in prison for drug crimes than the amount of people in jail for all other crimes in 1980, even though crime rates are actually decreasing (2014: 3).



Gender and racial disparities remain evident in the incarceration rates of different individuals. Black men have a 5.667 higher chance of incarceration than that of white men. The group least likely to face incarceration is white women at a rate of one out of every 111 white women, compared to one out of every eighteen black women. In addition, all men face incarceration at rates of 6.22 times higher than that of all women. Allan G. Johnson states that privilege “exists when one group has something of value that is denied to others simply because of the groups they belong to” (2006: 21). A level of intersectionality, interconnectedness of social identifiers, plays a role in the privilege of some groups in terms of the criminal justice system. Women, and particularly white women, possess the most privilege associated with incarceration. Individuals affected negatively by this privilege include men and people of color. These social inequalities impact the complete makeup of the American criminal justice system.

In the case of Steven Avery, which rocked headlines and sparked the inspiration for the Netflix original series, *Making A Murderer*, intellectual and financial disparities led to his arrest

and incarceration. Avery was convicted in a first-degree murder trial of a 25-year old photographer, Teresa Halbach in 2005. According to the Associated Press for the New York Post, “Avery’s nephew, Brendan Dassey, confessed to detectives he helped his uncle rape and kill Halbach at the Avery family’s salvage yard. A judge overturned Dassey’s conviction last year, ruling that investigators took advantage of the then-16-year-old Dassey’s cognitive disabilities and tricked him into confessing” (2017: 2). This example highlights the abuse of power over individuals with intellectual disabilities and how having a disability like this can lead to a higher chance of incarceration than that of an individual functioning in a normal intellectual range. In addition, the Avery family possesses little money to pay for quality lawyers whereas a wealthier person may have a higher chance of escaping conviction.

Discussion

The rate of incarceration is expected to continue to rise. The United States incarcerates people at a rate of 750 per 100,000 people in the population (2011: 137). Increases in the prison population lead to higher amounts of money needed to support incarcerated individuals and the buildings and facilities that they use. From a conflict perspective, mass incarceration arises from the “more powerful” group’s desire to control the “lesser” populations. Thus, there are a disproportionate of low-income individuals and people of color incarcerated than the US societal norm of white, middle-class individuals.

The symbolic-interactionist perspective views deviance as a result of the interactions of individuals in everyday society. In terms of incarceration, primary deviance occurs before an individual is caught and labeled as an offender; secondary deviance occurs as a result of being arrested and labeled as an offender (2017: 117). Individuals are stigmatized as offenders after

arrest. This labeling can lead to more crime and recidivism instead of helping rehabilitate and lessen the amount of crime.

The structural-functionalist perspective views crime as overall helpful for society. Individuals gain jobs and companies can profit from higher incarceration rates. In addition, blaming individuals allows other groups in society to gain a sense of normalcy. In addition, Durkheim's idea of anomie, normlessness, leads to strain that can, in turn, lead to criminal behavior (2017: 115).

Conclusion

Individuals that are in groups deemed "lesser than" in society face higher chances of arrest and subsequently incarceration. Social inequalities lead to unequal opportunities to succeed and can lead some individuals to turn to crime and deviance as a means of living comfortably. There is a norm that labels offenders and makes it difficult for criminals to rejoin society successfully, leading to recidivism. Unfortunately, incarceration rates continue to rise in the present society. Without change, the cost of mass incarceration will continue to polarize society and encourage class divide. Systemic injustices lead to higher rates of prejudice and subsequently overall higher rates of incarceration in the United States.

References

- Associated Press. 2017. "Steven Avery denied new trial in 'Making a Murderer' Case." *New York Post*. October 3, 2017
(<https://nypost.com/2017/10/03/steven-avery-denied-new-trial-in-making-a-murderer-case/>).
- Drug Policy Alliance. 2016. "We Are the Drug Policy Alliance." Retrieved December 7, 2017
(<http://www.drugpolicy.org/issues/brief-history-drug-war>)
- Johnson, Allan G. 2006. *Privilege, power, and difference*. New York, NY: McGraw-Hill Education.
- Kornblum, William and Julian, Joseph. 2012. *Social Problems*. NJ, USA: Pearson Education.
- Mooney, Linda, Knox, David, and Schacht, Caroline. 2011. *Understanding Social Problems*. Belmont, CA: Wadsworth Cengage Learning.
- NAACP, 2017. *The Criminal Justice Fact Sheet*. NAACP. Baltimore, MD: NAACP. Retrieved December 6, 2017. (<http://www.naacp.org/criminal-justice-fact-sheet/>)
- Nagel, Ilene H. and Hagan, John. 1983. "Gender and Crime: Offense Patterns and Criminal Court Sanctions." *Crime and Justice* 4: 91-144.
- Pabayo, Roman. 2014. "The Role of Neighborhood Income Inequality in Adolescent Aggression and Violence." *Journal of Adolescent Health* 55 (4): 571-579.
- The Innocence Project. 2017. "The Cases and Exonerates Profile." Retrieved December 6, 2017.
<https://www.innocenceproject.org/cases/>
- The Sentencing Project. 2014. "Criminal Justice Facts." Retrieved December 7, 2017.
(<http://www.sentencingproject.org/criminal-justice-facts/>)