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Not a Crime to Be Poor. The Criminalization of Poverty in America. By Peter B. Edelman (2019), The New Press, 336 pages. ISBN : 978-1-62097-548-0

Catherine Glee-Vermande

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[See table of contents](#)

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RECENSIONS – BOOK REVIEWS

Not a Crime to Be Poor. The Criminalization of Poverty in America.

By Peter B. Edelman (2019),

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Published in 2017, just one year after Donald J. Trump was elected, this book examines the social situation of millions of poor people living in the United States. While reading this book I was often confronted with a sense of incredulity with respect to the unfolding “criminalization of poverty” in the United States. Peter Edelman presents an immense amount of data and frames his analysis through the lens of “calamity.” He argues that this calamity is deeply embedded in American society, which is “built on the pillars of racism and antipathy to low-income people.” The portrait Edelman paints is indeed arresting: the reader discovers how the most vulnerable—the ones who should be protected—are systematically trapped by a system that is not only inhumane, but also almost totally ineffective. Nonetheless, the author leaves the reader with some hope when presenting some of the recent reforms and programs that different states have implemented. In his conclusion, he argues that these programs, when combined with collective organization and popular support, may provide a realistic opportunity to “turn back what we allowed to happen. That is what we must do. That is the overarching movement we need now.”

Using robust data, the first part of the book demonstrates how and why the system effectively operates to punish poverty. From a historical point of view, it is evident that punishing the poor for being poor is “as old as the Bible.” For example, the English Poor laws of the 16th century were established in order to “control” rather than to help the poor, a perfect illustration of how

empathy and compassion for vulnerable people are so often presented as “dangerous” for society.

Additionally, in the United States, the mass incarceration of the population can in no small part be linked to those who were some of the first victims of globalization: a consequence of relentless competition and the spread of a neoliberal policy paradigm. When, in the early seventies, economic growth started to slow down, the attitudes toward poverty—which had been reduced from 22.4 % in 1959 to 11.1 % in 1973—started to change. Deindustrialization and the loss of low-wage jobs, the weakening of unions, an increasing number of single-parent families (mainly women in charge of children with frequently low-paying work), and the neoliberalization of politics reinforced by the election of Ronald Reagan—all of these changes created a breeding ground for the criminalization of poverty in America. By reducing public funding, Reagan and subsequent administrations, except the Obama administration, became anchored in an anti-tax revolution, which in turn made things worse: the deterioration if not disappearance of the public education system; the continued underfunding of public hospitals; the persistent deterioration of public transit; the disappearance of affordable housing—all of this, alongside an increasing shift to creation of low-wage jobs, combined to create a system of debtors’ prisons. What Edelman makes clear is that this was a *deliberate* dismantling operation and was coupled with a rhetoric that stigmatized the “poor” as “super predators,” “profiteers of the social system,” “lazy people,” “dishonest people,” and even as “potential murderers.” Going to the roots of this system, the author demonstrates, with an explicit reference to Robert Kennedy, that the fight against poverty must focus not simply on wealth but also on the higher ideal of justice.

Step by step, the author illustrates how the criminalization of poverty works as a

dehumanizing system, destroying lives at great cost to the whole of society. Indeed, since the Reagan era, the politics of poverty and racial attitudes have deteriorated. As Edelman notes: “Joined together, poverty and racism create a toxic mixture that mocks our democratic rhetoric of equal opportunity and equal protection under the law. Beyond mass incarceration, beginning in the 1990s, we adopted a new set of criminal justice strategies that further punish poor people for their poverty” (p. XIII).

Edelman identifies six pillars in the criminalization of poverty. The first pillar underpinning this infernal machine encompasses the deep budget cuts to the justice system, starting with the Reagan era, that fundamentally transformed it into a fee-based system. Prisons were transformed from a system dedicated to the incarceration of serious offenders (in theory, but more complicated in practice) into debtors’ prisons. Owing to this fundamental transformation serious offenders have become defined as those who, due to their poverty, cannot pay the court-related fines and bail conditions (cash bail). This in turn sets off a vicious cycle. Poor people are confronted with a society in which the necessities of life are less and less affordable, get arrested for minor violations and are, in turn, required to pay cash bail, which they cannot afford, and are subsequently incarcerated until their trial and/or appeal. From here, the deleterious cascade begins: they lose their jobs (going from a “low income” to a “no income” situation), accumulate debts and, in turn, lose their drivers’ licences, their housing, effectively their right to vote and, frequently, the custody of their children. As illustrated by several dramatic cases presented in the book, for many the only option to survive when confronted with the loss of a sense of dignity and even hope is to sell their plasma or, in an act of ultimate despair, commit suicide.

On the other side of the transaction, courts have been subject to relative budgetary restraint and as such are transforming the justice system into cash registers. The bail system thus contributes to the criminalization of poverty because it is a crime when you cannot make bail.

The second pillar in the criminalization of poverty is the “Broken Window” policy adopted by law enforcement. This policy is based on “the idea that mass arrests for minor offences promote community order.” Actually, it creates a cruel game that poor people cannot win. On the unrealistic pretext that there must be no crime at all on the streets, those who obviously are not part of the “privileged” population, that is, rich, white, educated, etc., are getting disproportionately arrested. The author gives some examples: being arrested for riding a bike without both hands on the handlebars; walking strangely in the roadway; broken taillights; failure to report a change of address; misplaced registration stickers; loitering in the street; littering around your lodging; and carrying an open alcohol container in public, to name a few. All of these wrongdoings are subject to a fine and when you cannot pay, you go directly to jail. In some states, 40 % of the suspensions of drivers’ licences punish missed court payments, and not the actual driving infraction!

An example of the inhumanity and Kafkaesque flavour of the system: “In Dallas, an inmate was found unresponsive in solitary confinement and taken to hospital, where he was pronounced dead. The City of Dallas sent his father an invoice for more than 1000 US dollars for the ambulance ride” (p. 18). As Edelman reasonably observes: “we have developed a criminal justice system in America that ensures a “cradle to coffin pipeline” (p. 19).

The third pillar in the criminalization of poverty is the criminalization of mental illness, which in itself creates another vicious

circle. The movement to deinstitutionalize mental hospitals, which started in the late 1960s, is presented as the “worst possible combination of choices we could have made” (p. 63). As Edelman notes: “mental illness and addiction are pathways to poverty and poverty is a pathway to mental illness and addiction” (p. 64). Research shows that adults with income below the poverty line suffer frequently from serious psychological distress. Poverty creates a toxic stress that can lead to mental illness and addiction. Consequently, the lack of mental health and addiction services in low-income communities transforms jails into mental hospitals for those who have no chance to enter a private mental hospital. Poverty, which is often a source of mental illness and addiction, is once again a trap!

Criminalizing poor fathers is the fourth pillar: putting fathers in jail who cannot pay their child support may be a solution for those who are actively hiding assets but cannot be appropriate for someone who cannot meet his obligations. Criminalizing the poverty of fathers makes a bad situation worse. The author explains how mass incarceration does damage to children and families that goes far beyond the father’s inability to pay child support while in prison. Criminalizing an indigent father’s poverty does not solve the problem at its roots and makes the situation worse for the children.

The criminalization of public benefits means that people are barred from access to the public safety net because they have been accused of cheating or because prior arrest has created a culture of defiance. Edelman illustrates how the system is organized to scare people away from even trying to apply. A poignant example is related by a mother, who, out of desperation, and struggling to help her children survive in a context of misery, began selling her plasma. The authorities then *cut off her food stamps for not reporting the additional income.*

Moreover, the same strategy is used for unemployment insurance so that only one in four unemployed workers receives benefits after losing their job. This is a significant reduction, given that in the mid-seventies three out of four were eligible. Yet another harsh example of how the system treats unemployment due to layoffs is illustrated by a case from Michigan. This is “the worst of the worst” according to the author: criminalizing innocent people who had applied or received unemployment benefits.

The fifth pillar is the safety and security plans that have been gradually introduced in schools. The National Association of School Resource Officers was founded in 1991 with the idea of controlling violence and improving safety within schools. In practice, however, it increased the number of minor behavioural problems that were referred to police, “pushing kids into the criminal system.” Students who do not pay their fine or finish community service can be arrested and jailed at age seventeen. Court is not an appropriate place for dealing with most of the in-school infractions committed by students (who can be ten years old when in elementary school). Truancy is also criminalized with little or no regard for the reason, such as a teenage girl who stayed at home to care for a mother suffering from dementia. This ham-fisted approach contributes to the criminalization of poverty because the students in question are mainly poor, African American, Latino or students with disabilities.

The last pillar the author presents revolves around “crime-free housing ordinances” and the criminalization of homelessness. “Public nuisances,” such as disturbing the peace, disruptive conduct, loitering, loafing and vagrancy, criminalizes acts previously considered not to be criminal activity. An illustration is the case of states with “property nuisance ordinances,” which give police the authority to demand that a landlord

evict a tenant who called 911 three times in four months, effectively criminalizing a person's right to call the police. Evidently, as the author points out, this ordinance affects mainly low-income women. Crime-free ordinances are a strategy to push people away from their home and neighbourhoods toward homelessness and out of entire cities. Here again, the cycle churns: when homeless people are convicted of the offence of *eating* or *sleeping* in public spaces and are unable to pay the fines, they will be sent to jail for nonpayment. They end up with a criminal record, which in turn makes it harder for them to find housing and employment. Consequently, "more than half of the homeless population has a history of incarceration" (p. 149).

The second part of the book presents possible pathways to ending poverty. The author surveys several recent initiatives in different cities around the U.S. (Tulsa, Chicago, Minneapolis, Brooklyn, New Haven, San Leandro, Los Angeles) that are seemingly attempting to address poverty successfully. Edelman insists on the necessity to act individually and collectively in communities for the common good, outside what governments do; and he is aware of the need to create a new way of organizing and, at least, choosing a different kind of politics from what they have now.

Edelman's book remains highly relevant, as many issues that led to the election of Joe Biden show there is some reason to be hopeful that a political agenda in which a concern for justice, peace and human dignity seems to be making its way back into the mainstream of American politics. In the wake of the killing of George Floyd by a police officer in Minneapolis, cities across the U.S. and indeed across the globe rose up in protest and in support of Black Lives Matter and the broader issues of minority rights and human dignity. This book

indeed is relevant and provides meaningful insights for those who wish to build a more just, peaceful and fraternal world.

Catherine Glee-Vermande

Maître de conférences /
Associate professor in OB-HRM
Directrice du Master Management des
Ressources Humaines et Organisation
iaelyon School of Management,
Université Jean Moulin