

# Streets, Suites, and States: John Hagan's Contributions to the Study of Law, Power, and Inequality

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## INTRODUCTION

We start this special issue with two perspectives. First, that the sociological study of crime and law often intersects with the study of inequality, power, the state, and life chances. Second, that the study of crime and law are deeply interconnected—institutionally, politically, and culturally. Legal institutions build on normative ideas, organizations, careers, and power to govern, to criminalize, and to punish (and, conversely, to ignore or absolve), and everyday understandings of crime are deeply tied to cultural understandings of legality, perceptions of justice and injustice, and hopes for everyday life. Law and crime are thus dynamically tied to social aspirations, fears, and divisions, and are political and social contests over what unites and what divides societies.

The articles in this special issue, though, go further. Each of these articles honors, reflects upon, and extends the work of Professor John Hagan, whose academic imprint has been to build a sociology of crime and law that is explicitly about the exercise of power and its consequences – and importantly, a sociology that connects the study of both justice and injustice. This matters. Take Hagan's (1974, 2) own doctoral thesis on "Criminal Justice in a Canadian Province: A Study of the Sentencing Process," which begins with the sentence: "The law, observed George Herbert Mead (1928), is a two-sided sword," since it generates perceptions of justice and injustice at once and can be both effective and counter-productive depending on the group that bears its brunt and the context at hand. From the outset, Hagan's sociological criminology has been deeply

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tied to law and decision-making in legal organizations, to perceptions of justice, and to economic and racial inequalities that are produced by state action.

Yet if a sociology of crime and law is so capacious, how can it be studied? What analytical parameters are needed to gain empirical purchase and conceptual traction on such an ambitious sociology? The articles in this special issue take up this challenge by collectively adopting Hagan's own research trajectory, taking up law and crime across three broad sites—"streets," "suites," and "states." These are not merely parallel contexts to be studied independently. As Hagan's work demonstrates, crime, criminalization, and injustice are experienced on "streets" precisely because of the state's own disinvestments (and neglect) in distressed neighborhoods, with lasting effects over the life course, across communities, and intergenerationally, with criminalization targeted at the streets precisely while being circumvented in the suites. Justice systems similarly see related forms of inequality within the legal profession itself. As Hagan's work makes evident, hierarchies of law map on to hierarchies of work and lawyering within the profession and, from there, to how the promise of justice is delivered, thereby reflecting existing social inequalities and producing homologous forms of division among legal professionals themselves. And as Hagan shows in his work on international justice, states and political elites engage in direct forms of crime and violence and with crimes that directly connect the suites of the state to war-torn streets, which may then be exposed to other institutions of law and justice in confrontations that put the limits of law, and the limits of state power, to the test.

As we discuss in more detail below, the articles in this special issue take up a wide array of topics: media representations of white-collar crime, the legal framework for grappling with and responding to genocide, inequalities of gender and race in the legal profession, the racialized effects that are produced by a new legal tool of asset forfeiture to be used by police, and how state injustice and recurring violence can lead to persistent social activism across generations. Remarkably, these are all topics on which Hagan has led scholarly research for decades. Perhaps Hagan's own capacity to work across so many fields of inquiry is because of a golden thread that motivates his research: as Jens Meierhenrich (2023) observes in his biographical essay in this issue, through the study of crime and law, Hagan offers an analysis of inequality that is also deeply normative, further underwritten by a latent (and, over the course of his career, more explicit) hope for a justice system that can be otherwise.

## STREETS, SUITES, AND STATES

Two articles in our symposium—"Is White-Collar Crime White? Racialization in the National Press Coverage of White-Collar Crime from 1950 to 2010" by Marina Zaloznaya, Alexandria Yakes, and James Wo (2023) and "California Civil Asset Forfeiture and the Policing of Minority Residents" by Jared Joseph and Bill McCarthy (2023)—follow in the tradition of Hagan's contributions to criminology. Both articles build upon and extend Hagan's (2012) arguments from *Who Are the Criminals?: The Politics of Crime Policy from the Age of Roosevelt to the Age of Reagan*. In *Who Are the Criminals?*, Hagan questions the ways in which politics define criminals and criminality in American society. Hagan argues that American criminal justice policy today is

marked by a divergence between our harsh treatment of “street crimes,” or drug, personal, and property crimes, and our lax treatment, even deregulation, of white-collar crime. On the one hand, our society constructs street crimes and street criminals as especially dangerous and associated predominantly with minority perpetrators. On the other hand, as Joseph and McCarthy (2023) reveal in their article, Hagan argues that the “[c]ollective framing of white-collar offenses as non-threatening to the racial majority of Americans has allowed for the non-contested de-regulation of financial markets and big businesses, within which the most consequential white-collar crimes tend to occur.”

Joseph and McCarthy extend Hagan’s ideas about the racialized framing of crime policies to analyze civil asset forfeiture. Civil asset forfeiture allows law enforcement to keep cash, cars, homes, and other property they seize from people who allegedly commit crimes. Joseph and McCarthy use a dataset of almost two decades of data on civil asset forfeiture that they obtained from California law enforcement agencies to examine whether this tool affects racial and ethnic minorities disproportionately. They argue that civil asset forfeiture will occur more often in jurisdictions where minorities are a high proportion of the population because of a racial threat. Their findings support this assertion: there is a statistically significant association between the number of seizures and a jurisdiction’s share of Black residents. Their findings are consistent with the idea that Black communities experience harsher policing than other groups.

Hagan has long insisted, however, that research on crime and policing in the streets cannot be divorced from the crimes that occur in the suites. This parallel inquiry is evident in the fact that Zaloznaya, Yakes, and Wo (2023) also rely heavily on *Who Are the Criminals?* in their article. The authors test “Hagan’s argument about the racialized collective framing of white-collar crime as a non-threatening consequence of American-style capitalism” (Zaloznaya, Yakes, and Wo 2023). The analysis of media portrayals of white-collar crime relies on articles collected from five newspapers from different regions of the United States: the *Los Angeles Times*, the *Atlanta Constitution*, the *New York Times*, the *St. Louis Post-Dispatch*, and the *Chicago Defender*, a prominent African American newspaper. They examine four crimes—bribery, tax evasion, credit card fraud, and voter fraud. The articles provide a complete set of coverage spanning from 1950 to 2010, allowing for over-time analysis. Analyzing these data shows that the racialization of white-collar criminals occurred simultaneously with that of the racialization of street criminals and in opposite directions. It is particularly notable that even African American perpetrators of white-collar crimes are “individualized” and constructed as “non-threatening” or mainstream.

The suites are not only sites of crime and concealment, however. As Hagan shows in his work, the role of law in the suites—and in corporate settings of large law firms—are also sites of constraint. Most notably, Hagan made important contributions to research on the legal profession, including his pioneering collaboration with Fiona Kay and others on gender inequality in the Toronto bar and beyond (Hagan, Huxter, and Parker 1988; Hagan and Kay 1995, 2007; Dinovitzer and Hagan 2014). In “Revolving Doors: Social Dimensions of Law Firm Culture and Pathways out of Firms,” Fiona Kay (2023) offers an innovative analysis of the movement of women lawyers out of law firms that builds on Hagan’s work. Using longitudinal data from surveys of Canadian lawyers over twenty-seven years, she finds that women lawyers are far more likely to leave law

firms than their male counterparts but that the rate at which they leave is shaped by their social capital and firm culture. Women who feel a match with their firms, who enjoy the support of mentors, and who are satisfied with the status rewards they receive are more likely to stay in their firms. Their attachment is further enhanced if their firms have workplace policies such as flexible scheduling that provide support to the lives of working professionals. Thus, while Hagan and Kay (1995) theorized that women attorneys were a pool of reserve labor that fueled the growth of large law firms, Kay offers a nuanced understanding of how women attorneys may fit into the contemporary law firm context given sufficient social capital and support from workplace policies.

In “Rethinking Inclusion: Ideal Minorities, Inclusion Cultures and Identity Capitals in the Legal Profession,” Swethaa Ballakrishnen (2023) offers an innovative approach to diversity and inequality in the legal profession by suggesting that much can be gained by analyzing systemic inequalities in law from the standpoint of groups traditionally on the periphery of the profession, such as queer, non-binary, and differently abled lawyers. Drawing on data from three related projects, Ballakrishnen suggests that these groups have identity capital that is valued by law firms attempting to promote their image as inclusive environments. Yet Ballakrishnen finds that the identity capital of these groups largely benefits the organizational interests of law firms rather than the marginal groups that provide this capital. Individuals from the marginalized groups face the particular challenge of navigating how to use their unique status, often leaving them with feelings of insecurity and outsider status rather than genuine inclusion. The article is a remarkable tribute and rejoinder to Hagan’s work on the legal profession and inequality, which presents an entirely new perspective on diversity programs and their relationship to the workplace experiences of marginalized groups.

Underlying the legal governance of both the streets and the suites, then, are systems of power, of relations, and of hierarchy. This is an intellectual sensibility that, for Hagan, had its roots within sociological criminology with the approaches of Howard Becker (1963) and others in the 1960s tradition of labelling theory and related symbolic interactionism. Yet it is also surely no surprise that Hagan (1973a, 1973b) quickly led the way in interrogating and pushing the boundaries of labelling theory within the ambit of an expanding sociological criminology of the 1970s, including his very first two articles entitled “Conceptual Deficiencies of the Interactionist Perspective in Deviance” and “Labelling and Deviance: A Case Study in the ‘Sociology of the Interesting,’” and with a growing focus on behavior, a perspective that has over time put Hagan and his work in conversation with a wide range of research traditions, including the study of the life course (see, for example, Hagan, MacMillan, and Wheaton 1996), of gender stratification (see, for example, Hagan, Simpson, and Gillis 1987), and developmental criminology (see, for example, Hagan and Foster 2003).

Upon his election to the National Academy of Sciences, for instance, Hagan’s inaugural collaborative article relies on data from Chicago to explain why residents in disadvantaged and racially segregated neighborhoods persist in calling police for assistance precisely in those neighborhoods with higher rates of skepticism about law and police (Hagan et al. 2018). They attribute this to a “desperate hope” for assistance, which is itself borne from state disinvestment, and the “cumulative structured inequalities that disadvantage African-American inner-city neighborhoods” (7198, 7192). There is resonance here with cultural and political sociologies of the state that

move beyond a Weberian monopoly on legitimate violence to grapple with the symbolic work of the state in establishing categories of thought and perceptions of what is just and unjust, legitimate and illegitimate, and how to approach one's own possibilities within these constraints (see, for example, Bourdieu 1994).

Yet, in so doing, Hagan's approach is also deeply attuned to not only the state's use of legitimate violence but also to its criminal use of violence. As his most recent book on Chicago policing demonstrates, illegitimate violence by the state, implemented through law and law enforcement, is part and parcel of the exclusion and disadvantage faced in predominantly Black neighborhoods and is deeply entrenched by legal and political elites who deny and exculpate such violence (Hagan, McCarthy, and Herda 2022). This structural focus on power and domination is equally central to Hagan's work on genocide. In this case, he has developed a social science that analyzes the behavior of state officials who engage in and excuse brutal violence as well as the role of activists and jurists who work with legal concepts to call out these abuses of state power and the effects that this has for further violence, perceptions of injustice, racial and ethnic victimization, and societal division—in other words, an analysis that is behavioral, political, legal, cognitive, and cultural all at once (see, for example Hagan 2003; Hagan and Levi 2005; Hagan and Raymond-Richmond 2008; Ivkovich and Hagan 2011; Hagan, Kaiser, and Hanson 2015).

Three articles in this special issue take up this theoretical thread directly. Aliza Luft's (2023) article "Genocide: Theories of Participation and Opportunities for Intervention" emphasizes behavioral variation during genocidal situations. Drawing mainly on research from Rwanda, Luft demonstrates the importance of attending to the processes and contexts through which individuals engage in violence as well as when they desist or when they choose to save others. Pointing to similar instances in other genocides, Luft demonstrates that strict categories of perpetrators and victims can obfuscate the processes through which genocidal violence occurs and when it does not. Luft explicitly builds on Hagan's ideas in developing a sociology of genocide. In pursuing her analysis, she shows how power relations and inequality have effects for how individuals engage in, or refrain from, genocidal violence. In parallel with Hagan's own structural approach, Luft thereby demonstrates the need to understand political, cognitive, and cultural factors to identify how and when violent behavior occurs. With this, Luft argues that sociological research on highly violent situations can also allow policy makers to learn how and when intervention may be possible during ongoing violence.

Joachim Savelsberg and Brooke Chambers (2023) build on Hagan's prior investigations of the Darfur genocide to enlarge the scope of how sociologists can learn and grapple with genocidal violence. In their article "Darfur Model, Rwanda, and the ICTR: John Hagan's Sociology of Genocide Continued," Savelsberg and Chambers integrate social science research on the Rwandan genocide with legal materials from the International Criminal Tribunal for Rwanda and, through this combination, outline some core similarities in the causal sequence of state violence that occurred in both Darfur and Rwanda. Drawing from Hagan's approach, Savelsberg and Chambers point to a context of power, categorization, control, and hierarchy that generates genocidal violence and social divisions, thereby linking macro- and meso-level contexts to individual behavior and violent mobilization. As with Luft's (2023) article, Savelsberg and Chambers (2023) also work to relate sociological research with law through a

sociology of legal knowledge. They do this in two ways: first, they demonstrate the value of genocide for sociologists to use legal materials as part of their evidence base for gaining insight into state-level processes of power and control and, second, they show how the limits of legal doctrine in turn highlight the importance of a sociological approach to genocide that is sharply attentive to collective contexts of threat, coercion, and grievances for understanding state violence and mass victimization.

Yet if courts have developed the authority to produce legal and official narratives of genocide, this leads to new reverberations within the legal field. In their article entitled “Judging Genocide: Emotional Labor during Transitional Justice,” Hollie Nyseth Brehm, Evelyn Gertz, and Christopher Uggen (2023) also take up the Rwandan genocide, but, here, they do so through interviews with local judges who presided over Rwanda’s community-based *gacaca* courts. In this article, we learn about the emotional costs experienced by these community-based judges in adjudicating such cases of violence, along with the role of state-led views on justice that train judges to appear unemotional during these hearings. Nyseth Brehm, Gertz, and Uggen further find that the emotion management strategies that these judges adopt are conditioned on both expected gender roles in Rwanda and on their own experiences during the violence of the Rwandan genocide. We take note of their interpretation that “the identities that were salient during the genocide shaped interpersonal emotion management in its aftermath”—by studying the implementation of post-genocide justice, their article demonstrates the tight relation between law, the state, and violence that has long been a hallmark of Hagan’s work (Nyseth Brehm, Gertz, and Uggen 2023).

The extent of these life course effects is apparent in Wenona Rymond Richmond’s (2023) article “Children of War Resisters: Intergenerational Transmission of Activism and Injustice Frames.” Here, Rymond-Richmond takes up Hagan’s research on an event that linked war, politics, and violence; law; and the life course. Over fifty thousand Americans moved to Canada in opposition to the Vietnam War, a group that Hagan (2001) studied and brought to light in his book *Northern Passage: American Vietnam War Resisters in Canada*. Rymond-Richmond (2023) went on to conduct interviews with fifty-one adult children of these war resisters, along with recontacting some parents: her question focused on whether the war resistance of their parents in moving to Canada has led to social movement activism among their children. Rymond-Richmond argues that this indeed is the case, and she further identifies that this fate is tied to their family histories of war resistance and to a political consciousness borne from what they perceive as both the injustices of militarism and the legal consequences of military refusal.

Hagan’s own personal and professional trajectory is central to his study of Vietnam War resisters. And his understanding of justice and injustice is also evident across these articles. This is precisely what Jens Meierhenrich (2023) reflects upon in his article “Toward a Sociology of International Law: John Hagan and Beyond.” In it, Meierhenrich develops an intellectual history of the crossroads of international law and sociology—a field analysis that he develops through Hagan’s own personal and scholarly trajectory. Meierhenrich highlights Hagan’s contribution to an empirical sociology of international law, its methodological innovations, the debates it has generated across disciplines, and its homologies with the international legal field. In so doing, Meierhenrich connects Hagan’s personal and professional trajectories to distill

what he calls a “liberalism of hope.” This brand of liberalism reflects an underlying faith in international law’s claims to offer justice, while it also calls for further scholarly reflection. Liberalism as hope offers a faith in the power of individuals to make a difference—a faith that Meierhenrich identifies with the social and political contexts that mark Hagan’s career across the study of streets, suites, and states.

## JUSTICE AND INJUSTICE ACROSS ERAS

This review takes us, then, back to our original question: how to produce a sociology of crime and law that is rooted in the study of power, inequality, and life chances. This symposium on the legacy of John Hagan’s research has relied on the research sites of streets, suites, and states that exhibit the span of his work throughout his career. This has allowed Hagan to harness the insights from some of the sites of the greatest inequality and to embed them in a sociology that extends beyond what Loïc Wacquant (2010, 199) describes as the “crime-and-punishment poke.” The power of this model for understanding states, culture, inequality, and justice is evident in these articles, presaged in Hagan’s early reliance on Mead’s view of law decades ago.

Yet as we reflect on these articles, we see something else—namely, that there is, throughout Hagan’s work and the articles in this collection, an emphasis on a sociology that provides insights into social and political eras. These articles speak to these insights. Whether reflected in shifts in US crime policy or growing disinvestment in US cities, the growth of the legal profession and new entrants to the practice of law, war and its aftereffects, immigration, or the globalization of law, Hagan’s work on crime and law provides us with an integrated sociology of power, justice, and inequality as well as a model, through these, for how to study the structure and distribution of life chances.

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