

Power in Society

The structure of Civil Forfeiture demonstrates the Karl Marx theory of the relationship between law and society because it shows how power held within societal classes is dominant in controlling the legal field.

Law is deeply embedded in society. It is constructed to resolve conflict and promote the idea of justice. Law is one of the things in this world that holds a lot of power. It is used for social control, designing how people should act according to what the government decides. It creates societal norms, traditions, expectations, and across the world, also cultures. These laws help protect society, ensure our rights, and are supposed to bind people together that live in the same community[ies]. Power has always been a struggle in the United States. Presidency, law and authority, communication. Societal classes, employment, relationships. All of these are examples of how power plays a role in almost every aspect of your life. Power is complex. It is a concept that is hard for any person to understand. This power is intended to be used for good. Sometimes however, there are hierarchies that are at fault for unequal law. Law is both socially, and historically constructed in our lives to support the people.

Karl Marx, a German philosopher and economist from the 1800's, created the concept of a base Superstructure that consists of the ideologies that dominate a particular era. This is in relation to all aspects of society, encompassing politics and law that men say, imagine, and conceive, including such things like politics, laws, morality, religion, and more. This Superstructure helps the higher class in society keep hold of their power and maintain a dominant position. Between the higher and lower classes, we can define the terms "One Shotters" and "Repeat Players." One Shotters are people who are focused on the outcome of their case, who are only in court once or on occasion. Repeat Players are people who are repetitively

in court, looking for the best outcome over time. Those who are Repeat Players have more resources available to them, where One Shotters do not, and we see this dominant idea when looking at Civil Forfeiture in society.

Civil Forfeiture is defined as the legal process that enables a government to seize property and other assets belonging to persons suspected of committing a crime. These people, however, don't have to be convicted or charged with said crime in order for the government to take their valuables. They can get off completely free of charge, but only if they give up what they find during inspection. Examples of these assets include their property, cash, or anything else available during the seizing. When looking further in depth at who is convicted, many people who are inspected have low income. These people do not have easy access to lawyers or any other legal resources that could help them gain their assets back. They can't fight the unfair law the government is upholding.

Civil Forfeiture in society is defined by which societal class has more power. It is intended to enable authorities to try and deprive criminals, with punishment and deterrence, of property or anything else acquired through illegal activities. (Stillman, 2013). However, it has been tested across the country, seeing how much law enforcement can gain. Law enforcement agencies benefit directly from Civil Forfeiture. They can keep a shared portion of the assets. They can keep up to 80% of what is seized (O'Harrow & Horwitz & Rich, 2015). While this benefits those in law enforcement, more than half of the time, the person was found to be innocent. (Carpenter & McDonald & Popovich, 2022).

Different classes hold different amounts of power, and this is a good example of One Shotters vs Repeat Players. Those who are a part of the inspection are One Shotters, whereas law enforcement is the Repeat Player. Criminal cases, landlord and tenants, and also the IRS vs a

taxpayer are the most common variances to see in a courtroom. A person who is being seized is not often in court, and the stakes at which they win are most important because they are not meant to be in there. Law enforcement is often found in the courtroom, so they can afford to lose. Though they are there to play the long game to pursue their long-term interests. Law enforcement comes out ahead the majority of the time because they have more experience and knowledge, creating an unfair advantage to the One Shotter.

This theory that Karl Marx has created is clearly portrayed in today's law and society, although it is trying to be corrected. “‘With this new policy, effective immediately, the Justice Department is taking an important step to prohibit federal agency adoptions of state and local seizures, except for public safety reasons,’ Holder said in his statement” (O’Harrow & Horwitz & Rich, 2015, p. 1). While this may not be an issue that can be fixed completely, it is something that can be addressed and brought to the attention of the government to try and convert how it is being used. It is unfair that authorities abuse this asset for their own benefit, when the people they target are struggling as well. This shows the power held within society is dominant through social classes. The authorities take control of the law so they can benefit in the long run.

Power struggles have been a topic of conversation for ages. Public opinion also holds great importance when it comes to the conversation of power. Public opinion acts as a check in for citizens to reflect their values, preferences, and concerns. There are mixed opinions when it comes to Civil Forfeiture. Some agree with its usage because it is a valuable tool in fighting organized crime and other illegal activities. Others, though, view it as a violation of individual rights. “People are still going to lose their property without being convicted of a crime, they’re still going to have their property seized” (Liptak & Dewan, 2019, p.1).

No matter your views on this concept, your societal class will always play a role in how your opinion is viewed, processed, and received by others and the government. When you go to court; the more money you have, the more resources you will have, the better off your outcome will be. If you keep appearing in court, the more experience and understanding you will have, leaving you even better off than before.

There are so many things that play a role when it comes to deciding if Civil Forfeiture is something worth arguing. Arguing if it is right by the citizens, by the government, violates the law, if the process is fair... All sides can be argued, but the biggest thing that plays a role when deciding which side to argue for, is power. Power dominates everything. Any decision that is made, has the risk of being overthrown by someone with more power. Karl Marx's theory of capitalism emphasizes the role of class struggle and how the fundamental drivers of our society is economic power. Civil Forfeiture is a big controversial topic in society, and Karl Marx helps to demonstrate how law and society is dominated by power in the legal system.

References

Carpenter, D., & McDonald, J., & Popovich, Z. (2022, February 21). The complex process of civil forfeiture. *CrimRxvi* [Reprint]. <https://doi.org/10.21428/cb6ab371.3f24fe38>