

Was Ellen Wronged?

Stephen P. Garvey

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Abstract Imagine a citizen (call her Ellen) engages in conduct the state says is a crime, for example, money laundering. Imagine too that the state of which Ellen is a citizen has decided to make money laundering a crime. Does the state wrong Ellen when it punishes her for money laundering? It depends on what you think about the authority of the criminal law. Most criminal law scholars would probably say that the criminal law as such has no authority. Whatever authority it has depends on how well it adheres to the demands of morality inasmuch as morality is the only authority we have. Thus if morality says that money laundering should not be a crime then the state wrongs Ellen when it punishes her. But if the criminal law as such does have authority, and if in the exercise of its authority the state has decided to make money laundering a crime, then the state does Ellen no wrong when it punishes her.

Keywords Authority · Criminalization

Ellen's Question

Ellen Campbell has a big problem: money laundering. She also has a simple question: When the feds put her in jail for it, is *she* the one being wronged? The question is simple. The answer is not. Here is the back story.

Campbell was a real-estate broker in posh Lake Norman, North Carolina. Mark Lawing was a drug dealer who wanted to buy a house. He contacted Campbell for help. Lawing eventually settled on a house for \$182,500 but told Campbell he could get a mortgage for only \$122,500. In order to get around the shortfall he persuaded the sellers to take \$60,000 under the table in cash and sign a renegotiated purchase agreement for \$122,500. The house was his. The \$60,000 came (of course) from selling drugs. When the closing

S. P. Garvey (✉)
Cornell Law School, Ithaca, NY, USA
e-mail: spg3@cornell.edu