



Lionel Messi Is A White-Collar Criminal

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Lionel Messi is in Melbourne with his Argentinian teammates to play Brazil at the MCG tonight. But should he actually be locked up in a Spanish jail?

Messi was convicted last year of evading millions of euros in taxes. His [appeal was denied last month](#) and his sentence of 21 months in prison and a €2 million fine was upheld. Messi, however, is likely to avoid jail because in Spain, first offences carrying sentences of less than two years are usually suspended.

By contrast, Melissa Higgins of Albury was recently [sentenced to four years in prison](#) for defrauding the Commonwealth of funding for her childcare business. Last year, we saw the sentencing of stockbroker [Oliver Curtis](#) to prison for insider trading. At the behest of the Greens, not normally known for being tough-on-crime, the [Senate later held an inquiry](#) into toughening penalties for white collar crime.

All of this takes place in the context of [rapidly growing incarceration and related costs in Australia](#).



Our national prison population has grown by almost 40 percent in the last 10 years, and governments now spend almost \$4 billion on prisons each year. Fifty-nine percent of prisoners in Australian jails have been imprisoned before.

Forthcoming IPA research finds that Australia's prison population has grown faster than all but five other OECD countries, and that our annual per prison expenditure is the fourth highest in the OECD. The growth of police spending has similarly far outpaced comparable countries. And yet, polling shows that despite this high expenditure, Australia consistently ranks among the countries whose people are most concerned about crime.

Clearly, we are not getting value for money. But how do we go about fixing this?

We need to start from first principles: personal responsibility and fair punishment. All offenders should be punished. Violent criminals must be locked-up to keep the community safe. But for nonviolent, low-risk criminals, other punishments are possible.

Unfortunately, the Spanish approach seems to forego punishment altogether for some offenders. We need an approach that recognises the inefficiency of jailing nonviolent, low-risk offenders but still delivers meaningful punishment.

In reshaping our criminal justice system, there are lessons we can learn from other jurisdictions. The IPA's latest criminal justice research paper, [Criminal justice reform: lessons from the United States](#) outlines how reformers in American states have rationalised their states' criminal justice systems towards community safety by targeting resources towards violent and recidivist offenders.

This process begins with punishment reform for nonviolent criminals, including petty thieves, low-level drug offenders, and white-collar criminals. Nonviolent offenders can be punished with a combination of home detention, movement restrictions, community service, fines, and restitution orders. These measures are cheaper and have shown promising results.

Community-based punishments also enable offenders who have jobs to continue in their work. This is important not only because unemployment is strongly correlated with a higher-risk of offending but because offenders can then be productive members of the community, rather than a drain on public resources. Which is to say, the public is better off with Lionel Messi on a soccer pitch than confined to a prison cell. And this should be a general principle, not one reserved just for famous and popular athletes.

If the Greens and others were serious in their contention that white-collar crime should be treated like violent offences, they would have objected to Lionel Messi being granted a visa. After all, over the years we have seen [musicians, sportsmen, and activists](#) all banned from entering Australia because of their criminal records. Singer Chris Brown was rightly denied entry because of his violent crimes, as was boxer Floyd Mayweather. Rapper Snoop Dogg was denied entry for drugs and gun charges. [Tyler the Creator](#) did not even bother applying for a visa, such was the controversy about his lyrics. If white-collar crime is so bad as to warrant prison, then Messi should have joined that list. Instead, the silence of the white-collar crime scare campaigners reveals their



position to be inconsistent and opportunistic.

As we enjoy the spectacle tonight, we should imagine how it would be without its main attraction. His presence on the field should be a reminder that for some low-risk criminals, prison is an expensive waste.

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