

Class, State, and Crime

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Crime and the Development of Capitalism

The Understanding of Crime

... An understanding of crime in our society begins with the recognition that the crucial phenomenon to be considered is not crime per se, but the historical development and operation of capitalist society.¹ The study of crime involves an investigation of such natural products and contradictions of capitalism as alienation, inequality, poverty, unemployment, spiritual malaise, and the economic crisis of the capitalist state. To understand crime we have to understand the development of the political economy of capitalist society.

The necessary condition for any society is that its members produce their material means of subsistence. Social production is therefore the primary process of all social life. Furthermore, in the social production of our existence we enter into relations that are appropriate to the existing forces of production.² According to Marx, it is this "economic" structure that provides a grounding for social and political institutions, for everyday life, and for social consciousness. Our analysis thus begins with the *conditions* of social life.

The *dialectical method* allows us to comprehend the world as a complex of processes, in which all things go through a continuous process of coming into being and passing away. All things are studied in the context of their historical development. Dialectical analysis allows us to learn about things as they are in their actual interconnection, contradiction, and movement. We critically understand our past, informing our analysis with possibilities for our future.

A Marxist analysis shares in the larger *socialist struggle*. There is the commitment to eliminating exploitation and oppression. Being on the side of the oppressed, only those ideas are advanced that will aid in transforming the capitalist system. The objective of understanding is change—revolutionary change. The purpose of our intellectual labors is to assist in providing knowledge and consciousness for building a socialist society. Theories and strategies are developed to increase conscious class struggle; ideas for an alternative to capitalist society are formulated; and

strategies for achieving the socialist alternative are proposed. In the course of intellectual-political work we engage in activities and actions that will advance the socialist struggle.

Finally, the questionable character of spiritual as well as material life under capitalism is understood in an analysis of crime. Marxism is a necessary method for unmasking the hidden levels of the material world. The far-reaching implications, however, are found in the *prophetic understanding* of reality. Recovered is the urgency of the human nature revealed in the contemporary condition and in its transformation. Socialism, Tillich observes, "acts in the direction of the messianic fulfillment; it is a messianic activity to which everybody is called."³

With these characteristics of understanding—encompassing a dialectical and historical analysis of the conditions of capitalist society in relation to socialist revolution—we begin to formulate significant substantive questions about crime. In recent years, as socialists have turned their attention to the study of crime, the outline for these questions has become evident. At this stage in our intellectual development the important questions revolve around *the meaning of crime in capitalist society*. Furthermore, there is the realization that the meaning of crime changes in the course of the development of capitalism.

The basic question in the analysis of crime is thus formulated: what is the meaning of crime in the development of capitalism? In approaching this question, we give attention to several interrelated processes: (1) the development of capitalist political economy, including the nature of the forces and relations of production, the formulation of the capitalist state, and the class struggle between those who do and those who do not own and control the means of production; (2) the systems of domination and repression established in the development of capitalism, operating for the benefit of the capitalist class and secured by the capitalist state; (3) the forms of accommodation and resistance to the conditions of capitalism by all people oppressed by capitalism, especially the working class; and (4) the relation of the dialectics of domination and accommodation to patterns of crime in capitalist society, producing the crimes of domination and the crimes of accommodation. These processes are dialectically related to the developing political economy. Crime is to be understood in terms of the development of capitalism.

The Development of a Capitalist Economy

As noted, crime is a manifestation of the conditions—material and spiritual—of society. The failure of conventional criminology is to ignore, by design, the conditions of capitalism. Since the phenomena of crime are products of material and spiritual conditions, any explanation of crime in terms of other elements is no explanation at all. Our need is to develop a general framework for understanding crime, beginning with the underlying historical processes of social and moral existence.

Production, as the necessary requirement of existence, produces its own forces and relations of social and economic life. The material factors (such as resources and technology) and personal factors (most importantly the workers) present at any given time form the productive *forces* of society. In the process of production, people form definite relations with one another. These *relations* of production, in reference to the forces of production, constitute the particular *mode* of production of any society at any given time.

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Once the outlines of *political economy* (the productive forces, the relations of production, and the superstructure) have been indicated, the *class structure* and its dynamics can be recognized. A class society arises when the system of production is owned by one segment of the society to the exclusion of another. All production requires ownership of some kind; but in some systems of production ownership is private rather than social or collective. In these economies social relations are dependent on relations of domination and subjection. Marxist economists thus observe: "Relations of domination and subjection are based on private ownership of the means of production and express the exploitation of man by man under the slave-owning, feudal and capitalist systems. Relations of friendly co-operation and mutual assistance between working people free of exploitation are typical of socialist society. They are based on the public ownership of the means of production, which cut out the exploitation."⁴

Social life in capitalist society, which includes crime, therefore, is related to the economic conditions of production and the struggle between classes produced by these conditions. In other words, in capitalist society the behavior of any group or any individual is part of the conflict that characterizes class relations, a conflict produced by the capitalist system of production. The life of one class is seen in relation to that of the other. . . . Hence, class in capitalist society is analyzed in reference to the relationship to the process of production and according to the relationship to other classes in the society.

Moreover, the problematics of *labor* (as a foremost human activity) characterize the nature and specific relationship of the classes. For the capitalist system to operate and survive, the capitalist class must exploit the labor (appropriate the *surplus labor*) of the working class. . . . The capitalist class survives by appropriating the labor of the working class, and the working class as an exploited class exists as long as labor is required in the productive process: each class depends on the other for its character and existence.

The amount of labor appropriated, the techniques of labor exploitation, the conditions of working-class life, and the level of working-class consciousness have all been an integral part of the historical development of capitalism.⁵ In like manner, the degree of antagonism and conflict between classes has varied at different stages in the development. Nevertheless, it is the basic contradiction between classes, generalized as class conflict, that typifies the development of capitalism. Class conflict permeates the whole of capitalist development, represented in the contradiction between those who own property and those who do not, and by those who oppress and those who are oppressed.⁶ All past history that involves the development of capitalism is the history of class struggle.

Capitalism as a system of production based on the exploitation by the capitalist class that owns and controls the means of production is thus a dynamic system that goes through its own stages of development. In fact, capitalism is constantly transforming its forces and relations of production. As a result, the whole of capitalist society is constantly being altered—within the basic framework of capitalist political economy. . . .

Domination and Repression

The capitalist system must continuously reproduce itself. This is accomplished in a variety of ways ranging from the establishment of ideological hegemony to the

further exploitation of labor, from the creation of public policy to the coercive repression of the population. Most explicitly, it is the *state* that secures the capitalist order. Through various schemes and mechanisms, then, the capitalist class is able to dominate. And in the course of this domination, crimes are carried out. These crimes, committed by the capitalist class, the state, and the agents of the capitalist class and state, are crimes of domination.

Historically, the capitalist state is a product of a political economy that depends on a division of classes. With the development of an economy based on the exploitation of one class by another, a political form was needed that would perpetuate that order. With the development of capitalism, with class divisions and class struggle, the state became necessary. . . . The state thus arose to protect and promote the interests of the dominant class, the class that owns and controls the means of production. The state exists as a device for controlling the exploited class, the class that labors, for the benefit of the ruling class. Modern civilization, as epitomized in capitalist societies, is founded on the exploitation of one class by another. Moreover, the capitalist state is oppressive not only because it supports the interests of the dominant class but also because it is responsible for the design of the whole system within which the capitalist ruling class dominates and the working class is dominated.⁷ The capitalist system of production and exploitation is secured and reproduced by the capitalist state.

The coercive force of the state, embodied in law and legal repression, is the traditional means of maintaining the social and economic order. Contrary to conventional wisdom, law, instead of representing the community custom, is an instrument of the state that serves the interests of the developing capitalist class.⁸ Law emerged with the rise of capitalism. As human labor became a commodity, human relations in general began to be the object of the commodity form. Human beings became subject to juridic regulation; the capitalist mode of production called forth its equivalent mode of regulation and control, the legal system.⁹ And criminal law developed as the most appropriate form of control for capitalist society. Criminal law and legal repression continue to serve the interests of the capitalist class and the perpetuation of the capitalist system.

Through the legal system, then, the state forcefully protects its interests and those of the capitalist class. Crime control becomes the coercive means of checking threats to the existing social and economic order, threats that result from a system of oppression and exploitation. As a means of controlling the behavior of the exploited population, crime control is accomplished by a variety of methods, strategies, and institutions. The state, especially through its legislative bodies, establishes official policies of crime control. The administrative branch of the state formulates and enforces crime-control policies, usually setting the design for the whole nation. Specific agencies of law enforcement, such as the Federal Bureau of Investigation and the recent Law Enforcement Assistance Administration, determine the nature of crime control. And the state is able through its Department of Justice officially to repress the "dangerous" and "subversive" elements of the population. Together, these state institutions attempt to rationalize the legal system by employing the advanced methods of science and technology. And whenever any changes are to be attempted to reduce the incidence of crime, rehabilitation of the individual or reform within the existing institutions is suggested.¹⁰ To drastically alter the society and the crime-control establishment would be to alter beyond recognition the capitalist system.

Yet the coercive force of the state is but one means of maintaining the social and economic order. A more subtle reproductive mechanism of capitalist society is the perpetuation of the capitalist concept of reality, a nonviolent but equally repressive means of domination.

Those who rule in capitalist society—with the assistance of the state—not only accumulate capital at the expense of those who work but impose their ideology as well. Oppression and exploitation are legitimized by the expropriation of consciousness; since labor is expropriated, consciousness must also be expropriated.¹¹ In fact, *legitimacy* of the capitalist order is maintained by controlling the consciousness of the population. A capitalist hegemony is established.

Although the capitalist state creates and manages the institutions of control (employing physical force *and* manipulation of consciousness), the basic contradictions of the capitalist order are such that this control is not absolute and, in the long run, is subject to defeat. Because of the contradictions of capitalism, the capitalist state is more weak than strong.¹² Eventually the capitalist state loses its legitimacy and no longer is able to perpetuate the ideology that capital accumulation for capitalists (at the expense of workers) is good for the nation or for human interests. The ability of the capitalist economic order to exist according to its own interests is eventually weakened. The problem becomes especially acute in periods of economic crisis, periods that are unavoidable under capitalism.

In the course of reproducing the capitalist system crimes are committed. One of the contradictions of capitalism is that some of its laws must be violated in order to secure the existing system. The contradictions of capitalism produce their own sources of crime. Not only are these contradictions heightened during times of crisis, making for an increase in crimes of domination, but the nature of these crimes changes with the further development of capitalism.

The crimes of domination most characteristic of capitalist domination are those crimes that occur in the course of securing the existing economic order. These crimes of economic domination include the crimes committed by corporations, ranging from price fixing to pollution of the environment in order to protect and further capital accumulation. Also included are the economic crimes of individual businessmen and professionals. In addition, the crimes of the capitalist class and the capitalist state are joined in organized crime. The more conventional criminal operations of organized crime are linked to the state in the present stage of capitalist development. The operations of organized crime and the criminal operations of the state are united in the attempt to assure the survival of the capitalist system.

Then there are the crimes of government committed by the elected and appointed officials of the capitalist state. The Watergate crimes, carried out to perpetuate a particular governmental administration, are the most publicized instances of these crimes. There are also those offenses committed by the government against persons and groups who would seemingly threaten national security. Included here are the crimes of warfare and the political assassination of foreign and domestic leaders.

Crimes of domination also occur in the course of state control. These are crimes of control. They include the felonies and misdemeanors that law-enforcement agents, especially the police, carry out in the name of the law, usually against persons accused of other violations. Violence and brutality have become a recognized part of police work. In addition to these crimes of control, there are crimes of a more subtle nature in which agents of the law violate the civil liberties of citizens, as in the various forms of surveillance, the use of provocateurs, and the illegal denial of due process.

Finally, many *social injuries* committed by the capitalist class and the capitalist state are not usually defined as criminal in the legal codes of the state.¹³ These systematic actions, involving the denial of basic human rights (resulting in sexism, racism, and economic exploitation), are an integral part of capitalism and are important to its survival.

Underlying all capitalist crimes is the appropriation of the surplus value created by labor. The working class has the right to possess the whole of this value. The worker creates a value several times greater than the labor power purchased by the capitalist. The excess value created by the worker over and above the value of labor power is the surplus value appropriated by the capitalist, being the source of accumulation of capital and expansion of production.

Domination and repression are basic to class struggle in the development of capitalism. The capitalist class and the state protect and promote the capitalist order by controlling those who do not own the means of production. The labor supply and the conditions for labor must be secured. Crime control and crimes of domination are necessary features and natural products of a capitalist political economy. . . .

Crime in Capitalist Society

An understanding of crime, as developed here, begins with an analysis of the political economy of capitalism. The class struggle endemic to capitalism is characterized by a dialectic between domination and accommodation. Those who own and control the means of production, the capitalist class, attempt to secure the existing order through various forms of domination, especially crime control by the capitalist state. Those who do not own and control the means of production, especially the working class, accommodate to and resist the capitalist domination in various ways.

Crime is related to this process. Crime control and criminality (consisting of the crimes of domination and the crimes of accommodation) are understood in terms of the conditions resulting from the capitalist appropriation of labor. Variations in the nature and amount of crime occur in the course of developing capitalism. Each stage in the development of capitalism is characterized by a particular pattern of crime. The meaning and changing meanings of crime are found in the development of capitalism.

What can be expected in the further development of capitalism? The contradictions and related crises of a capitalist political economy are now a permanent feature of advanced capitalism. Further economic development along capitalist lines will solve none of the internal contradictions of the capitalist mode of production.¹⁴ The capitalist state must therefore increasingly utilize its resources—its various control and repressive mechanisms—to maintain the capitalist order. The dialectic between oppression by the capitalist class and the daily struggle of survival by the oppressed will continue—and at a quickened pace.

The only lasting solution to the crisis of capitalism is socialism. Under late, advanced capitalism, socialism will be achieved in the struggle of all people who are oppressed by the capitalist mode of production, namely, the workers and all elements of the surplus population. An alliance of the oppressed must take place.¹⁵ Given the objective conditions of a crisis in advanced capitalism, and the conditions

political system. The notion that the social problems generated by capitalism can be solved becomes obsolete. Instead, problems such as crime are dealt with as *control* problems. When the underlying conditions of capitalism cannot be changed—without changing the capitalist system—controlling the population oppressed by existing conditions is the only “solution.” Thus, as one theorist-strategist of the capitalist state puts it, we must “learn to live with crime”; and the important question then becomes “what constitutes an effective law-enforcement and order-maintenance system?”¹⁹

On all levels of the criminal justice system, new techniques of control are being developed and instituted. Not only has there been increased implementation of a military-hardware approach to criminal justice but, developing more recently along with it, there are more subtle approaches. A dual system is developing whereby some of the surplus population’s actions defined as criminal are dealt with harshly by strong-arm techniques and punitive measures. Other actions by other portions of the surplus population are handled by such software techniques as diversion from the courts and community-based corrections. In general, however, whatever the current techniques, the new model is one of *pacification*.²⁰ The surplus population is not only to be controlled but is to accept this control. The capitalist state, in alliance with monopoly capital, must continually innovate in expanding the criminal justice system.

Whatever the technique of control, the fact remains that the surplus population in need of control is being controlled by the criminal justice system. Control is especially acute in those periods when the economic crisis is most obvious—during periods of depression and recession. It is then that the surplus population, expanding because of unemployment, is affected most.

As usual during these periods, the hardest-hit groups are women, blacks, the young, and unskilled workers. . . .

A way of controlling this unemployed surplus population is simply and directly by confinement in prisons. The rhetoric of criminal justice—and that of conventional criminology—is that prisons are for incarcerating criminals. In spite of this mystification, prisons are used to control the part of the surplus population subject to the discretion of criminal law and the criminal justice system. The figures and the conclusion that prisons are differently utilized according to the extent of economic crisis are not usually presented. The finding is clear: the prison population increases as the rate of unemployment increases.²¹ Unemployment simultaneously makes necessary various actions of survival by the unemployed surplus population and requires the state to control that population in some way. Containing the unemployed in prison is a certain way of controlling a threatening surplus population. Until other solutions of control are found, the capitalist state will need the prison’s certainty for controlling portions of the surplus population. . . .

Notes

1. Paul Q. Hirst, “Marx and Engels on Law, Crime and Morality,” *Economy and Society* 1 (February 1972): 28–56.
2. Karl Marx, *A Contribution to the Critique of Political Economy*, ed. M. Dobb (New York: International Publishers, 1970), pp. 20–21.
3. Paul Tillich, *Theology of Culture*, ed. Robert C. Kimball (New York: Oxford University Press, 1959), p. 198.

4. L. Afanasyev et al., *The Political Economy of Capitalism* (Moscow: Progress Publishers, 1974), p. 12.
5. Jurgen Kuczynski, *The Rise of the Working Class* (New York: McGraw-Hill, 1967).
6. Robert Heiss, *Engels, Kierkegaard, and Marx* (New York: Dell, 1957), p. 390.
7. David A. Gold, Clarence Y. H. Lo, and Erik Olin Wright, “Recent Developments in Marxist Theories of the State,” *Monthly Review* 27 (November 1975): 36–51.
8. Stanley Diamond, “The Rule of Law Versus the Order of Custom,” *Social Research* 38 (Spring 1971): 42–72; and Michael Tigar, with the assistance of Madeleine Levy, *Law and the Rise of Capitalism* (New York: Monthly Review Press, 1977).
9. E. B. Pashukanis, “The General Theory of Law and Marxism,” in *Soviet Legal Philosophy*, trans. and ed. Hugh W. Babb (Cambridge, MA.: Harvard University Press, 1951), pp. 111–225; and Isaac D. Balbus, “Commodity Form and Legal Form: An Essay on the ‘Relative Autonomy’ of the Law,” *Law and Society Review* 11 (Winter 1977): 571–88.
10. Alexander Liazos, “Class Oppression: The Functions of Juvenile Justice,” *Insurgent Sociologist* 5 (Fall 1974), pp. 2–24.
11. Alan Wolfe, “New Directions in the Marxist Theory of Politics,” *Politics and Society* 4 (Winter 1974): 155–57.
12. Wolfe, “New Directions in the Marxist Theory of Politics,” p. 155.
13. Tony Platt, “Prospects for a Radical Criminology in the United States,” *Crime and Social Justice* 1 (Spring-Summer 1974): 2–10; and Herman and Julia Schwendinger, “Defenders of Order or Guardians of Human Rights?” *Issues in Criminology* 5 (Summer 1970): 123–57.
14. Ernest Mandel, “The Industrial Cycle in Late Capitalism,” *New Left Review* 90 (March-April 1975): 3–25.
15. O’Connor, *Fiscal Crisis of the State*, pp. 221–56.
16. James O’Connor, *The Fiscal Crisis of the State* (New York: St. Martin’s, 1973), p. 7.
17. Clarence Y. H. Lo, “The Conflicting Functions of U.S. Military Spending after World War II,” *Kapitalstate*, no. 3 (Spring 1975): 26–44.
18. O’Connor, *The Fiscal Crisis of the State*, p. 221.
19. James Q. Wilson, “Crime and Law Enforcement,” in *Agenda for the Nation*, ed. Kermit Gordon (Washington, D.C.: U.S. Government Printing Office), pp. 199, 204.
20. Center for Research on Criminal Justice, *The Iron Fist and the Velvet Glove*, pp. 126–31.
21. Ivan Jankovic, “Labor Market and Imprisonment,” *Crime and Social Justice* 8 (Fall-Winter 1977): 17–31. Also see report in *NEPA News* (Northeast Prisoner’s Association), February 1976, p. 16. Theoretical background is found in Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939).