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Crime and the Development of Capitalism

Our desire is to understand the conditions of our contemporary historical existence. We are located in the material world, but a comprehension of that world and our place in it requires an imagination that exceeds the details of daily finite existence. It is in both social analysis and prophetic theology that our imagination is enhanced. The myths and images of human nature and social life by which we understand our contemporary condition transcend the concrete historical situation.

Under capitalism our actual condition has become mistakenly regarded as the essential condition. We have increasingly become the objects of our own history, left to drift without an ultimate end. Moreover, the methodology for understanding our world suffers from the same condition, limiting reality to the technical and scientific conquest of time and space. This truly is the contemporary human predicament.

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

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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 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 connection, 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. The ideas and strategies are developed to increase conscious class struggle for an alternative to capitalist society are formulated; and 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, how they are found in the *prophetic understanding* of reality. Recovering 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

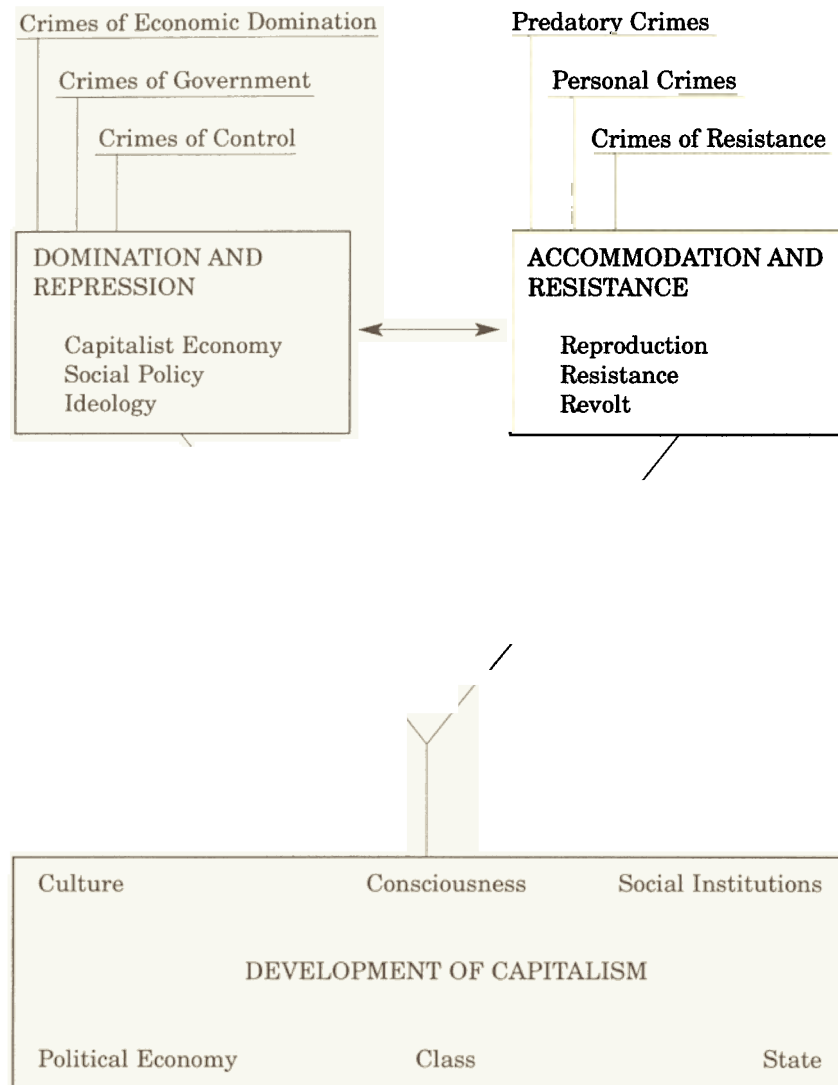
significant substantive questions about crime. In recent years, as socialists have turned their attention to the study of crime, the outline for these questions has become evident. At this stage in our intellectual development the important questions revolve around the meaning of crime in capitalist 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



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production, in reference to the forces of production, constitute the particular *mode* of production of any society at any given time.

Once the outlines of political economy (the productive forces, the relations of production, and the superstructure) have been indi-

cated, 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 cooperation 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 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. As E. P. Thompson observes, an analysis of class entails the notion of the historical relationship of classes:

Like any other relationship, it is a fluency which evades analysis if we attempt to stop it dead at any given moment and anatomise its structure. The finest-meshed sociological net cannot give us a pure specimen of class, any more than it can give us one of deference or of love. The relationship must always be embodied in real people in a real context. Moreover, we cannot have two distinct classes, each with an independent being, and then bring them *into* relationship with each other. We cannot have love without lovers, nor deference without squires and laborers. And class happens when some men, as a result of common experiences (inherited or shared), feel and articulate the identity of their interests as between themselves, and as against other men whose interests are different from (and usually opposed to) theirs. The class experience is largely determined by the productive relations into which men are born—or enter involuntarily.⁵

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* 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. Maurice Dobbs notes:

The relationship from which in one case a common interest in preserving and extending a particular economic system and in the other case an antagonism of interest on this issue can alone derive must be a relationship with a particular mode of extracting and distributing the fruits of surplus labour, over and above the labour which goes to supply the consumption of the actual producer. Since this surplus labour constitutes its life-blood, any ruling class will of necessity treat its particular relationship to the labour process as crucial to its own survival; and any rising class that aspires to live without labour is bound to regard its own future career, prosperity and influence as dependent on the acquisition of some claim upon the surplus labour of others.⁶

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.⁷ 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.⁸ 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.

The Marxian view stresses the qualitative changes in social

organization and social relations, as well as (or in relation to) the quantitative changes in the economic system.⁹ Capitalism transforms itself, affecting the social existence of all who live under it. This is the basic dynamic of capitalist development, an interdependence of production, the relations of production, and the social superstructure of institutions and ideas. "For it is a requirement of all social production that the relations which people enter into in carrying on production must be suitable to the type of production they are carrying on. Hence, it is a general law of economic development that the relations of production must necessarily be adapted to the character of the forces of production."¹⁰

As the preceding discussion indicates, analysis of the meaning of crime in the development of capitalism necessarily involves an investigation of the relation between the concrete stage of capitalist development and the social relations that correspond to that stage. This is not to argue that social relations and culture are an automatic (directly determined) product of the economic structure. After all, people may enter into relations of production in various ways in order to employ the given forces of production; and it is on the basis of these relations that they create further institutions and ideas. Because human social existence is in part a product of conscious activity and struggle, conscious life must be part of any analysis. Maurice Cornforth, in a discussion of historical materialism, describes the process:

But ideas and institutions are not the automatic products of a given economic and class structure, but products of people's conscious activities and struggles. To explain the superstructure, these activities and struggles must be studied concretely, in their actual complex development. Therefore it is certainly not Marxism, just as it is certainly not science, to attempt to conclude from the specification of certain economic conditions what the form of the superstructure arising on that basis is going to be, or to deduce every detailed characteristic of the superstructure from some corresponding feature of the basis. On the contrary, we need to study how the superstructure actually develops in each society and in each epoch, by investigating the facts about that society and that epoch.¹¹

Such is the task in our study of the meaning of crime in the development of capitalism.

In addition, the more developed the productive forces under capitalism, the greater the discrepancy between the productive

forces and the capitalist relations of production. Capitalist development, with economic expansion being fundamental to capitalist economic development, exacerbates rather than mitigates the contradictions of capitalism.¹² Workers are further exploited, conditions of existence worsen, while the contradictions of capitalism increase. Capitalist development, in other words, creates the conditions for the transformation and abolition of capitalism, brought about in actuality by class struggle.

The history of capitalism can thus be traced according to the nature of capitalist development. The main contradictions of capitalism are concretely formed and manifested in each stage of development. The forms and intensity of exploitation are documented and understood in respect to the particular character of capitalism in each period. How crime—the control of crime and criminality—plays its part in each stage of capitalist development is our concern in any investigation of the meaning of crime.

The periods of capitalist development, for our purposes, differ according to the ways in which labor is appropriated. Capitalism, as distinct from other modes of production, has gone through periods that utilize various methods of production and create social relations in association with these productive forms. Each new development in capitalism, conditioned by the preceding historical processes, brings about its own particular forms of capitalist economy and social reality—and related problems of human existence.

Any investigation of the meaning (and changing meanings) of crime in America, therefore, requires a delineation of the periods of economic development. The United States has developed gradually as a capitalist society. The nascent capitalist economy of the colonial period of American capitalism was, by and large, an economy of farming, shipping, and commerce. Nevertheless, throughout this period a class-divided society was being created. Already the contradictions of early capitalism were manifested in antagonisms between slaves and indentured servants, farmers, artisans, laborers, and mechanics on the one hand—and merchants, plantation owners, and a rising petty bourgeoisie on the other.¹³ A plantation economy in the southern colonies required a mass importation of labor, black slaves from Africa. And as manufacturing increased, a growing population of laborers—yeoman farmers in the colonies and workers imported from European countries—crowded into the cities to supply labor for factories. The further development of capitalism in the United States only served to widen the gap—and increase the class conflict—between the vast working population

and the rising capitalist class that owned and controlled the means of production.

The social and moral order that emerged from the development of capitalism in the period from 1790 to 1860, the period of early industrialization, was shaped by conditions of capitalist exploitation. A society increasingly devoid of religious concern, a society increasingly secular, gave primacy to the capitalistic values of acquisitiveness, competition, and the ability to justify exploitation. Conditions continued to deteriorate for the working population in the course of industrialization. As Jurgen Kuczynski has shown in his study of the historical statistics, the working day for laborers was lengthened during this period, women and children were drawn into the factories, and actual working conditions grew worse.¹⁴ In the capitalist exploitation during this early period of industrialization, however, workers began to alter their traditional conceptions of work and formed a consciousness appropriate for a working class in an industrializing, capitalist society. Not only was a working class created in the course of capitalist development, but the workers developed a consciousness of themselves as workers sharing a common condition.¹⁵

The United States was fast becoming the greatest industrial power in the world. During the years 1860 to 1900, continually at the expense of the working class, production grew and the accumulation of capital among the capitalist class mounted. Conditions did not improve for the newly freed black workers, however; insufficient wages, poor housing conditions, low standards of health, and overcrowding in cities were the norm. Immigrant laborers and their families were exploited. Although there was some improvement in real wages during this period of capitalist development, health conditions grew worse, housing deteriorated, the accident rate in industry increased, and the gap between the capitalist class and the working class widened.¹⁶ At the same time, and largely because of growing capitalist exploitation, workers intensified their struggle against capitalist conditions. The workers' chief weapon was the strike, and it was used frequently during the last years of the nineteenth century. In 1886, as the eight-hour day was taking hold, there were 1,572 strikes and lockouts, involving 610,024 employees, against 11,562 establishments. With other actions, such as the slowdown and the boycott, workers were struggling against the particular social and moral order being created in the development of capitalism.

As capitalism developed beyond the industrial stage, becom-

ing dominated by large corporations after 1900, the conditions of labor were affected even more adversely. Increasing technology served only to further alienate workers from the work process. Especially after World War I, with the coming of the economic depression, unemployment among workers increased. Rising unemployment continued to plague advanced capitalism as the general economy moved from one crisis to another. Even before World War II, the life of the American worker showed the consequences of a decaying capitalist system: "The worker's life tends more and more to be composed of a short period of years, during which he produces with unprecedented intensity, and of a long period during which he works at a considerably reduced rate of speed, often interrupted by illness, and at a much lower wage."¹⁷ The struggle between the capitalist and the working class grew in intensity during the postwar period. Yearly strikes now included millions of workers and involved a range of workers from industrial employees to white-collar and public-service employees. Class struggle and class consciousness have continued to intensify with the further advancement of capitalism, as capitalism has reached an advanced stage of development. During this period the state has expanded and increased its role in reproducing the capitalist system.

Certainly we are today in a stage of late, advanced capitalism in the United States. The current meaning of crime in America can be understood only in relation to the social and moral character of capitalism in the present era. Similarly, the meanings of crime at various times in the past have to be understood according to the particular stage of development. Only in the investigation of crime in the development of capitalism do we truly understand the meaning of crime. Concrete research can provide us with knowledge about the role of crime in the development of capitalism.

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. A new stage of development, Frederick Engels observes, called for the creation of the state:

Only one thing was wanting: an institution which not only secured the newly acquired riches of individuals against the communistic traditions of the gentile order, which not only sanctified the private property formerly so little valued, and declared this sanctification to be the highest purpose of all human society; but an institution which set the seal of general social recognition on each new method of acquiring property and thus amassing wealth at continually increased speed; an institution which perpetuated, not only this growing cleavage of society into classes, but also the right of the possessing class to exploit the non-possessing, and the rule of the former over the latter. And this institution came. The state was invented.¹⁸

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.¹⁹ 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.²⁰ 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 regula-

tion; the capitalist mode of production called forth its equivalent mode of regulation and control, the legal system.²¹ 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.²² 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.²³ 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. As Alan Wolfe has shown, in the manipulation of consciousness the existing order is legitimized and secured:

The most important reproductive mechanism which does not involve the use of state violence is consciousness-manipulation. The liberal state has an enormous amount of violence at its disposal, but it is often reluctant to use it. Violence may breed counter-violence, leading to instability. It may be far better to manipulate consciousness to such an extent that most people would never think of engaging in the kinds of action which could be repressed. The most perfectly repressive (though not violently

so) capitalist system, in other words, would not be a police state, but the complete opposite, one in which there were no police because there was nothing to police, everyone having accepted the legitimacy of that society and all its daily consequences.²⁴

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.²⁵ In fact, the legitimacy of the capitalist order is maintained by controlling the consciousness of the population. A capitalist hegemony is established.

Thus, through its various reproductive mechanisms capitalism is able to maximize the possibility of control over citizens of the state. Ranging from control of production and distribution to manipulation of the mind, capitalism operates according to its own form of dictatorship. André Gorz writes:

The dictatorship of capital is exercised not only on the production and distribution of wealth, but with equal force on the manner of producing, on the model of consumption, and on the manner of consuming, the manner of working, thinking, living. As much as over the workers, the factories, and the state, this dictatorship rules over the society's vision of the future, its ideology, its priorities and goals, over the way in which people experience and learn about themselves, their potentials, their relations with other people and with the rest of the world. This dictatorship is economic, political, cultural and psychological at the same time: it is total.²⁶

Moreover, a society that depends on surplus labor for its existence must not only control that situation but also must cope with the problems that the economic system naturally creates. The capitalist state must therefore provide social services in the form of education, health, welfare, and rehabilitation programs to deal with problems that could otherwise be dealt with only by changing the capitalist system. These state services function as a repressive means of securing the capitalist order.

Capitalism systematically generates a *surplus population*, an unemployed sector of the working class either dependent on fluctuations in the economy or made obsolete by new technology. With the growth of the surplus population, pressures build up for the growth of the welfare system. The function of expanding welfare, with its

host of services, is to control the surplus population politically. Moreover, as James O'Connor observes: "unable to gain employment in the monopoly industries by offering their laborpower at lower than going wage rates (and victimized by sexism and racism), and unemployed, underemployed, or employed at low wages in competitive industries, the surplus population increasingly becomes dependent on the state."²⁷ Only a new economic order could replace the need for a welfare state.

Repression through welfare is in part the history of capitalism. The kinds of services have varied with the development of different economic conditions. In the same way, relief policies have varied according to the specific tensions produced by unemployment and subsequent threats of disorder. As Frances Fox Piven and Richard A. Cloward write in their study of the modern welfare system:

Relief arrangements are ancillary to economic arrangements. Their chief function is to regulate labor, and they do that in two general ways. First, when mass unemployment leads to outbreaks of turmoil, relief programs are ordinarily initiated or expanded to absorb and control enough of the unemployed to restore order; then, as turbulence subsides, the relief system contracts, expelling those who are needed to populate the labor market. Relief also performs a labor-regulating function in this shrunken state, however. Some of the aged, the disabled, the insane, and others who are of no use as workers are left on the relief rolls, and their treatment is so degrading and punitive as to instill in the laboring masses a fear of the fate that awaits them should they relax into beggary and pauperism. To demean and punish those who do not work is to exalt by contrast even the meanest labor at the meanest wages. These regulative functions of relief, and their periodic expansion and contraction, are made necessary by several strains toward instability inherent in capitalist economies.²⁸

Control through welfare can never be a permanent solution for a system based on the appropriation of labor. As with all forms of control and manipulation in capitalist society, welfare cannot completely counter the basic contradictions of a capitalist political economy.

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 cap-

italist state is more weak than strong.²⁹ 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.³⁰ 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.³¹ 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 capitalist 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 the 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.³² 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 the 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.

Accommodation and Resistance

The contradictions of developing capitalism heighten the level of class struggle and thereby increase (1) the need to dominate by the capitalist class and (2) the need to accommodate and resist by the classes exploited by capitalism, particularly the working class. Most of the behavior in response to domination, including actions of the oppressed defined as criminal by the capitalist class, is a product of the capitalist system of production. In the course of capitalist appropriation of labor, for the accumulation of capital, conditions are established that call for behaviors that may be defined as criminal by the capitalist state. These behaviors become eligible for crime control when they disturb or threaten in some way the capitalist order.³³

Hence, the class that does not own or control the means of pro-

duction must adapt to the conditions of capitalism. Accommodation and resistance to the conditions of capitalism are basic to the class struggle. The argument here is that action by people who do not own and control the means of production, those who are exploited and oppressed, is largely an accommodation or resistance to the conditions produced by capitalist production. Thus, criminality among the oppressed classes is action (conscious or otherwise) in relation to the capitalist order of exploitation and oppression. Crime, with its many historical variations, is an integral part of class struggle in the development of capitalism.

Following Marx and Engels' limited and brief discussion, criminals outside the capitalist class are usually viewed as being among the lumpenproletariat.³⁴ Accordingly, criminals of the oppressed classes are regarded as unproductive workers; they are parasitical in that they do not contribute to the production of goods, and they create a livelihood out of commodities produced by the working class.³⁵ Much criminal activity in the course of accommodation is an expression of false consciousness, an individualistic reaction to the forces of capitalist production.

Many crimes of accommodation are of this lumpen nature. Nevertheless, these actions occur within the context of capitalist oppression, stemming from the existing system of production. Much criminal behavior is of a parasitical nature, including burglary, robbery, drug dealing, and hustling of various sorts.³⁶ These are predatory crimes. The behavior, although pursued out of the need to survive, is a reproduction of the capitalist system. The crimes are nevertheless antagonistic to the capitalist order. Most police activity is directed against these crimes.

In addition to predatory crimes there are *personal crimes*, which are usually directed against members of the same class. These are the conventional criminal acts of murder, assault, and rape. They are pursued by those who are already brutalized by the conditions of capitalism. These actions occur in immediate situations that are themselves the result of more basic accommodations to capitalism.

Aside from these lumpen crimes, actions are carried out, largely by the working class, that are in resistance to the capitalist system. These actions, sometimes directed against the work situation, are direct reflections of the alienation of labor—a struggle, conscious or unconscious, against the exploitation of the life and activity of the worker. For example, workers may engage in concrete political actions against their employers:

On the assembly lines of the American automobile industry, this revolt extends as far as clandestine acts of sabotage against a product (the automobile body) which appears to the worker as the detestable materialization of the social uselessness and individual absurdity of his toil. Along the same lines is the less extreme and more complex example of miners fighting with admirable perseverance against the closing of the mines where they are exploited under inferior human and economic conditions—but who, individually, have no difficulty in recognizing that even if the coal they produced were not so bad and so expensive, their job, under the prevailing conditions, would still be abominable.³⁷

These defensive actions by workers are likely to become even more politically motivated and organized in the future. For built into the capitalist economy is the contradiction that increased economic growth necessitates the kind of labor that further alienates workers from their needs. Further economic expansion can bring with it only an increase in crimes of resistance. For the purpose of class struggle, leading to socialist revolution, a Marxist analysis of crime gives attention to *crimes of resistance*, committed primarily by members of the working class.

The effects of the capitalist mode of production for the worker are all-inclusive, going far beyond the workplace. The worker can no longer be at home anyplace in the everyday world. The alienation experienced in the workplace now represents the condition of the worker in all other areas of life. Ownership and control of life in general have been surrendered to alien hands.³⁸ The production of life itself is alienated under capitalism. Furthermore, the natural productive process, of which work is central, has become restricted in the stages of capitalist accumulation. The increasing alienation of work, as Harry Braverman notes,

consists in the narrowing of the base of productive labor upon which the economy rests, to the point where an ever smaller portion of society labors to maintain all of it, while the remainder is drafted, at lower rates of pay and even more demeaning conditions of labor, into the unproductive economy of capitalism. And finally, it consists in the misery of unemployment and of outright pauperization, which are aspects of the reserve army of labor created by capital more or less automatically in the accumulation process.³⁹

Moreover, large numbers of workers under advanced capitalism become expendable. For the capitalist the problem becomes

that of the kind and size of labor force necessary to maximize production and realize surplus value. The physical well-being and spiritual needs of the worker are not the concern; rather, capitalism requires an 'industrial reserve army' that can be called into action when necessary and relieved when no longer needed—but that is always available. Marx observed in *Capital*:

But if a surplus laboring population is a necessary product of accumulation or of the development of wealth on a capitalist basis, this surplus population becomes, conversely, the lever of capitalist accumulation, nay, a condition of existence of the capitalist mode of production. It forms a disposable industrial reserve army that belongs to capital quite as absolutely as if the latter had bred it at its own cost. Independently of the limits of the actual increase of population, it creates, for the changing needs of the self-expansion of capital, a mass of human material always ready for exploitation.⁴⁰

Under these conditions, "the labor force consists of two parts, the employed and the unemployed, with a gray area in between, containing the part-time or sporadically employed. Furthermore, all these categories of workers and potential workers continuously expand or contract with technological change, the ups and downs of the business cycle, and the vagaries of the market, all inherent characteristics of capitalist production."⁴¹ Many workers are further exploited by being relegated to the degradations and uncertainties of a reserve army of labor.

For the unemployed, as well as for those who are always uncertain about their employment, this life condition has its personal and social consequences. Basic human needs are thwarted when the life-giving activity of work is lost or curtailed. This form of alienation gives rise to a multiplicity of psychosocial maladjustments and psychic disorders.⁴² In addition, unemployment means the loss of personal and family income. Choices, opportunities, and even life maintenance are jeopardized. For many people, the appropriate reaction consists not only of mental disturbance but also of outright acts of personal and social destruction.

Although the statistical evidence can never show conclusively the relation between unemployment and crime, largely because such statistics are politically constructed in the beginning to obscure the failings of a capitalist economy, there is sufficient observation to recognize the obvious fact that unemployment produces criminality. Crimes of economic gain increase whenever the

jobless seek ways to maintain themselves and their families. Crimes of violence rise when the problems of life are further exacerbated by the loss of life-supporting activity. Anger and frustration at a world that punishes rather than supports produce their own forms of destruction. Permanent unemployment—and the acceptance of that condition—can result in a form of life where criminality is an appropriate and consistent response.

Hence, crime under capitalism has become a response to the conditions of life.⁴³ Nearly all crimes among the working class in capitalist society are actually a means of survival, an attempt to exist in a society where survival is not assured by other, collective means. Crime is inevitable under capitalist conditions.

Yet, understanding crime as a reaction to capitalist conditions, whether as acts of frustration or means of survival, is only one side of the picture. The other side involves the problematics of the consciousness of criminality in capitalist society.⁴⁴ The history of the working class is in large part one of rebellion against the conditions of capitalist production, as well as against the conditions of life resulting from work under capitalism. Class struggle involves, after all, a continuous war between two dialectically opposed interests: on one hand, capital accumulation for the benefit of a non-working minority class that owns and controls the means of production and, on the other hand, control and ownership of production by those who actually labor. Since the capitalist state regulates this struggle, the institutions and laws of the social order are intended to assure the victory of the capitalist class over the working class. Yet the working class constantly struggles against the capitalist class, as shown in the long history of labor battles against the conditions of capitalist production.⁴⁵ The resistance continues as long as there is need for class struggle; that is, as long as capitalism exists.

With the instruments of force and coercion on the side of the capitalist class, much of the activity in the working-class struggle is defined as criminal. Indeed, according to the legal codes, whether in simply acting to relieve the injustices of capitalism or in taking action against the existence of class oppression, actions against the interests of the state are crimes. With an emerging consciousness that the state represses those who attempt to tip the scales in favor of the working class, working-class people engage in actions against the state and the capitalist class. This is crime that is politically conscious.

Crimes of accommodation and resistance thus range from unconscious reactions to exploitation, to conscious acts of survival

within the capitalist system, to politically conscious acts of rebellion. These criminal actions, moreover, not only cover the range of meaning but actually evolve or progress from unconscious reaction to political rebellion. Finally, the crimes may eventually reach the ultimate stage of conscious political action—revolt. In revolt, criminal actions are not only against the system but are also an attempt to overthrow it.

The movement toward a socialist society can occur only with political consciousness on the part of those oppressed by capitalist society. The alternative to capitalism cannot be willed into being but requires the conscious activity of those who seek new conditions of existence. Political consciousness develops in an awareness of the alienation suffered under capitalism. The contradiction of capitalism—the disparity between actuality and human possibility—makes large portions of the population ready to act in ways that will bring about a new existence. When people become conscious of the extent to which they are dehumanized under the capitalist mode of production, when people realize the source and nature of their alienation, they become active in a movement to build a new society. Many of the actions taken result in behaviors defined as criminal by the capitalist state.

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.⁴⁶ 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.⁴⁷ Given the objective conditions of a crisis in advanced capitalism, and the conditions for an alliance of the oppressed, a mass socialist movement can be formed, cutting across all divisions in the working class.

The objective of our analysis is to promote a further questioning of the capitalist system, leading to a deeper understanding of the consequences of capitalist development. The essential meaning of crime in the development of capitalism is the need for a socialist society. And as the preceding discussion indicates, in moving toward the socialist alternative, our study of crime is necessarily based on a social and moral analysis of capitalist society. Crime is essentially a product of the material and spiritual contradictions of capitalism. Crime can be a force in development when it becomes a part of the class struggle, increasing political consciousness. But we must continue to concentrate on the capitalist system itself. Our understanding is furthered as we critically investigate the nature, sources, and consequences of the development of capitalism.

As we engage in this work we realize the prophetic goal of socialism. The socialist struggle requires a religious consciousness as much as a class consciousness. The transition to socialism is both political and religious. And, ultimately, the religious goal transcends concrete societies. The prophetic expectation speaks finally to that which is infinite and eternal.

EIGHT

Myth and the Art of Criminology

The sun rises on the other side of town. I will watch it move high into the sky, and then I will begin another day—*ON THE ROAD AGAIN. I JUST CAN'T WAIT TO GET ON THE ROAD AGAIN.* I have decided to spend much of the summer alone traveling the roads of DeKalb County. A small grant from the university to photograph the changes that are taking place in this rural county will justify my travels along these country roads. The roads will lead only to the edges of the county, but travel even of this proportion is a journey of eternal consequence. *ON THE ROAD AGAIN—GOIN' PLACES THAT I'VE NEVER BEEN—SEEIN' THINGS THAT I MAY NEVER SEE AGAIN.* I have spent my life traveling.

In the white car—as on a great white steed—I drive out of town along a road that crosses a gently rolling prairie. Large white cumulus clouds float high over the horizon. This is a good day to be photographing. What I am looking for is not yet clear. A discovery of some kind, a way of making sense of this wandering journey.

I put on dark sunglasses and turn on the radio to WSQR—“Northern Illinois' Country Connection.” I place the K2 yellow filter on my 35 mm camera. The land is already taking on a heightened look. Merle Haggard sings his current country song “Someday When Things Are Good I'm Goin' To Leave You.” This is the country I left years ago and have returned to at this time in my life. Maybe I will be able to see anew. There is always the possibility of rebirth—of an awakening.

I turn onto one of the many dirt roads in the county. *TRAVELIN'*

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