

Would Communism Eliminate Crime?¹

By

Mark Cowling

A central claim of much Marxist criminological theory is that Communism would eliminate or greatly reduce crime. Willem Bongers, for example, writing in the first substantial work of Marxist criminology in 1905, links a great deal of crime to absolute poverty which leaves individuals with a choice of stealing, starvation or suicide, and claims that a communist society would eliminate such poverty and the crime that it generates.² He linked poverty with alcoholism, prostitution, child labour and poor housing, considers that these would disappear with the building of communism, and that communism would also make it possible to raise the intellectual level of the proletariat, which would itself reduce the amount of crime.³ Because he linked sexual crime with poverty and poor education he thought that sexual crime would also disappear under communism.⁴ Communism would encourage altruism, which would also reduce crime because crime is linked to egoism.⁵

Turning to American radical criminologists, there is a specific claim in Quinney that a socialist society would be consonant with true human nature, which is not just interested in acquisition. In a socialist society there would be equality in decision-making, in material benefits and in the encouragement of fulfilling everyone's potential. The society would be democratic, and instead of law local committees would encourage people to conform to socialist customs.⁶ Neither Chambliss⁷ nor Reiman⁸ discuss a specifically socialist society, but they share a very similar set of proposals for a much more egalitarian and rational society: the elimination of victimless crimes, a serious assault on corporate crime, increased honesty in public life, particularly in the compilation of statistics, stringent gun controls, the elimination of the features of the criminal justice system that railroad the poor into prison and a serious attempt to get rid of poverty. Plainly such a society would be intended to be much freer of crime than the present one.

The British radical criminologists also look to a socialist future to eliminate crime: 'the elimination of crime is possible under certain social arrangements'.⁹ In the new society inequalities of wealth and power, of life chances and property would be eliminated.¹⁰ 'The task is to create a society in which the facts of human diversity, whether personal, organic or social, are not subject to the power to criminalise'.¹¹

In this article I want to assess these claims. A necessary preliminary measure will be to classify crimes in a way which matches Marxist

explanation. The first substantive step will be to give an account of Marx's own statements about communist society, which are notoriously guarded and thin. I shall make some comments about the interpretation of these and also about whether they remain realistic from a contemporary perspective even given a fair amount of goodwill in the setting up of a communist society. Following from this will come an assessment of whether a communist society would eliminate various forms of crime. I shall finish by making some comments about whether existing, or recently existing communist societies offer any valid guidance about crime, including a brief discussion about the relationship between such societies and Marx's conception of communism.

The classification of crime which is presupposed in this article is briefly as follows. First come consensus crimes such as murder, assault and robbery, which are basically regarded as criminal in virtually all recent societies. (Exceptions tend to relate to people who are not regarded as full members of the society. Thus enemy combatants are legitimate targets in time of war, women victims of domestic violence may be considered as 'not suffering real crime', ethnic minorities may be seen as fair game etc.) A second variety of crime is that based on the enforcement of the mode of production, so that helping a slave escape is a crime in a slave owning society but a virtuous act in a liberal capitalist society. A third variety is crimes based on moral, religious and paternalistic principles. Fourth come derivative offences, such as possession of an offensive weapon or membership of a prohibited organisation. Fifth and finally there are offences to do with the authority of the state, such as pretending to be a police officer, or wearing yellow in Imperial China, because it was a colour reserved to the emperor.¹²

Let us start from Marx's notoriously limited account of communism, but flesh this out with some comments about what might be involved in the fulfilment of needs. From the *Communist Manifesto* we gather that the first step will be to 'raise the proletariat to the position of ruling class', in other words to install the dictatorship of the proletariat. In the *Critique of the Gotha Programme* Marx indicates that this new proletarian state installs socialism. Under socialism capitalists and landlords have been got rid of and everyone is rewarded according to their inputs of labour. Gradually society then moves on towards the higher stage of communism. Under communism:

In a higher phase of communist society, after the enslaving subordination of the individual to the division of labour, and thereby also the antithesis between mental and physical labour, has vanished; after labour has become not only a means of life but life's prime want; after the productive forces have also increased with the all-round development of the individual, and all the springs of common wealth flow more abundantly — only then can the narrow

horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his abilities, to each according to his needs!¹³

In fleshing this out let us start briefly with labour becoming 'life's prime want'. Is it realistic to expect all labour to be life's prime want for everyone all the time? There is another suggestion in *Capital* Volume 3:

The actual wealth of society, and the possibility of constantly expanding its reproduction process, therefore, do not depend upon the duration of surplus labour, but upon its productivity and the more or less copious conditions of production under which it is performed. In fact, the realm of freedom actually begins only where labour which is determined by necessity and mundane considerations ceases; thus in the very nature of things it lies beyond the sphere of actual material production. Just as the savage must wrestle with Nature to satisfy his wants, to maintain and reproduce life, so must civilised man, and he must do so in all social formations and under all possible modes of production. With his development this realm of physical necessity expands as a result of his wants; but, at the same time, the forces of production which satisfy these wants also increase. Freedom in this field can only consist in socialised man, the associated producers, rationally regulating their interchange with Nature, bringing it under their common control, instead of being ruled by it as by the blind forces of Nature; and achieving this with the least expenditure of energy and under conditions most favourable to, and worthy of, their human nature. But it nonetheless still remains a realm of necessity. Beyond it begins that development of human energy which is an end in itself, the true realm of freedom, which, however, can blossom forth only with this realm of necessity as its basis. The shortening of the working day is its basic prerequisite.¹⁴

The straightforward meaning of this passage is that although attempts should be made to render production 'favourable to, and worthy of..human nature' the 'true realm of freedom' occurs outside necessary production and requires the shortening of the working day. This suggests that the labour necessary to keep social life going would still be disagreeable under communism, at least for some people some of the time.

The previous discussion points towards a consideration of alienation in a communist society. The passage from *Capital* Volume 3 suggests that a degree of alienation would persist in a communist society. Alienation might also be expected to persist for some time during the transition towards a communist society, given that the revolution would be made by alienation workers who would become less alienated only gradually. There is good reason to think that alienation tends to cause crime, so that crime would at least persist until a fully communist society had been attained. Another theme relating to

alienation needs to be mentioned here. The young Marx's critique of alienation points towards some kind of face-to-face society in which I produce things for you because I know you need them and because I care for you, and you do the same for me. This is very different from the picture painted by the older Marx in which communism follows on from an advanced capitalist society, which would be characterised by a worldwide division of labour and advanced industrial techniques. The sort and amount of crime that could be expected in a face-to-face society would naturally be different from that in communism developed from advanced capitalism.

In what follows I propose to accept the view that the older Marx dropped the concept of alienation for good reasons in favour of the view that human nature is very flexible and adapts itself to the existing mode of production. Similar problems arise within this perspective. People at the time of the revolution would have the characteristic virtues and vices of people under capitalism and would only gradually adapt to a socialist and then communist society. And capitalist vices such as egoism and cupidity would lead some people to commit crime.

A much worse problem than the persistence of some labour dominated by necessity concerns 'to each according to his needs'. I shall start by assuming that this means 'his or her' needs. I find Cohen's claim that this is unsustainable, given the resources of the planet, thoroughly plausible.¹⁵ For example, in the UK we have a fairly typical European level of car ownership, at around 419 per thousand inhabitants.¹⁶ Chinese car ownership recently raced past the 10 million mark,¹⁷ taking China to around .76 cars per thousand Chinese. European and American levels of car ownership are already making a significant contribution to global warming. North America and Europe have been responsible for about 70% of the growth in CO2 emissions since 1850.¹⁸ If the United Kingdom entirely stopped using fossil fuels to generate heat and electricity, its consumption would be replaced by the Chinese within a year at current rates of expansion. Current levels of consumption in the advanced countries threaten a crisis due to global warming. Bringing the rest of the world up to the level of the advanced countries would speed up the crisis considerably, and replace deprivation due to underdevelopment with devastation caused by climate change. Worse still, bearing in mind Marx's comments about 'the springs of common wealth... flowing more abundantly' there is an implicit promise that consumption in the advanced countries will also rise. Reverting to cars, three British households in 10 do not own a car. For some of these, such as people too infirm to drive or young people living in city centres car ownership

is not appropriate. However, this still leaves a lot of households which would really enjoy extra mobility and comfort.

It could be argued that things are not necessarily as bleak as this. It may be possible to replace fossil fuel with renewable energy, and some developments which meet human need do not use up natural resources any worse than now. For example, improved computer software or more powerful chips may well save energy and other natural resources rather than expend them. On the other hand, things may well also have been worse all along. Many people would love to write and direct an epic film, design a major experiment to alter the climate of Australia, travel to the moon, consume items such as genuine champagne and caviar which are naturally scarce, etc. All of these activities should, in my view, take place in a socialist society, but would have to be rationed out as part of the overall plan. A further major category of human need is the need for various forms of care, particularly emotional care.¹⁹ It is possible to provide physical care at least partly by improved equipment -- a mobile hoist, for example, can be used for one helper to lift a disabled person into a bath, which is then chemically cleaned and disinfected before the next disabled person is bathed, or various forms of electronic monitoring can make sure that an old person who is living alone has not collapsed. However, emotional care basically needs to be provided by other people, and requires considerable amounts of time and effort. 'The springs of common wealth' may 'flow more abundantly', but the only ways that this will help with emotional care are marginal -- we might need less of it if we are physically healthy, and people who are spending less time providing themselves with the necessities of daily life will have more leisure to devote to others.

We have thus identified two reasons for thinking that any reasonably likely socialist society would need criteria of distributive justice, namely that some people would have to work at things which they found disagreeable at least some of the time, and there would need to be a degree of rationing of scarce resources. How serious these constraints would be obviously depends on technological developments, but I am pessimistic that problems of distributive justice would altogether go away. The obvious consequence of scarcity is that at least some people would want to do things or use things beyond their allocation according to the plan, which in turn means that some of the people wanting to use resources beyond the constraints of the plan would probably do so by criminal means. This problem might be considerably less than its equivalent in current society. There would be a much greater degree of equality, so that fewer people would be left with a strong sense of unfairness. Presumably advertisers would stop

stoking up artificial needs and heightening real ones. Presumably the marketing of brands would cease. Nonetheless, there is every reason to think that at least some problems of distributive justice and of attempts to evade distributive justice would remain. Indeed, this is probably true by definition. A theory of distributive justice is a theory about distributing scarce goods. If there are scarce goods then there is the possibility of crime because some people want goods to which they are not entitled under the scheme of distributive justice which the society has adopted, and are sufficiently motivated to get hold of them by illicit means.

A society planned according to need might generate more crime in another way. There would be likely to be debate about the best ways of meeting need. For example, the countryside in Britain functions as agricultural land to meet the need for food and as a park for the recreation of town dwellers, some of whom like to walk peacefully whilst others prefer to ride around on scrambler motorcycles. Some country people enjoy sports which most town dwellers regard as cruel such as foxhunting, hare coursing etc. Town dwellers may well want to live in houses built on what was rural land. There is thus much scope for argument about the use of the countryside in order to meet rival legitimate needs. The same sort of issues are starting to arise about green ways of generating power. Local people tend to feel that wind turbines spoil their amenities; a plan to use the tidal power of the River Avon is upsetting other river users. One would hope that these issues would be dealt with by debate and compromise. This already happens to some extent in current day society, but those who are disgruntled can often resort to the market in order to go and hunt animals in places where it is allowed, buy houses which do not look out over wind turbines etc. As a socialist society would typically allocate resources according to need rather than leaving things up to the market this safety valve would tend to be closed, leaving people to take direct action against aspects of the social plan which left them disgruntled.

So far we have been looking at the strongest claim that socialism would eliminate crime, namely that crime based on limited resources would be unnecessary, and have found good reason to believe that it would not do so fully. Indeed, as we saw in the last paragraph, the diminution or elimination of the market might actually make some sorts of crime more common. This is disappointing, as it will be recalled from the section on definitions that the most obvious claim for a Marxist approach to crime is that communism would eliminate the second category of crimes, those based upon the requirements of a particular mode of production. Communism, one might hope, would eliminate scarcity of material things and therefore eliminate crime

based upon unfulfilled need. While it seems reasonable to expect that it would eliminate gross need, and therefore be better than capitalism for many people, there is every reason to believe that they would still be a considerable amount of unmet need, which would serve as a motive for crime.

Let us move on to looking at the other varieties of crime identified in the section on classification. The first was consensus crimes, such as murder or robbery. Murder and robbery based on sheer deprivation of resources, or on felt relative deprivation fuelled by advertising and conspicuous consumption should go down considerably, although, as we have seen, might well not be eliminated. One of the standard criticisms of Marxism is that it does not have much to say about patriarchy or about divisions based on race. To some extent both of these divisions are also the basis of interpersonal crimes. It is very much to be hoped that a move to socialism would reduce antagonisms based on patriarchy and race, but there is no reason to believe that these would automatically disappear as the consequence of the rise of socialism.²⁰ Crimes linked to them would also remain to some extent. What about murder motivated by sexual jealousy? Fourier's version of socialist society in which one of the needs fulfilled under socialism would be sexual need, and in which 'all perversions are equal under the law', would perhaps have the best hope of eliminating sexual jealousy. However, the availability of sex with someone else might well not make it fully acceptable to find one's partner in bed with one's best friend, and Marx makes no particular claims that his sort of communism fulfils needs of this sort.

Over the last 30 years domestic and sexual violence have moved into the area of consensus crimes in most of the advanced societies. Although these crimes are basically universally deplored they remain very common. There would appear to be at least 60,000 cases of rape annually in England and Wales.²¹ Of these some 13,000 are reported to police, and a little over 6% of reported cases end in a conviction. Is there any reason to believe that the rate of rape would go down in a socialist society? Much of the literature argues that rape is a crime of violence where the motive is to dominate the victim rather than to have enjoyable sex. Perhaps in a socialist society fewer people would want to dominate others. Maybe a socialist society would offer greater legitimate access to sex, and thus reduce the motive for rape to the extent it is a sexual one. However, neither of these claims is particularly central to Marx's conception of communism. Looking at things another way, there is a fundamental human need not to be a victim of domestic or sexual violence. It is to be hoped that a socialist society would recognise this need. Some of it would be fulfilled

through programmes of education, for example through aspects of sex education and citizenship education in schools. Nonetheless, some level of domestic and sexual violence might well continue, and one would hope that a socialist society would take it more seriously and prosecute it more effectively than is the case in current day society. Here again there is reason to expect more prosecutions and convictions for crime in socialist society rather than less, but in my view that would make it a better society.

What about thefts based on boredom, such as stealing cars, racing them and ending the evening by destroying them and cutting down on the forensic evidence in a really exciting blaze? Or vandalising public property such as public toilets, bus shelters etc? Would life in a socialist society be more exciting? Perhaps a socialist society would lay on more things for young people to do? However, if some of the motive for vandalism is rebellion against the constricting norms of a suffocatingly stable and peaceful society a socialist society might have more problems with vandalism than we have today.

To some extent murder and interpersonal violence have a technological basis. A major factor in the higher rate of homicide in United States than in Canada or Western Europe is the American habit of shooting family members, fellow citizens etc. To people in Britain this appears to have an obvious solution. Following a particularly serious shooting using handguns in a primary school in Dunblane, the possession of handguns was made illegal for everyone except the armed forces and the police in some circumstances, to the extent that even the British Olympic pistol team has to practice abroad. Although there is still an unacceptable level of gun crime in urban centres such as Manchester and Nottingham and London, currently the major British worry is that many young people carry knives, which tends to result in stabbings with serious consequences, and various measures are being taken to try to reduce this problem. It is to be hoped that a move to a socialist society would be accompanied by greater feelings of community and security so that people would have less desire to possess offensive weapons, but there is surely every reason to think that this would be more difficult in a society with a tradition of carrying arms such as the United States.

A major category of crimes is those based on the enforcement of religious and moral ideals. One significant foundation of religious faith is insecurity, and as European societies have become more secure they have tended to become more secular. Many people still have some degree of religious faith, but it becomes much less of a basis for serious social divisions. England is an officially Protestant society, but there is very little antagonism towards Catholics except when they try

to drastically curtail women's right to abortion. Catholics elsewhere in Europe, such as in Spain and Italy, have basically accepted the legalisation of contraception, abortion and divorce, and taken to having much smaller families. Even if a communist society took no measures to reduce or eliminate religion, European experience would suggest that religious faith would tend to decline, or at least to be less socially significant, as people became more secure. On the other hand religious faith has diminished much less in United States, which also enjoys the security which comes with affluence.

More extreme views about moral ideals tend to have religious foundations, but there is nothing to prevent people who take a secular approach from disagreeing about particular issues. At what age are most people able to consent to having sex? What level of learning difficulties renders a person unable to consent to having sex? How drunk does somebody have to be before she is unable to consent to having sex? Most people would accept the validity of consent to mild sadomasochism, such as being spanked with a paddle, but what about more extreme activities such as nailing someone's foreskin to a coffee table (which led to a prison sentence in the Spanner case)? If foreskin nailing is all right, what about cannibalism, again with consent? Is voluntary euthanasia acceptable, and if it is, what safeguards should there be to prevent someone being pressurised into agreeing to it? Many people would accept that a woman has a right to choose whether or not to have an abortion, but have substantial reservations about infanticide. At what point does the former turn into the latter? The answer to this question is likely to vary as medical technology advances. Is it acceptable to grow fetuses deliberately for experimental or therapeutic purposes? Should the age limit for this be the same as that for abortion? Should people be able to use any drugs they desire, with resources in this area being channelled into health education and rehabilitation, or do some drugs lead to such bad behaviour that they need to be restricted -- obvious candidates might be alcohol and crystal meth. Is sex work a legitimate form of work which meets some people's needs? Or are communists constrained towards the abolitionist perspective on prostitution? It is possible to have quite a range of disagreement about all these issues within a secular perspective. Still remaining within a secular perspective, most people would agree that there is a spectrum of legitimate disagreement about these issues, but that at a certain point it is appropriate to have criminal sanctions. Thus, for example, someone who thinks that the age of sexual consent should be 18 is likely to be willing to engage in polite and constructive disagreement with someone who thinks it should be 14 but will want to invoke criminal sanctions on someone who thinks

he is having consenting sex with seven-year-olds. As I indicated above, Marxists will be keen to ensure that no one is pressured into making decisions on these issues through poverty, but this is by no means the only matter at stake. And a communist society should certainly ensure that there are no economic pressures on these issues, but this will hardly stop paedophiles from being attracted to children, exhausted carers from being attracted at least in some part of their thoughts to euthanasia and so forth. Thus a communist society could be expected, one way and another, to have less of a list of crimes in these areas and less occurrence of such crimes, but overall the picture might not deliver vary dramatically from more tolerant societies such as Holland today.

What about derivative offences such as the possession of an offensive weapon or membership of a banned organisation? A communist society which was serious about eliminating domestic and sexual violence might well find it necessary to introduce rather more secondary offences in these areas. For example, it is emerging that under current English laws and practices drunken women have very little protection from rape. Thus a specific offence of having sex with someone who is having difficulty speaking, has serious motor difficulties, or who is intermittently unconscious through drink or drugs might be a sensible addition to laws on sexual violence. It is difficult to be sure, but a communist society might thus have rather more derivative offences.

Finally, offences linked to maintaining the authority of the state would hopefully wither away in a communist society, but might actually be rather more necessary shortly after decisive moves away from capitalism at a time when supporters of capitalism would feel a real chance of moving back to their preferred society.

My overall conclusion is thus that a communist society might actually define more acts as crimes and encounter a higher rate of criminal behaviour, at least in some respects, than capitalist society, but that it would also be a better society for most people to live in.

Let us finally turn briefly to existing or recently existing communist societies. Do they provide us with any guidance about what a communist society might or might not achieve by way of eliminating crime? Some scholars take the view that Marx's account of communist society is so remote from the Soviet Union, China, Cuba etc that it is not appropriate to refer to them for any sort of guidance. This seems to come from the same stable as claims that Islam and Christianity are peaceful religions and never cause wars or persecutions if they are properly interpreted. Those who conduct wars and persecutions in the name of Allah or God are said to be not real Muslims or Christians and can therefore be

discounted. For me this is unrealistic and discounts too big a slice of history. On the other hand, there are obviously peaceful Christians and tolerant Muslims, and it is worth considering how these religions can be compatible with a peaceful and tolerant society. It is therefore my view that for analogous reasons a brief consideration of crime and punishment in existing (or recently existing) communist societies is appropriate.

It has to be acknowledged that the societies have had to cope with very difficult circumstances. The Soviet Union was the consequence of the revolution of October 1917, which came at the end, for Russia, of a devastating war. It led on to the Civil War and intervention from the leading capitalist powers, which remained a serious threat up to the actual German invasion in the Second World War. When this was repulsed at the cost of some 21 million lives and 5 million dead soldiers the Soviet Union faced a nuclear threat of varying intensity until its demise. The Chinese revolution came after the Japanese occupation and the Civil War. The possibility of invasion by other powers has remained an ongoing threat. Cuba has faced the US embargo and assorted US sponsored dirty tricks etc since the revolution with particularly devastating consequences in the special period following the collapse of the Soviet union in 1989. Marx's original assumption was that communism would emerge in the leading capitalist countries rather than relative backwaters, and that it would rapidly spread from one country to another. Some of the difficulties experienced by existing communist countries can therefore be attributed to their relative backwardness and isolation.

Despite these difficult circumstances, all three communist societies chalked up major achievements. Here is a summary from Makoto Itoh, writing about the Soviet union:

Soviet society had achieved economic growth higher than most advanced capitalist countries, despite heavier military burdens. It had removed the threat of unemployment and guaranteed relatively egalitarian living conditions, including pensions, medical care and child care, and an extended education system that produced the largest number of engineers in the world, and greatly expanded jobs for women, enhancing their positions at workplaces in accord with the socialist idea. So long as there was relatively easy access to rich natural resources and to mobilisable workforces in the process of industrialisation to construct heavy industries on a large scale, the Soviet economy could grow suitably within the form of central planning based on the co-operation of workers, who were motivated by improving living conditions in the spirit of socialism.²²

He argues that this process reached its limits in the 1970s and that the Soviet bureaucracy was unable to replace it with anything more effective. Much of the above description would also apply to China and Cuba. For

China one would add that in recent years it is famous for double digit economic expansion and for taking a large swathe of its population out of poverty, and for Cuba its level of literacy and its health system represent major achievements. On the face of it societies fitting this description should be able to fulfil at least some of the possibilities for eliminating crime described above.

The available empirical evidence is rather ambiguous. The soviet union, particularly, generated a massive amount of low level (and probably high level) fraud and corruption, in which people exploited their occupational positions in order to get bribes or backhanders or to use work materials and facilities for private purposes.²³ This led people to distinguish between two broad categories of crime:

The concept of a criminal.. has various meanings for the Soviet citizen. There are private criminals and public criminals. One who robbed, rapes, or murders is a private criminal: one who has done wrong to another person... The Soviet citizen will condemn criminal activity directed against individuals. Crimes against the person have a quality that permits universal condemnation. The other type of crime, that which permeates the USSR because it is "the land of kleptomania," as Simis describes it, evokes only token social control.²⁴

Thus private crime involved the type of wrongdoing which would also be seen as criminal in most other societies. Public crime was also illegal, but almost everyone became involved in it, and thus liable to criminal sanctions if they were unlucky or fell foul of the wrong official. Indeed, whistleblowers who complained about public corruption were likely to face sanctions of one kind or another, such as short jail sentences, loss of job or loss of pension.²⁵ Something similar -- doubtless with 'Chinese characteristics' -- must have applied in China prior to 1978; since then there has been the complication that with the turn to capitalism under Deng Xiaoping there have been opportunities for private profit-making so that corrupt state officials can use their position to provide advantages of one kind or another for entrepreneurs.

The interpretation of crime statistics in western democracies is notoriously problematical, but is quite plain sailing compared to communist countries.²⁶ Official crime statistics are heavily dependent on leadership decisions about what to present to the public. An announcement that there is rising crime thus probably corresponds to real events in the society, but may include a leadership decision that the public would benefit from witnessing a crackdown on crime. The next comment must therefore be regarded as tentative. It would seem generally that moves towards a market society lead to a rise in important sorts of crime. Thus in China we have President Jiang Zemin launching a Yanda (strike hard) campaign against crime in 2001 stating:

the number of non-violent crimes, such as theft, and violent social crimes, such as murder, armed robbery and kidnapping, as well as crimes committed by 'mafia-style' Chinese syndicates were on the increase in a dramatic way. Only 'striking severe blows' would curb rising crime rates: crimes registered by police had reportedly increased by 50 per cent over 1999 figures and, over the past 20 years, mafia-style gang crimes had increased sevenfold and crimes involving bombings had increased 2.6-fold. Only 9 per cent of registered crimes in 1985 were considered major crimes. By 1990, the figure had climbed to 21 per cent and by 1995 it had risen to 42 per cent.²⁷

This tallies with Wong's comment:

There are many reasons for the rise in crime [since 1978]. The transformation of the Peoples Republic of China from a society driven by spirituality (socialism) to one of materialism (capitalism) provided the motivation for deviance. The ready availability and abundance of goods and materials in big cities heightened temptation and increased criminal opportunity... also, with a new freedom of movement previously static local communities disintegrated and along with this when their traditional social control and crime prevention capabilities.²⁸

It is widely recognized that crime rose dramatically in the territory of the former Soviet union following its collapse,²⁹ but this process seems to have been under way to a lesser extent under perestroika.³⁰ Anecdotal evidence certainly suggests that there was a very low level of public crime in the soviet union under Brezhnev. Ordinary Russians had various worries but crime did not rank highly among them.³¹ On the face of it this is evidence that crime -- largely meaning consensus crime which is criminal under socialism or capitalism -- increases with the growth of the market.

Why, then, did the soviet union have an extensive system of repression and a socialist economy? How extensive was the repression is a major topic of debate, which reappears regularly in *Europe Asia Studies*. A sober estimate is given by Stephen Wheatcroft. At the end of 1938 Soviet labour camps held 1.3 million people. Another 300,000 were held in prison and a further 300,000 in labour colonies. An additional million people were held in special exile. This would mean that the entire repressive system held some 2.9 million people or 2.5% of the population.³² Wheatcroft's estimate is considerably lower than that of some other commentators, but hardly suggests a society with no problem of crime, particularly when one adds in his estimate of one million executions during the Stalin years. Also, of course, the population of the repressive system was not static, so that a much higher percentage of the

Soviet population than 2.5% were affected at one time or another. Given that many of the victims of the repression have since been rehabilitated, a further issue is obviously state crime against soviet citizens, making the compilation of figures even harder.³³

Neither China nor Cuba have experienced quite the Soviet level of repression, but Cuba's 487 prisoners per hundred thousand of population is very high by world standards although not at the level of the USA. China's 118 prisoners per hundred thousand of population is lower than that in the UK and lower than the world average. It would rise somewhat if China abolished the death penalty. China currently executes nearly 10,000 people per annum according to Amnesty International. Some 68 offences can carry the death penalty, including tax fraud, embezzlement and corruption, which at least shows that white collar crime can be taken very seriously in China.³⁴ There are suggestions that China is scaling back on executions. However, recent investment in mobile vans equipped to carry out lethal injections, claimed to be better on human rights grounds than the more traditional bullet in the back of the head, but actually probably intended to facilitate a lucrative trade in organs, suggests that the ultimate penalty will remain for some time.³⁵

We do not seem to be looking at societies where crime has virtually vanished. The most difficult case is clearly the soviet union under Stalin. Were there special factors at work which could leave us more optimistic about a communist future? There were undoubtedly special factors at work, but there is also much dispute about how they should be interpreted. Marx plainly expected that a communist revolution would be led by the working class. The working class was a (significant) minority of the Russian population in 1917. Over the course of the revolution and civil war it was seriously eroded. Many workers, particularly those who had only recently stopped being peasants, went back to their villages and resumed peasant life. Workers who were more enthusiastic supporters of the revolution either joined the Red Army, many perishing in the Civil War, or became part of the Bolshevik administration. By the end of the Civil War there were relatively few workers remaining. The number of workers subsequently rose with increasing industrialisation, but these new workers were generally recent ex-peasants. The majority of the population of the former Russian empire were peasants. To the extent that they supported the revolution it was because they wanted more land. Under War Communism the Bolsheviks, desperate to feed the cities and the army, took the class struggle to the countryside. They promised poor peasants who did not have sufficient land on which to make a living that they would redistribute land if the poor peasants would help them extract surpluses of grain from the kulaks or rich peasants. By the end of the Civil War in 1920 almost all the peasantry had become middle peasants

who basically aspired to engage in subsistence farming. The Bolsheviks were thus left as the representatives of the proletariat in a country where there was very little proletariat remaining, and where the peasants had no particular desire to contribute to the building of a socialist future.

It was in this situation that Lenin introduced the New Economic Policy in 1921, allowing a limited conversion to capitalism with a view to building up the means of production. At the same time he proposed the ban on factions in the Communist Party. The Communist Party had been left as the only legal party because all the other parties in Russia had at one stage or another attempted to mount a coup against the government. This is not surprising because the Tsars had never taken democracy seriously, so that no tradition of loyal opposition had been established. Instead, any party which meant business had to prepare for some kind of revolution against Tsarism. The Bolshevik leadership was faced with a country which did not support its aspirations, surrounded by states which regarded it as a menace and which had intervened on the White side in the civil war. In this situation paranoia was quite a rational frame of mind. Opposition was seen as objectively treasonable, as giving assistance to the enemies of the state. The use of the secret police, of camps and of trials which did not match Western norms had been established in the Civil War period and now continued.

Things became much worse with the starting of the Five Year Plans in 1928. The central feature of the first plan was the collectivisation of the peasantry, which was supposed to be matched by the rapid development of industry and hence the mechanisation of agriculture. According to official theory only the kulaks would oppose the Plan. In fact, however, the peasants had largely remained middle peasants in the aftermath of land redistribution during War Communism, and resisted collectivisation en masse. Stalin was almost certainly paranoid by disposition, but had plenty to be paranoid about, and it is in this situation that the gulag expanded to its maximum. The security apparatus took on a dynamic of its own, working to plans which detailed numbers of arrests and provided labour for development projects such as building canals, forestry, opening up Siberia etc. It is difficult, given this situation, to produce a sensible discussion of the effect of the introduction of a communist economy on crime. Many people were simply swept up by the secret police with no justification; others engaged in mild forms of resistance which were exaggerated because of the overall situation; others engaged in economic crimes by doing things such as selling grain, which a few years earlier would have been legal.

Followers of Trotsky claim that things would have been different if revolution elsewhere had been pursued more vigorously: revolution in Germany particularly, but also in other Western countries would have

made the soviet union more secure and provided the capital and expertise for Russian industrialisation. I am inclined to think that the failure of revolutions elsewhere is chiefly down to the lack of revolutionary situations rather than the bungling of Stalinist leadership. It is in any case now very unlikely that people in other countries will want to attempt revolutions on the same lines as those which introduced Communism in Russia, China, Cuba, Vietnam etc, given that the short-term result is likely to be massive disruption and bloodshed, and the end result seems likely to be a reversion to capitalism in one guise or another.

Future movements towards socialism, loosely defined, are likely to comprise a combination of three rather disparate phenomena. First, some individual states will introduce socialist measures. There are various examples of this. The Scandinavian countries typically have excellent welfare states, high rates of taxation, and greater social equality than most other states. Germany has its legal framework of *mitbestimmung* in which workers and capitalists are regarded as social partners and workers sit on company boards. The core states of the European Union have a tradition of modifying capitalism, and are suspicious of Anglo-Saxon laissez-faire capitalism. All the older states of the European Union, including the UK, have quite generous welfare provisions compared to the model found in Marx's *Capital*. In Latin America there have been recent movements towards socialism, most notably in Venezuela. Second, the institutions of global capitalism such as the meetings of the G8 and the WTO are now regularly disrupted by a motley grouping of anti-globalisation or anticapitalism demonstrators. These comprise a mixture between anarchists, Greens, trade unionists, anti-poverty protesters and so forth. It is very debatable that the protesters would share an image of a desirable future, let alone be able to bring it about, but some of the protests have an effect. We thus find the G8 making pledges on world poverty and the environment, firms committing themselves to fair trade, unit trusts being set up for ethical investors etc. The third phenomenon was at one stage advancing quite strongly at a European level: a move to set minimum standards for working hours and holidays accepted across national frontiers so there would be no point in capitalists relocating from Germany to France in search of an easier target for exploitation. This has been very much threatened by the possibility of moving operations to countries with substantially cheaper labour and less bureaucratic regulation. However, all workers want reasonable pay, leisure, health insurance, medical treatment and education for their children. Limited moves in this direction have been occurring recently in China. In the longer term, therefore, it should be possible to introduce some minimum standards on a worldwide basis.

None of the three movements towards socialism listed in the previous paragraph is incompatible with liberal democracy. For that reason they are all also liable to erosion when pro capitalist parties win elections, neoconservative ideologists persuade workers that they do not need trade unions, coalitions of anti-globalisation protesters fall apart etc. But because advances towards socialism of this sort can be reversed quite easily they do not need to be defended by a military buildup, the secret police, a ban on other parties and groupings etc, and are therefore not likely to lead to substantial criminalisation and incarceration on the Soviet model. Good social democratic institutions are perfectly compatible with relatively low levels of crime and incarceration in the Scandinavian countries, who have on average numbers in the 70s per 100,000 in prison.³⁶ On the other hand we saw a whole series of reasons above for thinking that a move to socialism would produce some of its own forms of criminalisation. This provides an independent reason for seeking humane but effective alternatives to incarceration. There is likely to be a modest role for criminology under socialism.

- ¹ A number of people have made very helpful comments on previous drafts of this paper, notably Dave Morland, John Carter, Mike Teague, the participants in a seminar at the American Philosophical Association Eastern Division conference, Washington, DC, December 27-30, 2006 and the anonymous reviewers for *Studies in Marxism*. This chapter overlaps considerably with Mark Cowling, *Marxism and Criminological Theory: A Critique and a Toolkit* (Houndmills: Palgrave, 2008), Chapter 11.
- ² Bonger, W. A. [1905], *Criminality and Economic Conditions* (London: W. Heinemann, 1916) p. 670.
- ³ *Ibid.*, p. 671.
- ⁴ The standard contemporary view of sexual offending is that it extends across all classes and social groups; if incarcerated sexual offenders tend to be from lower social groups it is thought that this is because people from such groups tend to get caught more readily.
- ⁵ *Ibid.*, p. 672.
- ⁶ Quinney, R. [1974], *Critique of Legal Order*, (New Brunswick and London: Transaction Books, 2002) (Originally Boston: Little, Brown and Company) pp. 167, 187-91.
- ⁷ Chambliss, W. J., 'Toward a Political Economy of Crime', *Theory and Society*, Vol. 2, 1975, pp. 149-170; Chambliss, W. J., *On the take: from Petty Crooks to Presidents* (London Bloomington: Indiana University Press, 1978); Chambliss, W. J., *Power, politics, and crime* (Boulder, CO: Westview Press, 2001).
- ⁸ Reiman, P., *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice* (Boston: Allyn and Bacon, 1998); Reiman, J. (2004), 'The Rich (Still) Get Richer:... Understanding Ideology, Outrage and Economic Bias' at: <http://paulsjusticepage.com/elite-deviance/reiman.htm>
- ⁹ Taylor, I., Walton, P. and Young, J., *The New Criminology: For a Social Theory of Deviance* (London: Routledge and Kegan Paul, 1973) p. 281.
- ¹⁰ *Idem.*
- ¹¹ *Ibid.*, p. 282, cf. Young in Taylor, I., Walton, P. and Young, J., *Critical Criminology* (London: Routledge and Kegan Paul, 1975), p. 90.
- ¹² This classification is more fully explained and justified in Cowling, *ibid.*, Chapter 2.
- ¹³ Marx, K. and Engels, F. E., *Collected Works* (London: Lawrence and Wishart, 1975-), vol. 24, p.87. (Henceforth: MECW 24, 87).
- ¹⁴ MECW 37, 807.
- ¹⁵ G. A. Cohen, *If You're an Egalitarian, How Come you're So Rich?*, Cambridge MA, Harvard University Press, 2000, Ch. 6.
- ¹⁶ <http://www.eurofound.eu.int/areas/qualityoflife/eurlife/index.php?template=3&radioindic=105&idDomain=9>
- ¹⁷ *Peoples Daily Online:*
- ¹⁸ http://english.people.com.cn/200306/14/eng20030614_118209.shtml
Stern report, p. 169. http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm

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- ¹⁹ See Valerie Bryson in Georgina Blakeley and Valerie Bryson (eds), *Marx and Other Four-Letter Words*, London: Pluto Press, 2005, p. 138.
- ²⁰ For what it is worth, the Cuban national revolution against Spain involved an ideology which stated that all Cubans were equal; and since the revolution which led to the introduction of communism this ideology has been very strongly reinforced. Nevertheless, to the extent that there are inequalities in Cuban society, black Cubans tend to be lower down the social scale.
- ²¹ Andy Myhill and Jonathan Allen, 'Rape and sexual assault of women: findings from the British Crime Survey', Home Office Research, Development and Statistics Directorate, *Findings* 159, 2002.
- ²² Makoto Itoh, 'Marx's economic theory and the prospects for socialism' in Hiroshi Uchida (ed.), *Marx for the 21st-Century* (London: Routledge, 2006) pp. 21-35, p. 38.
- ²³ This is extensively documented in Lydia S. Rosner, *The Soviet Way of Crime* (South Hadley, MA: Bergin and Garvey, 1986) esp. Ch. 1.
- ²⁴ *Ibid.*, p. 37.
- ²⁵ *Ibid.*, p. 39.
- ²⁶ A standard lecture in courses on criminological theory deals with the interpretation of criminal statistics. For a brief explanation of the way in which Chinese statistics are compiled see Susan Trevaskes, 'Severe and Swift Justice in China', *British Journal of Criminology*, 2007, Vol. 47, No. 1, pp. 23-41, f. 2. For the soviet union see: W. E. Butler, 'Crime in the Soviet Union: Early Glimpses of the True Story', *British Journal of Criminology*, Vol. 32, No. 2, 1992, pp. 144-159.
- ²⁷ Trevaskes, 'Severe and Swift Justice in China', p. 25.
- ²⁸ Kam C. Wong, 'Policing in the People's Republic of China: the Road to Reform in the 1990s', *British Journal of Criminology*, Vol. 42, pp. 281-316, p. 306.
- ²⁹ For example, Richard Lotspreich, 'Crime in the Transition Economies', *Europe Asia Studies*, Vol. 42, No. 4, June 1995, pp. 555 et. seq.
- ³⁰ See Butler 'Crime in the Soviet Union'; Gennady V. Dashkov, 'Quantitative and Qualitative Changes in Crime in the Soviet Union', *British Journal of Criminology*, Vol. 32, No. 2, 1992, pp. 160-166.
- ³¹ Personal observation from Mike Teague, a Moscow resident at that period.
- ³² Stephen Wheatcroft, 'Victims of Stalinism and the Soviet secret police: the comparability and reliability of the archival data - not the last word', *Europe Asia Studies*, Vol. 51, No. 2, 1999, pp. 315-45 appendix 3
- ³³ See Butler 'Crime in the Soviet Union', p. 146.
- ³⁴ See:
<http://web.amnesty.org/library/Index/ENGASA170532004?open&of=ENG-CHN>; China: The Death Penalty, A Failure Of Justice at:
http://asiapacific.amnesty.org/apro/APROweb.nsf/pages/appeals_adpan_china
 See also Trevaskes, 'Severe and Swift Justice in China'.
- ³⁵ Calum MacLeod, 'China Makes Ultimate Punishment Mobile', *USA Today*, June 14, 2006, see: http://www.usatoday.com/news/world/2006-06-14-death-van_x.htm
- ³⁶ See International Centre for Prison Studies, *World Prison Population List*, (seventh edition), 2007, see: <http://www.prisonstudies.org>