

Can Marxism Make Sense of Crime?

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Abstract

There has been quite a substantial tradition of criminological theory that makes some use of Marxism. Notable figures have been Willem Bonger (1916), Rusch and Kirchheimer (1939), in the United States Richard Quinney in the 1970s (1970, 1970a, 1974, 1977, 2002 [1974]), Frank Pearce (1978) writing on the USA from Britain and Canada, William Chambliss (1975, Chambliss and Mankoff, 1976, Chambliss, 1978, Chambliss and Seidman, 1982, Chambliss, 2001) Jeffrey Reiman (1998, 2004) Christian Parenti (1999), and in Britain, Taylor, Walton, and Young (1973, 1973a, 1975), the authors of *Policing the Crisis* (1978), Ian Taylor (1999) and John Lea (2002).

In this chapter my intention is to draw on some themes analysed by the above authors and my own reading of Marx in order to give an overview of some areas where Marxism has been, or could be, used to analyse crime. Marx and Engels themselves associated crime with the lumpenproletariat, but I argue that the definition of the lumpenproletariat is foggy, and the concept is dubious for the same reasons that Charles Murray's conception of the underclass is dubious. It would be possible to make some use of Marx's theory of alienation in the analysis of crime, but I consider that the theory is too vague to be seriously helpful. I then turn to the idea that crime might be part of the reproduction conditions of capitalism, and basically conclude that it is a contingent possibility rather than a necessary feature. Another way of linking Marxism and crime is through the analysis of law, and I agree with Paul Hirst and E.P. Thompson (strange bedfellows!) that law has a substance of its own, and as such can provide a degree of defence to working-class interests. I then move on to discuss the question of distributive justice, on which I consider that Marxists today need a theory of distributive justice, and criminal justice, on which I argue that there is a worthwhile distinction between relatively decent capitalist enterprises such as Marks & Spencer's and the Mafia, which can be captured in the idea that the former is not a criminal enterprise whereas the latter is. Finally I argue that various forms of crime would not disappear in a communist society, contrary to the views of Bonger and Walton, Taylor and Young, and that a communist society would actually criminalise some activities which are currently legal.

Introduction

The aim of this paper is to present an overview of the obvious possibilities in using Marxism to make sense of criminological theory. A brief explanation for non-criminologists: criminological theory typically comprises one central part of criminology degrees, the other central part being comprised of an account of the criminal justice system. Criminological theory looks at theories which purport to explain what is crime and why people commit it. Things are, of course, more complex than the brief explanation in the previous sentence. At minimum, victimless crimes such as those associated with prostitution and the imbibing of drugs should perhaps be decriminalised, and various activities which are currently not treated as criminal should perhaps be made illegal. A notable example of a crime which is not effectively prosecuted under English law is the war crime of invading other countries without just cause, which is much more harmful than the low-level street crime recorded by the Home Office. The concept of crime is notoriously slippery because crimes come and go: damaging Westminster Bridge and pretending to be a Chelsea pensioner are no longer capital offences. This leads many criminologists, but particularly those on the left, to argue that 'crime has no ontological reality'. They use examples such as that killing people in time of war can be seen as commendable, or that rape within marriage was legal until 1991 in England to claim that pretty much anything can be criminalised or de-criminalised. Marx and Engels and Bonger

are then accused of excessive reliance on official statistics. Although I am generally sympathetic to many of the projects and claims of left-wing criminologists, I do not accept this claim. Instead I prefer the idea of a pyramid of crime (see Hagan, 1994, p. 12) in which murder, robbery and rape are deemed basically criminal in pretty much any society. A society in which these were fully decriminalised would be one where life is nasty, brutish and short. As you go down the pyramid things become more flexible. The most flexible crimes are those based on paternalism, morality and religion. Even below this come activities which are legal, but generally seen as inappropriate, such as making romantic gestures to your mother-in-law. It is certainly possible to go in the opposite direction from general decriminalisation, and criminalise virtually anything. Life under the Taliban would be a good illustration of this. Television, alcohol, pork, homosexuality, sex outside marriage, education for women, going out in public unless dressed in a burka and accompanied by a male relative for women, shaving for men were all made illegal, so that all the main forms of entertainment in advanced Western societies were not permitted.

Given the length of time since its main theories were worked out, it is not surprising that some aspects of Marxism no longer work very well. A version of Marxism which I think works uses the ideas of informationalism proposed by Manuel Castells as the economic base for historical materialism (see Castells, 1996, 2000, 2004, Castells and Himanen, 2004). This then fits with many of the main features of globalisation. I do not think the idea of revolution on the Leninist model works any more: all that bloodshed in order to produce a society which eventually collapses is simply no longer attractive. Instead I think that some movement towards a socialist world order is possible given the combined efforts of trade unions, social democratic parties and a motley collection NGOs and globalisation protesters.

I now want to turn to the main substance of this paper, which is a series of ways in which Marxism as a social theory might be used in order to make sense of crime. The sections of the paper correspond to the possibilities I consider: the idea of the lumpenproletariat as the criminal class; possible links between the theory of alienation and crime; crime or the criminal justice system as a reproduction condition of capitalism; the Marxist account of law as the basis for making sense of crime; an analysis based on a Marxist account of distributive justice but linked to an account of criminal justice; and finally the question of whether crime would disappear under communism.

The lumpenproletariat

Marx offers three definitions of the lumpenproletariat, the most entertaining of which is:

From the aristocracy there were bankrupted roués of doubtful means and dubious provenance, from the bourgeoisie there were degenerate wastrels on the take, vagabonds, demobbed soldiers, discharged convicts, runaway galley slaves, swindlers and cheats, thugs, pickpockets, conjurers, card-sharps, pimps, brothel-keepers, porters, day-labourers, organ grinders, scrap dealers, knife grinders, tinkers and beggars, in short the whole amorphous, jumbled mass of flotsam and jetsam that the French term bohemian ... (Marx, 2002, pp. 77-8)

There are a lot of problems with Marx's account. They do not seem to comprise a coherent social grouping. Some of the above, notably the day-labourers, organ grinders, scrap dealers and knife grinders are potentially respectable self-employed people. Stretching a point, the same could be true of card-sharps, given that there is a substantial and generally legal gambling industry in Britain, and brothel keepers could be seen as sex workers. Marx seems to use his account of the lumpenproletariat as a way of vilifying parts of the proletariat that did not behave in a properly revolutionary fashion. However, subsequent accounts from

Franz Fanon (1969) and Mao (1967) suggest that the lumpenproletariat can side with the proletariat. I am therefore inclined to agree with Bovenkirk: 'In their [Marx and Engels's] more theoretical works, their definition of the term lumpenproletariat is unclear and inconsistent. Anyone who tries to base further study upon their interpretation of the term will soon be at his or her wits' end.' (Bovenkirk, 1984, p.37)

Worse still, Marx's account of the lumpenproletariat is strikingly similar to Charles Murray's account of the underclass (Murray, 1996, 1997, 2000, 2001). Murray argues that, in essence, the over-generous welfare state in the USA and Britain has produced a class of idle thieving bastards, and that an important objective of social policy should be to get rid of this grouping. Murray's account is a way of vilifying the victims of the neoliberal policies of Mrs Thatcher and President Reagan. His empirical account of their behaviour is thoroughly dubious. In particular, British people have tended not to get married before having children in recent years, so that about half of British children are now born illegitimate. The values of working, and its rewards in the form of a nice partnership, nice home and happy family life do not seem to have been eroded in spite of more than one generation of unemployment in some parts of Britain (see Bagguley and Mann, 1992, Macdonald, 1994, Johnson et al., 2000, p. 26, cf Heath, 1997).

Finally on this issue, Marx sees the lumpenproletariat as a natural tool of finance capital, which he sees as particularly degenerate. Even in spite of the horrors of the recent banking crisis, there is surely a role under capitalism for a stock exchange as a mechanism for raising and redistributing money capital and trading in commodities and commodity futures.

Alienation

Marx's theory of alienation states that people are naturally creative, loving, communal and powerful, but that these features get removed from them and attached instead to their economic life, notably the act and product of labour, religion, the state, and philosophy. Because this power is turned against them people experience themselves as dominated by the other features of social life that I have listed (MECW 3, pp. 275, 296). There has been a great deal of controversy over the theory. I subscribe to the idea that it was basically dropped around 1846, and that the older Marx makes use of a fairly thin account of human nature. The fundamental role of the concept of alienation in his youthful writing is replaced by the concept that the other areas of society are determined by the economy (see Cowling, 1989, 2006). This sets me at odds with most British commentators on Marx. To the extent that the idea of alienation persists in the older Marx there is certainly an ambiguity: is he arguing that labour can be made creative, or is he arguing that labour under conditions of advanced capitalism is bound to retain some of the features of alienated labour, and that the objective of a socialist society should be to minimise the amount of labour performed by workers so as to allow them a more creative life outside work (For a good account of this ambiguity, see Wendling, 2009)?

Marx himself does not try to use the concept of alienated labour to make sense of crime. One possible use of the concept is found in the early work of Taylor, Walton and Young, which is that a socialist society would allow people full expression of their sexual nature (Pearson, 1975, p. 164). Perhaps this notion could be linked to the ideas of Fourier, whose socialist utopia included arrangements for full sexual expression (see Fourier, 1967). However, this could hardly stretch to rape or sex with children under 10, both of which lack consent and are frequently seriously emotionally damaging. Other forms of sexual expression, notably gay and lesbian sex, seemed to be perfectly compatible with capitalism. There is a lively debate between different conceptions of prostitution, with the abolitionist perspective arguing that prostitution is inherently unacceptable and basically a form of rape, in contrast to which the sex worker perspective understands prostitution as a form of work

(see Barry, 1995, Jeffreys, 1997, Sanders, 2004). Whilst the concept of alienation could probably be made to fit these issues, it does not add anything useful to existing debates.

A more standard Marxist analysis would say that the workers are so alienated from their human nature that some of them turn to crime; and the objectives of the crime might be to defend the human values of their families. Presumably acquisitive crime directed against capitalists would be seen as relatively acceptable; however, acquisitive crime tends to be directed against other workers. Workers can also try to deaden the effects of alienation by getting drunk and engaging in fights etc. This is fairly similar to the account of the effects of proletarian existence found in Willem Bonger. The theory of alienation adds a moral claim that alienation should be ended. This seems uncomfortably close to the demand that workers should enjoy the full fruits of their labour which Marx gives such short shrift in *The Critique of the Gotha Programme* (MECW 24, pp. 84-5).

One part of the alienation analysis talks of the alienation of people from nature, and it would be possible to try to construct an ecological version of Marxism on the basis of this. However, Marx also frequently thinks in terms of people dominating nature in one way or another. Actual Communist societies have taken this approach, and tend to have generated worse ecological problems than are generated by advanced capitalism (see Benton, 1989).

Marx himself seems to have placed the alienation analysis on the back burner as a result of his encounter with Max Stirner, who took the alienation idea one step further, and thought in terms of claims about human brotherhood etc as a form of alienation from the proper concern of the individual, which is him or herself (Stirner, 1907). There is, at any rate, a problem as to why human beings are naturally creative, loving and communal rather than nurturing, or spiritual, or Aryan or individualistic and competitive.

The rather dismal performance of Marxist analysis so far need not be too discouraging: the remaining four possibilities all arguably work better.

The Criminal Justice System and the Reproduction Conditions of Capitalism

One of Marx's more extended discussions of crime comes in his Economic Manuscripts of 1861 to 3 (MECW 30, 307-10). He is actually attacking economists such as Malthus who, he argued, failed to distinguish properly between productive and unproductive labour. He does this by means of a satire in which the criminal is productive because he produces work for the criminal justice system, locksmiths, makers of implements for torture to extract confessions etc etc. Because this message is entertaining it is frequently referred to and reproduced.

In point of fact, Marx's best version of this distinction between productive and unproductive labour, namely that productive labour is productive of profit, still fails to work, particularly in conditions of advanced capitalism. It tells us that state employed scientists and lecturers in computer science are unproductive and that a capitalist government should sack them and get them flipping hamburgers for a profit making chain. The output of these particular state employees is the main explanation of why Western economies are still in advance of those of India and China. Also, there are productive labourers who have very bad effects on the rest of the workforce, for example gunsmiths, producers of alcohol and tobacco, people employed in making unhealthy food etc.

Another way to look at Marx's discussion of crime is to conceive of it as one of the reproduction conditions of capitalism. This form of analysis, taking as its starting point one of Althusser's essays, 'Ideology and the State' (Althusser, 1970), was very popular in the 1970s, as it provided a way for radical state employees to argue that they were engaged in undermining capitalism (see Hall et al., 1978, Wilson, 1977, Corrigan and Leonard, 1978, London Edinburgh Weekend Return Group, 1980). The reproduction conditions of capitalism are, I would argue, multi-layered. Most basic are the reproduction conditions of human life itself, such as breathable air, food and shelter. Then there are reproduction conditions which

are broadly common to capitalist and socialist economies, such as a good general education system and welfare state. Then there are specific conditions of capitalism, such as free workers, an accumulation of money capital, a reasonably extensive market, and an ideology which understands profit-making as a reputable activity. A very basic level of the criminal justice system is required by both a capitalist and a socialist economy: both of these are undermined if people are free to murder and steal whenever they see fit. Possibly the criminal justice systems of the Scandinavian countries are quite close to this level. They manage to keep incarceration down to around 70 per hundred thousand of population.¹ In stark contrast, the British and American criminal justice systems have been afflicted since the 1970s with what Garland calls the culture of control (Garland,2001). He argues that from the early 20th century through to the beginning of the 1970s there was a culture in Britain and America of penal welfarism, in which prison was much more of a last resort, and the goal of imprisonment was more clearly rehabilitation. What has happened since then, he argues, is that fear of crime has been whipped up by politicians and the media, and imprisonment has come to be much more a matter of deterrence and retribution. Thus in Britain we have roughly doubled the number of prisoners since the time of Douglas Hurd as Home Secretary; and the United States has ended up as the penal capital of the world with 756 prisoners per hundred thousand of population.

Is there anything peculiar about the development of American capitalism since the 1970s which accounts for this massive growth? There has been the relative decline of mass production and manufacturing, which has tended to be shifted to parts of the world such as Mexico and China where labour is cheaper than the United States. There has also been growing inequality, with stagnating incomes at the bottom of US society and the expansion of extreme wealth of an elite at the top.² Given that American culture places considerable stress on material prosperity this is arguably a criminogenic set of arrangements. However, to a somewhat lesser extent the same developments have been underway in Britain with a much lower rate of imprisonment. A more likely set of explanations is specific to the criminal justice system. There is the particularly toxic phenomenon of the Republican Southern strategy, which started in a small way with the Nixon presidential campaign in 1968, in which Republicans in the southern states linked fear of crime with fear of black men. This resulted in white Southern voters switching their allegiance from Dixiecrat Democrats to Republicans. It also led to higher rates of imprisonment, which were then used as an argument to show that there was a major danger from crime, particularly black crime. The Democrats fought back by arguing that they were equally tough on crime (see Parenti, 1999, Chambliss, 2001). This has carried on since the mid-1990s, when levels of crime started to fall quite dramatically. Some other developments have also conspired to inflate the number of prisoners: truth in sentencing, which limits judicial discretion, and means that prisoners get relatively little remission for good conduct; the war on drugs, which has seen the incarceration of large numbers of inoffensive users and low-level dealers; tougher probation, with a more ready tendency to recall men on probation to prison. There is also an argument that crime statistics are manipulated by police authorities and the FBI, either to demonstrate that crime is rampant and that they need to be supplied with extra resources, or to

¹ Rates of imprisonment are summarised by Roy Walmsley (2008). Some African countries have lower rates of imprisonment than Scandinavia, but they also do not have very effective capitalist development, and many of them have quite nasty features such as corrupt dictatorships or civil wars. An example would be the Congo, with 22 people in prison per hundred thousand of population, but with a horrible history of corrupt dictatorship and civil war, and a terrible failure to develop the plentiful natural resources of the country for the general benefit of its population.

² See http://en.wikipedia.org/wiki/List_of_countries_by_income_equality ;
<http://mapscroll.blogspot.com/2009/04/is-us-becoming-third-world-country.html>

demonstrate that zero tolerance policing works (see Chambliss,2001).

It is worth debating whether there is a more specifically economic explanation. Three major corporations are in the business of providing private prisons; numerous other corporations profit from supplying all sorts of things to the prison sector and to the police and courts. These, together with hangers on such as criminology lecturers, form a significant lobby. However, I see no reason to dispute the view of Christian Parenti that:

incarceration is a small-scale form of Keynesian, public-works-style stimulus. New penitentiaries can revive economically moribund regions and, acting as anchor industries, can bring in other employers such as medical services and retail chains... The gulag provides opportunities for localised growth but it does not and will not assume the mantle of de facto industrial policy because it cannot and will not replace the role of military and aerospace spending. (Parenti, 1999, p. 217, see also Hooks et al, 2004)

An argument in the opposite direction might in fact be valid. Given that, for example, California is now spending more on its prisoners than it is on education, and that there are more black men in prison than there are in universities, the high rates of imprisonment in United States is probably a drag on the American economy compared with other possible social arrangements. It would be better for the men who end up in prison to be doing almost anything else: retraining for the informational economy; working as carers for the elderly and disabled; tending civic parks and gardens, putting on operas -- all of these would be beneficial and constructive, in contrast with the current arrangements.

The overall conclusion of this section, then, is that capitalist economies have quite a high degree of flexibility, and can be run in various different ways. The American pattern of running the economy with such a large criminal justice sector can thus be seen as a contingent rather than a necessary way of reproducing a capitalist economy.

The Marxist Analysis of Law

Historical materialism conceives of society as comprising an economic base and an ideological and political superstructure, which is determined by the economic base. The role of law in this is problematic. It seems to provide a framework for the economic base, and also to be part of the ideological superstructure. It is possible to use law as a framework for accelerating the development of the economic base -- consider, for example, legislation to permit enclosure or the setting up of joint stock companies.

Turning specifically to the criminal law, there are broadly two approaches. One, taken by the Soviet jurist Pashukanis (1980), and by the American criminologist Richard Quinney in his Marxist phase (Quinney, 1970, 1974) sees the criminal law as essentially an instrument of the ruling class used against the working class, and thus looks to see the criminal law disappearing with the building of communism. The alternative approach is taken by Paul Q Hirst (1979, pp. 111-114); E. P. Thompson (1990), Douglas Hay (1975) and Hugh Collins (1984). It argues that the law has a relatively autonomous substance of its own. This means that the law can to an extent to be used by subordinate classes against the ruling class. Examples of this could be the refusal of a jury to convict the London Corresponding Committee of workingmen of treason (see Thompson, 1991, pp. 19-23); the hanging of Lord Ferrers, a particularly obnoxious aristocrat; the role of health and safety legislation, and legislation to restrict working hours; the refusal of a jury to convict Clive Ponting; the use of the law in the context of the British invasion of Iraq by figures such as Phil Shiner. It is pointed out that the ideological role of the law as something neutral, available to capitalists and workers alike, is enhanced by these relatively limited examples of the law acting to

constrain those at the top of society.

Distributive Justice and Criminal Justice

There is a very extensive debate as to whether or not Marx has a theory of distributive justice. It is possible to marshal numerous quotations in both directions from his work (for an excellent introduction to the quotations, the issues, and the extensive literature, Geras, 1985, 1992). My personal inclination is to go with his official position that historical materialism is not a theory of justice, and that communist revolution is not a revolution motivated by justice. However, I also consider that Marx's arguments to the effect that communist revolution is highly likely have become extremely weak. Contemporary Marxists need to get involved with theories of justice. Moreover, it is by no means clear that the interests of people who work in the interests of justice are identical. To start with, levels of remuneration enjoyed by different workers are dramatically different: the better paid employees of Microsoft, for example, live in a state where they can set up their own businesses; contrast this with workers in Third World sweatshops (see Anderson, 2005 on the relative pay rates of third world and US workers who work for Wal-Mart). Worse than this, however, the addition of some labour to a product does not seem to be a particularly good title to the whole of the product. If one considers people's needs, there is a strong argument that carers (usually, though by no means exclusively, women) severely disabled people and some pensioners get a relatively poor deal compared to those lucky enough to be able to do well remunerated work. (The argument here basically follows that in Geras, 1992, pp. 66-9 and Cohen, 2000, chapter 6.) Justice also demands a reduction in the massive remuneration of those at the very top of businesses, and of the bankers who brought about the current crisis. It is thus important to see if it is possible to develop a distinctively Marxist theory of justice. This is obviously a very big task. In terms of Marx's categories we live in a rather peculiar society. We still have capitalism, gross inequality and idle rentiers. On the other hand we have a welfare state which to some extent works on the basis of to each according to his or her needs. This points towards a reformist politics which uses arguments about justice to call for the expansion of the welfare state alongside policies to reduce inequalities in income and wealth.

Where does criminal justice fit with theories about distributive justice? The two tend to be discussed separately. Thus there is about one page on this issue in Rawls' *A Theory of Justice*, if we leave aside a more extended discussion of civil disobedience (Rawls, 1973, pp. 575-6). The line Rawls takes is the obvious one that crime tends to upset just patterns of distribution, so that criminal justice restores a just pattern of distribution. One text written by a criminologist tries to make this link by using Marshall's theory of citizenship as her criterion of justice (Cook, 2006). If we pursue Rawls' line of thought I would suggest that we should distinguish between white collar crime carried out by individuals on their own behalf, corporate crime and street crime. Individual white-collar crime is arguably pursued less vigorously than street crime which nets the same amount of illicit gains, although in recent years some American white-collar criminals have received substantial sentences. Corporate crime is quite often overlooked, or dealt with leniently. An example would be the British Corporate Manslaughter and Corporate Homicide Act, 2007, which simply provides for fines on guilty corporations -- fines which in the case of Railtrack, hospital trusts or prisons would be paid by the taxpayer. There is also a strong argument that corporate crime does not get enough attention from criminologists, given the massive damage it causes compared to street crime. I was able to review most of the more significant writing in this area over a few pages of my book (Cowling, 2008, pp. 205-8), a task which would be completely impossible for street crime. Just to give a brief illustration of the discrepancy: in the 1990s the Serious Fraud Office had a threshold of £6 million before it would take an interest in cases, and typically had frauds which netted around £5 billion under investigation at any one time. In contrast, the

average burglary was estimated to have netted about £370, and the total cost of burglaries was estimated as around £1 billion per annum. Hardly any burglaries were big enough to attract the attention of the Serious Fraud Office if they had been frauds (see Slapper and Tombs, 1999, pp. 56-63). Turning to deaths and injuries, in the UK there are around 400 deaths and 50,000 serious injuries at work each year (Slapper and Tombs, 1999, pp. 68-78). Very many of these are avoidable. The executives who decide whether or not to risk these deaths and injuries obviously hope that nothing harmful will occur, and have nothing against the particular employee who is a victim, but they risk the deaths and injuries in a calculating manner, whereas an individual murderer tends to be enraged and out of control. It is, of course, quite possible to research these matters without a Marxist framework, but this is pretty clearly territory where Marxist views of the imperatives of capitalism are highly pertinent.

Turning from corporate crime to crime more generally, there are various crimes where a Marxist theory of justice would be relevant. Let us start with the crimes committed by primitive rebels, as Eric Hobsbawm called them. When he was writing in 1959 he had a clear view of the line of march to socialism, and it was relatively easy to see where they would fit (Hobsbawm, 1959). Things are less clear if we start engaging in reformist arguments about justice. The line of march toward socialism is messy and unclear. Illegal actions should be largely unnecessary in properly functioning liberal democracies, and are something of a double edged sword in that they legitimate draconian or illicit activities by the criminal justice system or the right against leftists. There may be some role for whistleblowing, leaking, civil disobedience, challenging the way in which demonstrations are policed, symbolic actions against particular targets etc.

What about the victimless crimes advocated by the radical criminologists of the 1970s? People on the left have historically been rather more sympathetic to these than those on the right, but today things are less clear. Existing or recent communist societies have been less sympathetic to homosexuality than today's decadent advanced capitalist societies; in Britain under New Labour the Home Office was dominated by women who accepted the radical feminist view that prostitution is totally unacceptable.

Finally, a brief comment on the relatively petty street crime which dominates criminal statistics. Much of this is relatively harmless -- I can recall rejecting the offer of victim support to get me through the trauma of having our lawnmower stolen from our shed and the horror of claiming for a better one on our insurance, or the puzzle of what was the appropriate amount to claim on the insurance for cracked PlayStation games stolen in a minor burglary. Socialist policy would surely be to try to get the young men who are the main perpetrators of this type of crime through their criminal years as untraumatically as possible, rather than labelling and imprisoning them, thus setting them on course for recidivism.

Communism and the End of Crime?

Much of the existing Marxist criminology argues that crime would disappear under communism (see Taylor Walton and Young, 1973, p.281-2, 1975, p. 90; Reiman, 1998; Chambliss, 2001, the last two arguing that socialist type reforms would greatly reduce crime). It seems reasonable to suppose that the type of situation Bonger describes, where people had the option of starvation, stealing or suicide, would disappear in a communist society, but it has also disappeared in capitalist societies which have a halfway decent welfare state (Bonger, 1916, pp. 670-2; Quinney, 2002 [1974] pp. 167, 187-91.).

Marx's slogan for communist society is 'from each according to his abilities and to each according to his needs'(MECW, 24, p. 87). The older Marx seems to envisage that at least some work would continue to be necessary and disagreeable (MECW, 37, p. 807. For an enlightening and interesting discussion of this change from the youthful alienation theory, see

Wendling, 2009). It can therefore be assumed that some people would wish to evade work some of the time. Some things that people legitimately want, such as a car, are ecologically unsustainable for everyone on the planet. Others would have to be rationed in any conceivable situation: the desire to make epic films, the need for emotional care (see Bryson and Blakeley 2005, p. 138), the demand for space travel should all be available for some people, but do not seem realistic for everyone in the way they might desire and benefit from. We thus have two sorts of situations in which individuals would wish to deviate from the socialist plan, however it was drawn up. A socialist society will also presumably still have the kind of problem we have today over, for example, the use of the countryside. Farming, house building, quad biking, setting up wind farms and rambling are all legitimate uses to some extent, but are rivals to each other. In capitalist society some people, at least, can get around these problems by spending resources in a way that might not be possible in a socialist society. They might, therefore, engage in various forms of crime or corruption.

Some currently existing crime is motivated by issues of race or gender. Hopefully these would diminish under socialism, but they would not automatically go away. Although people's sexual desires would hopefully be catered for following Fourier's slogan that 'all perversions are equal under the law' (Fourier, 1967), it would surely still be disagreeable to find one's partner in bed with someone else, so to some extent crime based on jealousy would persist. Hopefully a socialist society would take seriously the need of people to live free of fear, and would thus be more effective in prosecuting domestic and sexual violence. Convictions for these might therefore rise rather than fall. Some offences are based on moral and religious beliefs. One might hope that religious beliefs will tend to fade away in a socialist society, but this looks much more realistic in secular Britain than in the United States. Even from a secular point of view, there is a point at which most people would wish to move from polite debate to criminal sanctions -- for example, shifting the age of consent to 14 could be dealt with by polite disagreement, but moving it to age 7 would invite criminal sanctions. Similarly, while most enlightened people seem to accept the idea of a spot of sadomasochism such as was at issue in the Spanner trial, there tend to be reservations about consenting cannibalism.

Finally, we should perhaps pause for thought about the consumption of drugs in contemporary capitalist societies. The illegal drugs trade is based on the desire of lots of people for drugs which are prohibited by law. In a socialist society everything needed for production is supposed to be supplied by the social plan. If this fails and people want to get hold of things needed by enterprises they are forced onto the black market. This seems to have been one major foundation of the Soviet Mafia: lots of commodities were treated in the same way as our illegal drugs in our society.

Overall, then, there seems to be reason to think that in some respects there might actually be more crime in a communist society than in current capitalist society, even if in other respects the communist society was very attractive and provided better opportunities for human fulfilment.

References

- Althusser, L. (1970), *Lenin and Philosophy and Other Essays*, London: New Left Books.
- Anderson, S. (2005), *Wal-Mart Pay Gap*, Institute for Policy Studies (Washington, DC), available from: http://www.ips-dc.org/projects/global_econ/Wal-mart_pay_gap.pdf
- Bagguley, P. and Mann, K. (1992), 'Idle thieving bastards? Scholarly representations of the "underclass"', *Work, Employment and Society*, 6: 1, pp. 113-26.
- Barry, K. (1995), *The Prostitution of Sexuality*, New York: New York University Press.
- Benton, T. (1989), 'Marxism and Natural Limits: An Ecological Critique and Reconstruction', *New Left Review*, 178, November-December, pp. 51-86.

- Blakeley, G. and Bryson, V. (eds), (2005), *Marx and Other Four-Letter Words*, London: Pluto Press.
- Bonger, W. A. (1916), *Criminality and Economic Conditions*, London: W. Heinemann.
- Bovenkerk, F. (1984), 'The Rehabilitation of the Rabble: How and why Marx and Engels wrongly depicted the Lumpenproletariat as a Reactionary Force', *The Netherlands Journal of Sociology*, Vol. 20, No. 1, pp. 13—41.
- Castells, M. (1996), *The Rise of the Network Society - The Information Age: Economy: Society and Culture*, Vol. 1, Oxford: Blackwell.
- Castells, M. (2000), *End of millennium - The Information Age: Economy, Society and Culture*, Vol. 3, Oxford: Blackwell Publishers.
- Castells, M. (2004), *The Power of Identity - The Information Age: Economy, Society and Culture* Vol. 2 (second edition), Oxford: Blackwell.
- Castells, M. and Himanen, P. (2004), *The Information Society and the Welfare State : The Finnish Model*, Oxford: Oxford University Press.
- Chambliss, W. J. (1975), 'Toward a Political Economy of Crime', *Theory and Society*, 2, pp. 149-170.
- Chambliss, W. J. and Mankoff, M. (1976), *Whose law, what order? a conflict approach to criminology*, New York: Wiley.
- Chambliss, W. J. (1978), *On the take: from Petty Crooks to Presidents*, London Bloomington: Indiana University Press.
- Chambliss, W. J. and Seidman, R. J. (1982), *Law, order, and power*, Reading, Mass: Addison-Wesley Pub. Co.
- Chambliss, W. J. (2001), *Power, politics, and crime*, Boulder, CO: Westview Press.
- Collins, H. (1984), *Marxism and Law*, Oxford: Oxford University Press.
- Cook, D. (2006), *Criminal and Social Justice*, London: Sage.
- Cowling, M. (1989), 'The Case for Two Marxes, Re-stated' in *Approaches to Marx*, Milton Keynes: Open University Press, pp. 1-32.
- Cowling, M. (2006), 'Alienation in the Older Marx', *Contemporary Political Theory*, 5: 3, August, pp. 319-339.
- Corrigan, P. and Leonard, P. (1978), *Social Work Practice under Capitalism: A Marxist Approach*, London: Macmillan.
- Fanon, F. (1969), *The Wretched of the Earth*, trans. Constance Farrington, Harmondsworth: Penguin.
- Fourier, C. (1967), *Le nouveau monde amoureux, Oeuvres Complètes de Charles Fourier, VII*, Paris: Anthropos.
- Garland, D. (2001), *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford: Oxford University Press.
- Geras, N. (1985), 'The Controversy about Marx and Justice', *New Left Review*, 150, Mar-Apr, pp. 47-85.
- Geras, N. (1992), 'Bringing Marx to Justice: An Addendum and Rejoinder', *New Left Review*, 195 (Nov-Dec), pp. 37-69.
- Hagen, J. (1994), *Crime and Disrepute*, Thousand Oaks: Pine Forge Press.
- Hall, S. M. et al. (1978), *Policing the crisis : mugging, the state, and law and order*, London: Macmillan.
- Hay, D. (1975), 'Property, Authority and the Criminal Law', in Douglas Hay, Peter Linebaugh and Edward Thompson (eds), *Albion's Fatal Tree*, London: Allen Lane.
- Heath, A. (1997), 'The Attitudes of the Underclass', in David J. Smith (ed.), *Understanding the Underclass*, London: Policy Studies Institute, pp. 32-47.
- Hirst, P. Q. (1979) *On Law and Ideology*, London: Macmillan.
- Hobsbawm, E. (1974/1959), *Primitive Rebels*, Manchester: Manchester University Press.

- Hooks, G. et al. (2004), 'The Prison Industry: Carceral Expansion and Employment in U.S. Counties, 1969–1994', *Social Science Quarterly*, 85: 1, pp. 37-57.
- Jeffreys, S. (1997), *The Idea of Prostitution*, North Melbourne, Victoria: Spinifex
- Johnston, L. et al. (2000), *Snakes and Ladders: Young people, transitions and social exclusion*, Bristol: The Policy Press/Joseph Rowntree Foundation.
- Lea, J., (2002) *Crime and Modernity: Continuities in Left Realist Criminology*, London: Sage.
- London Edinburgh Weekend Return Group (1980), *In and Against the State*, London: Pluto Press.
- MacDonald, R. (1994), 'Fiddly Jobs, Undeclared Working and the Something for Nothing Society', *Work Employment and Society*, 8: 4., December, pp. 507-30.
- Marx, K. (2002) 'The Eighteenth Brumaire of Louis Napoleon Bonaparte', in M. Cowling and J. Martin (eds), *Marx's Eighteenth Brumaire: (Post)Modern Interpretations*, London: Pluto Press,
- Mao T. T. (1967), 'Analysis of the Classes in Chinese Society', *Selected Works*, Peking: Foreign Languages Press, Vol. 1.
- Murray, C. (1996), *Charles Murray and the Underclass: the developing debate*, London: IEA Health and Welfare Unit in association with the Sunday Times.
- Murray, C. et al. (1997), *Does Prison Work?*, London: IEA Health and Welfare Unit.
- Murray, C. (2000), 'The Underclass Revisited', *American Enterprise Institute Short Publications*: http://www.aei.org/publications/pubID.14891/pub_detail.asp
- Murray, C. (2001), *Underclass + 10*, London: Civitas.
- Pashukanis, E. B. (1980), *Pashukanis: Selected Writings on Marxism and Law*, London: Academic Press.
- Pearce, F. (1978), [1976], *Crimes of the Powerful*, London: Pluto.
- Pearson, G. (1975) in Taylor, I., Walton, P. and Young, J. (1975).
- Quinney, R. (1970), *The Social Reality of Crime*, Boston Mass.: Little, Brown and Co..
- Quinney, R. (1970a), *Crime and Justice in Society: The Problem of Crime*, New York: Dodd, Mead.
- Quinney, R. (1974), *Criminal Justice in America: A Critical Understanding*, Boston: Little, Brown and Company.
- Quinney, R. (1977), *Class, State and Crime*, New York: David McKay.
- Quinney, R. (2002), [1974], *Critique of Legal Order*, New Brunswick and London. (Originally Boston: Little, Brown and Company).
- Rawls, J. (1973), *A Theory of Justice*, Oxford: Oxford University Press.
- Reiman, P. (1998), *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice*, Boston: Allyn and Bacon.
- Reiman, J. (2004), *The Rich (Still), Get Richer: ... Understanding Ideology, Outrage and Economic Bias*, at: <http://paulsjusticepage.com/elite-deviance/reiman.htm>
- Rusche, G. and Kirchheimer, O. (1939), *Punishment and Social Structure*, New York: Columbia University Press.
- Sanders, T. (2004), *Sex Work: A Risky Business*, Cullompton: Willan.
- Stirner, M. (1907), *The Ego and His Own*, trans. Steven T. Byington, New York: Benjamin R. Tucker.
- Taylor, I., Walton, P. and Young, J. (1973), *The New Criminology: For a Social Theory of Deviance*, London: Routledge and Kegan Paul.
- Taylor, I., Walton, P. and Young, J. (1973a), 'Rejoinder to the Reviewers', *British Journal of Criminology*, 13: 4, 1973, pp. 401-3.
- Taylor, I., Walton, P. and Young, J. (1975), *Critical Criminology*, London: Routledge and Kegan Paul.

- Taylor, I. (1999), *Crime in Context: A Critical Criminology of Market Societies*, Cambridge: Polity.
- Thompson, E. P. 1990 [1975], *Whigs and Hunters*, Harmondsworth: Penguin.
- Thompson, E. P. (1991 [1963]), *The Making of the English Working Class*, Harmondsworth: Penguin.
- Walmsley, R. (2008), *World Prison Population List, Eighth Edition*, available at:
http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wppl-8th_41.pdf
- Wendling, A. (2009), *Karl Marx on Technology and Alienation*, Houndmills: Palgrave.
- Wilson, E. (1977), *Women and the Welfare State*, London: Tavistock.