



Publication details, information for authors and referees and full contents available at: <http://global-discourse.com/>

ISSN: 2043-7897

Suggested citation:

Lasslett, K. (2011) 'Reply to "Can Marxism Make Sense of Crime?" by Mark Cowling', *Global Discourse* [Online], 2: II, available from: <<http://global-discourse.com/contents>>.

All copyrights of this article are held by the author/s.

A Reply to Can Marxism Make Sense of Crime? by Mark Cowling

Kristian Lasslett¹

Introduction

In his paper ‘Can Marxism Make Sense of Crime?’, Cowling critically evaluates a number of theoretical tools which might be employed to improve our understanding of crime and criminality. The paper’s broad scope makes it intellectually provocative, though the theories and theorists are given elliptical treatment which, on occasions, forces the audience to read between the lines. Given the paper’s wide scope, I will break down my review into sections that broadly mirror the author’s own layout. I have elected to critically engage with Cowling on a number of key points,² which I hope healthily reflects the quite divergent views Marxists hold on criminological theory and analysis. However, in so doing the commentary I provide is certainly not meant to be a definitive statement of my own thoughts on the issues at hand, rather they are simply alternative views designed to stimulate dialogue.

The Ontological Reality of Crime

Taking issue with the argument that ‘crime has no ontological reality’, the author begins by outlining a framework which he labels a ‘pyramid of crime’. At the top of this pyramid are acts like murder, robbery and rape, which the author claims are ‘deemed basically criminal in pretty much any society’. Then there are more flexible forms of criminality that vary depending on prevailing systems of morality and religion. While the author’s theoretical innovation is most interesting, I am not sure dividing crime up schematically is necessarily the best approach. Indeed from an empirical vantage point, there are instances we can point to where murder and sexual assault are quite socially acceptable practices (as the author indeed acknowledges). For example, anthropological studies from the Highlands of Papua New Guinea suggest that when women fled certain clans, punishment in some instances included ‘rape by all males of a lineage’ (Donaldson and Good 1988: 21-22). This symbolic ritual arose out of a fiercely patriarchal culture, where owing to constant threats from rival tribes the warrior code and forced labour (of women) were crucial ingredients for a clan’s survival.

Thus, rather than developing elaborate schemas that box crime under different headings, some of which are common to all societies, others of which are specific to only certain types of communities, perhaps we would be better served by trying to illuminate the concrete social processes that give an act its deviant quality (none of which are general to all societies, they are always historically specific processes). That is, if we are to explain why certain acts are criminal and others are not (and in turn why people commit them), we cannot rely on their inherent repugnance to

¹ Lecturer in Criminology, University of Ulster and Research Fellow, International State Crime Initiative.

² In so doing I have focused solely on the content of Cowling’s paper in this volume – it would be too demanding to analyse this paper in light of the author’s prolific output.

humankind (e.g. rape), rather we must turn our analytical lens to the *social processes* in which they are embedded. These processes broadly involve a variety of actors, for example, offenders, victims, the community and political authorities. Shaping the interaction between these actors are historically developed structures and processes that inspire specific ways of life, normative systems, intellectual paradigms, political projects and governmental technologies. As a totality these forces establish the context in which the relationship between victim, offender, the community and political authority evolves – an evolving relationship that will give certain offences a criminal character, while other practices will assume a different status (see Lasslett 2010a). Looking at crime this way is not a retreat into symbolic interactionism, rather it simply recognises that practices acquire their meaning and significance from the ensemble of relationships they are embedded within. Marxism I would suggest is immanently well placed to shed light on this dynamic.

The Lumpenproletariat

Having defined crime, the author proceeds to survey a series of Marxist tools which could potentially be employed to shed light on criminality. First off the rank is class analysis, or perhaps to be fair, a specific class category. Cowling's critique of the category lumpenproletariat as used by Marx, is insightful. However, I am not entirely convinced we can as easily dismiss Marx's more general point about capitalism's fickle character. As a mode production, capitalism is chaotic and fragile in nature, making unevenness and disequilibrium a constant reality. When capitalism's rhythm is blended with a range of neoliberal political technologies, the concrete result for significant sections of the population across the world today is their socially constructed *irrelevance*. Out of this socially constructed irrelevance develops cultures of resistance, not all of which are necessarily revolutionary or 'progressive', for example, youth gangs (see Hagedorn 2005). In this sense, class relations under capitalism do generate a sort of marginalised, irrelevant social strata who react to their circumstances in different ways according to the socio-cultural paradigms that develop around them. Cowling is perhaps right to reject the label lumpenproletariat, however, there certainly seems something analytically important about understanding and conceptualising this socially produced irrelevance and the response of different states to the cultures of resistance that form within marginalised communities.

Alienation

Clearly not adverse to provoking debate (which is most engaging!), the author proceeds to examine and dismiss Marx's theory of alienation. In particular, Cowling argues that this theory more or less disappears from Marx's scholarship after 1846. If we accept that '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', I would agree, there are indeed few traces of such a view in Marx's mature work. However, I would argue that Marx never seriously held this position to begin with. Marx's strongest and most persistent claim is that humans actualise their abstract potential by being immersed in social processes, out of which develop concrete powers of agency (Marx 1959: 97 & 101; Marx 1973: 492; Marx 1976: 283). Consequently, owing to the practical and social nature of human beings, our attributes and characteristics are historically developed rather than organically predefined. Accordingly, it seems to me that Marx does not seriously argue that humans possess certain original qualities, which are then suppressed by

social structures. Indeed in his early works Marx (1975: 230) chastises liberal political theory for characterising society as a ‘framework extraneous to the individual, as a limitation of their original independence’.

Nevertheless, when conceived in the above light Marx’s social ontology does raise interesting questions about the relationship between the concrete attributes and capabilities humans possess, and the social relations and processes which underpin their particular historical epoch. On occasions Marx attempts to tease out this relationship:

Greed as such, as a particular form of the drive, i.e. as distinct from the craving for particular kinds of wealth, e.g. clothes, weapons, jewels, women, wine etc., is possible only when general wealth as such, has become individualized in a particular thing, i.e. as soon as money is posited in its third quality ... The mania for possessions is possible without money; but greed itself is the product of a definite social development, not *natural*, as opposed to *historical*. (Marx 1973: 222)

However, these remarks are never fully developed (perhaps the most intriguing examination of the relationship between personality and structure is made by Trotsky (2005) in his portrait of Tsar Nicholas II). Nevertheless, from a criminological point of view, Marx’s social ontology still offers a useful framework for analysing the relationship between human attributes conducive to socially harmful activities/crime and specific historical structures.

However, this argument on human nature is not essential to Marx’s early or mature views on alienation, which is Cowling’s main concern. Rather, Marx explicitly roots his theory of alienation in the social relations of capitalism. Compare, for example, the following two remarks, the first from his 1844 manuscripts, the second from Marx’s *Grundrisse*:

The *alienation* of the worker in his product means not only that his labor becomes an object, an *external* existence, but that it exists *outside him*, independently, as something alien to him, and that it becomes a power on its own confronting him. It means that the life which he has conferred on the object confronts him as something hostile and alien. (Marx 1959: 67)

The independent, for-itself existence [*Fürsichsein*] of value *vis-à-vis* living labour capacity -- hence its existence as capital -- the objective, self-sufficient indifference, the *alien quality* [*Fremdheit*] of the objective conditions of labour *vis-a-vis* living labour capacity, which goes so far that these conditions confront the person of the worker in the person of the capitalist -- as personification with its own will and interest -- this absolute *divorce, separation* of property, i.e. of the objective conditions of labour from living labour capacity -- that they confront him as *alien property*, as the reality of other juridical persons, as the absolute realm of *their* will -- and that labour therefore, on the other side, appears as *alien labour* opposed to the value personified in the capitalist, or the conditions of labour -- this absolute separation between property and labour, between living labour capacity and the conditions of its realization, between objectified and living labour, between value and value-creating activity -- hence also the alien quality of the

content of labour for the worker himself -- this divorce now likewise appears as a product of labour itself, as objectification of its own moments. (Marx 1973: 452)

Once conceptualised in this way I am not that Marx's theory of alienation can be as easily dismissed. Indeed, understanding how socially produced wealth is reified in private forms that oppose workers as an alien force, and the correlative reaction this incites in those human beings who actualise their potential in such a system (not only in those who stand opposite it, but also in those who command alienated wealth), would appear a necessary step if we are to more fully explain the interests and attitudes that underpin different forms of offending behaviour. That said, the author is right to raise questions about overly romanticised conceptions of the street criminal, as a lovable rogue resisting commodification and alienation.

Crime and the Reproduction of Capitalism

Having examined and dismissed two tools of Marxist analysis, the author then proceeds to consider whether crime is essential to the reproduction of capitalism. I found this section to be one of the most thought-provoking. Certainly, there have been attempts by criminologists influenced by Marxism to rationalise crime and criminal justice, by linking it to the needs of capitalist reproduction (see, for example, Rusche and Kirchheimer 1939). Besides being built on a questionable empirical foundation, such arguments suffer from all the problems associated with functionalism. Consequently, Cowling's conclusion that crime/crime control is a contingent reality and thus not necessary to the reproduction of capitalism is compelling.

Law and Justice

In the final two sections of his paper Cowling considers law and justice. Quinney's instrumentalist view of the criminal law is dismissed, rightly in my view. However, Pashukanis is oddly lumped into this instrumentalist camp – such a controversial characterisation needs to be justified far more thoroughly. Similarly, I am not entirely sure that E. P. Thompson believed that the law has 'no particular class connection'. Indeed, while I agree that Thompson and indeed Marx argued 'the law can to an extent be used by subordinate classes', this I would suggest never rendered the law a neutral instrument in their scholarship. Rather it entailed that the law as a strategic field of struggle was in fact critically shaped in profound ways by the rhythm of class conflict.

The author's conclusion, which calls for a theory of justice is an important one. Indeed, as I write this review thousands of activists are camped out in city centres across the world to protest against the impunity of finance capital. This follows on the heels of student protests, where major tax-evaders were targeted (unfortunately, those who censured the tax-evaders were in turn censured by the courts with hefty prison sentences). Of course, censuring the powerful for their crimes is not a new phenomena, indeed Marx notes it with approval:

It was not the wisdom of the ruling classes, but the heroic resistance to their criminal folly by the working classes of England, that saved the west of Europe from plunging headlong into an infamous crusade for the perpetuation and propagation of slavery on the other side of the Atlantic. The shameless approval, mock sympathy, or idiotic indifference, with which the upper classes

of Europe have witnessed the mountain fortress of the Caucasus falling a prey to, and heroic Poland being assassinated by, Russia; the immense and unresisted encroachments of that barbarous power, whose head is at St Petersburg and whose hands are in every cabinet of Europe, have taught the working classes the duty to master themselves the mysteries of international politics; to watch the diplomatic acts of their respective governments; to counteract them, if necessary, by all means in their power; when unable to prevent, to combine in simultaneous denunciations, and to vindicate the simple laws of morals and justice, which ought to govern the relations of private individuals, as the rules paramount of the intercourse of nations. (Marx 1992: 81)

Understanding and theorising the social basis of censure is important if we are to use the rhythm of justice as a medium for evoking change. Cowling's views on distributive justice certainly offer valuable food for thought in this respect.

Concluding Remarks

By the end of Cowling's paper, we have been treated to a wide-ranging discussion on the topic of Marxism and crime. There are moments of optimism, but overall the author seems to take a fairly jaundiced view of the analytical tools Marxists have utilised to analyse crime and criminality. While the author's prognosis is well argued and thoughtful, I am inclined to be more optimistic. Indeed, as my own response has demonstrated I believe that many of the concepts Cowling cites, if combined with rigorous empirical research, may offer important insights into crime and criminality. Nevertheless, the latter is absolutely essential. Indeed, as radical criminology came to the fore during the 1970s, a number of radical criminologists appropriated the theoretical insights developed by Marxism, without really embarking upon the sort of in-depth empirical investigation required to do the concepts of Marxism justice (to put it crudely, a point and shoot approach was adopted). As a result, the critical edge of radical criminology was blunted. If we are to avoid repeating these mistakes our critique of criminology must be built on a solid foundation of empirical research that is refined and enriched through the application of social theory in accordance with Marx's dialectical method (see Lasslett 2010b; Lebowitz 2009).

Bibliography

- Donaldson, M. and Good, K. (1988) *Articulated agricultural development: traditional and capitalist agricultures in Papua New Guinea*. London: Aldershot.
- Hagedorn, J. M. (2005) 'The global impact of gangs', *Journal of Contemporary Criminal Justice*, 21(2), 153-169
- Lasslett, K. (2010a) 'Crime or social harm? A dialectical perspective', *Crime, Law and Social Change*, 54(1), 1-19.
- Lasslett, K. (2010b) 'Scientific method and the crimes of the powerful', *Critical Criminology*, 18(3), 211-228.
- Lebowitz, M. A. (2009) *Following Marx: Method, Critique, and Crisis*. Chicago: Haymarket books.
- Marx, K. (1959) *Economic and Philosophical Manuscripts of 1844*. Moscow: Progress Publishers.
- Marx, K. (1973) *Grundrisse: Foundations of the Critique of Political Economy*. Middlesex: Penguin Books.

A Reply to Can Marxism Make Sense of Crime?



Marx, K. (1975) *Early Writings*. Middlesex: Penguin Books.

Marx, K. (1976) *Capital: Volume 1*. Middlesex: Penguin Books.

Marx, K. (1992) *The First International and After – Political Writings: Volume 3*. Middlesex: Penguin Books.

Rusche, G. and Kirchheimer, O. (1939) *Punishment and Social Structure*. New York: Russel and Russel.

Trotsky, L. (2005) *History of the Russian Revolution*. London: Pathfinder.