

CRITICAL CRIMINOLOGY

CRIME AND SOCIAL JUSTICE



Edited by Tony Platt and Paul Takagi

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Critical Criminology

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This new series aims to publish work within the radical criminology perspective. It is international in its scope, providing a rallying point for work in this rapidly growing field. The substantive areas covered are the sociology of crime, deviance, social problems, law and sexual deviance. It includes work in ethnography, historical criminology and the practice of social work and law as it relates to radical criminology. The series is two-tiered, publishing both monographs of interest to scholars in the field and more popular books suitable for students and practitioners. One of its aims is to publish the work of radical organisations in the area, particularly that of the National Deviancy Conference, the European Group for the Study of Deviance and Social Control, the Crime and Social Justice Collective and La Questione Criminale.

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Preface

The journal *Crime and Social Justice* has been a major focus of debate for both American and European scholars. At a time when the majority of official criminology journals are largely left unread by students of criminology, this radical magazine is notable for its panache and relevance. There is scarcely a significant debate in the recent period to which *Crime and Social Justice* has not offered a substantial contribution, if not indeed initiated. But it has been difficult to obtain and the Critical Criminology series is issuing this reader, which is to be published simultaneously in North America and in Britain. The final decision on the selection was made jointly by ourselves and the Crime and Social Justice Collective.

JOHN CLARKE
MIKE FITZGERALD
VICTORIA GREENWOOD
JOCK YOUNG

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Introduction

Several students and two faculty members of Berkeley's School of Criminology were responsible for publishing in 1974 the first issue of *Crime and Social Justice (CSJ)*, 'a radical journal for a people's criminology'. The format for the earliest issues included articles by academic criminologists, reports on popular struggles for justice, course outlines, and review essays of books. The political roots of *CSJ* are to be found generally in the experiences of the New Left – especially the student, anti-war and women's movements – and particularly in the academic and state repression of progressive students and intellectuals at Berkeley and other universities.

Out of the School of Criminology came radical activists and theorists who participated in local anti-repression organizations, supported the prisoners' movement, turned the classroom into a place of debate and controversy (an unusual occurrence!), and challenged the hegemony of bourgeois criminology. Given the long history of systematic repression and exclusion of Marxism and critical thought in North American universities (Schwendinger and Schwendinger, 1974) it is not surprising that a price had to be paid for this rebellious insubordination. By the time the first issue of *CSJ* was published, Herman Schwendinger and Tony Platt had been denied tenure and the demise of the School of Criminology was imminent. Many progressive individuals have experienced academic repression in the United States but this was the first time that a criminology program was totally dismantled because a minority of its faculty and a majority of its students tested the *bourgeois* doctrine of 'freedom of speech'. After a protracted struggle led by thousands of students, in which thousands of individuals were politicized and many people's commitments were strengthened, the School of Criminology was closed in 1976. A detailed account of this experience has been

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chronicled and summed up elsewhere (Schauffler, 1974; Schauffler and Hannigan, 1974; CSJ Collective, 1976).

There were personal casualties as a result of our radical praxis: several students were harassed and intimidated by Berkeley's administration, and some had difficulty finding jobs; Herman Schwendinger was unable to get an academic job until his appointment in 1977 at the State University of New York, New Paltz campus; Tony Platt could not get a job in a criminology program; and Paul Takagi, who could not be fired because he had tenure, was academically ostracized on the Berkeley campus for over a year.

But overall the repression did not break us. Rather it confirmed our experience and analysis, as well as solidified our political commitments. In 1976 we wrote:

While we suffered a set-back in Berkeley, we definitely scored a number of important victories and for the first time are building a progressive alternative to what is perhaps the most reactionary field in the social sciences. It is important that we learn from our struggle at Berkeley and use that experience to deepen our political consciousness and tactical capacity. (CSJ Collective, 1976)

Since 1976, the constituency of *CSJ* has grown to over 2000, primarily intellectuals, students, and libraries, but also community organizations and prisoners. Despite a resurgence in recent years of a decidedly rightward movement among intellectuals, our experience at professional conferences indicates a great deal of interest in Marxism among students and younger faculty and state functionaries. As Herman Schwendinger noted in the editorial to the first issue of *CSJ*:

For three quarters of a century, political repression has successfully restricted the most highly developed radical perspective, Marxism, in virtually every discipline and professional school. One can hardly expect the scope of academic criminology to have been any less restrictive, considering its direct organic connections with the most coercive political institutions in our society. Indeed, in light of these connections, it is remarkable that the recent emergence of a radical criminology has occurred at all.

It is a testimony to the power of Marxism that radical criminology is growing despite the loss of an important base at Berkeley. Many

individuals who were first politicized in the academy continue to be politically active in their new jobs and workplaces. Some of us who were active at Berkeley created the independent Center for Research on Criminal Justice (publisher of *The Iron Fist and The Velvet Glove*), later to become the Center for the Study of Crime and Social Justice, a component of the Institute for the Study of Labor and Economic Crisis in San Francisco.

In this book, we have selected a limited number of articles which have appeared in *CSJ* between 1974 and 1978. Admittedly, they reflect, in our judgment, the more mature theoretical materials that have appeared in the journal. They are by no means limited to the Berkeley 'school', they are not representative of *CSJ* in general, and they do not in any way discuss the practice of radical criminologists in the United States. A thorough critique of the Berkeley 'school' and a political evaluation of academic collectives remains an urgent task, though a modest self-criticism has been attempted in the journal *Synthesis* (Platt, 1977).

We will limit ourselves in this introduction to providing some background and textual comments to the selections in this anthology. For a deeper understanding, we suggest that you consult the journal in its entirety (see the back of this volume for information about subscriptions).

Perhaps the most important development in radical criminology in the United States was the publication of Herman and Julia Schwendinger's 'Defenders of Order or Guardians of Human Rights?' in *Issues in Criminology* in 1970. When the Schwendingers re-opened the debate on the definition of crime in this article, it was either misunderstood or deliberately misinterpreted by some criminologists. For example, Gilbert Geis, past president of the American Society of Criminology, viewed it as an indication of moralism—a 'tendency of critical criminologists to create their own categories of crime' (1978).

To develop a *scientific* definition of crime is a complex and difficult enterprise. It has a long history among Western criminologists, going back even further than the 30-year controversy initiated by Thorsten Sellin in 1938. In an earlier monograph, published in 1937, Sellin reviewed the literature on the relationship between economic conditions and crime, and recommended the construction of a more sensitive crime index as an alternative to measures which relied on official police statistics. As Sellin noted, this was not a new proposal: in 1895, Tarde had called for the study of unpunished crimes; in 1910,

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Henri Joly had noted that it would be a grave error to assume that convictions accurately reflect the scope of criminality; and, in 1922, J. S. Roux had urged the necessity of studying what he called 'masked' criminality (see Sellin, 1937, p. 72). Sellin did not construct an index until much later, but back in 1937 he apparently thought that it was futile to use criminal statistics for index or scientific purposes and consequently wrote his controversial 1938 monograph which rooted the explanation of crime in 'conduct norms' (Sellin, 1938).

What Herman and Julia Schwendinger have added to this debate is an alternative *scientific* and *moral* definition of crime, a *Marxist* alternative based on a proletarian class outlook. In 'Social Class and the Definition of Crime' they sum up their previous articles and further elaborate on their socialist definition of crime. It is a timely piece. As liberation struggles unfold all over the world, it is clear that people's movements cannot rely upon bourgeois legality to defend national independence and socialist construction.

Tony Platt's 'Street Crime: A View From the Left' (1978) is based in part on an editorial first published in *CSJ* in 1976. Both pieces represent a long overdue Marxist analysis of the high rate of criminal victimization within the U.S. metropolis. Prior to these essays, there was a tendency among radical criminologists to either romanticize street crime as a form of 'primitive rebellion' or to engage in one form or another of liberal apologetics. Defense of the prisoners' movement led many of us to celebrate the collective defiance of many convicts while denying the predatory behavior and individualism which accounted for their imprisonment. In the article published in this anthology, Platt discusses how street crime weakens and demoralizes the workingclass as a whole, while tracing its origins to both the labor market and social relations of production under capitalism.

The Schwendingers' 'Delinquency and the Collective Varieties of Youth' provides the necessary historical background for understanding contemporary criminality. This article takes criminality out of the usual liberal metaphysics about the inevitability of crime and grounds it in a thoroughly materialist conception of history. Examining the economics of marginalization and the political destruction of collective social relations – both inherent in the development of the capitalist mode of production – the Schwendingers lay the basis for repudiating psychological and cultural theories of delinquency. Some of the themes of this paper are elaborated upon by Takagi and Platt in their analysis of class, racism, and crime in San

Francisco's Chinatown. This article, 'Behind the Gilded Ghetto', does not appear in this anthology but can be found in the Spring-Summer 1978 issue of *CSJ*.

Peter Linebaugh's chapter, 'Karl Marx, the Theft of Wood and Working-class Composition', while specifically concerned with Marx's analysis of the criminal law and capitalist property relations in Germany during the 1840s, raises larger questions about the boundaries of criminology and class analysis of criminality.

'Intellectuals for Law and Order' (Chapter 2 in this anthology) was originally published as an editorial and was presented at the annual meetings of various criminology associations in the United States. We have received more requests for copies of this article than any other essay published in the journal.

While the law and order ideologues are in the ascendant, they are not without some opposition from liberals who continue, on the one hand, to defend correctional *treatment* by referring to scattered research findings which seem to demonstrate the effectiveness of rehabilitation (Palmer, 1975; Glaser, 1976), and, on the other hand, to do research which indicates that criminals are not deterred by punishment or its threat (Meier and Johnson, 1977; Van Dine *et al.*, 1977; Smith, 1977).

The intellectuals for law and order, who include many embittered and disillusioned liberals, dispense for the most part with theories of crime causation, considering such efforts futile. Their arguments on behalf of the death penalty, mandatory and longer penal sentences, and 'post-punishment incapacitation' are theoretically based on a utilitarian model of rewards and punishments. The parameters of this 'theory', as well as its underlying ideology, are fully discussed in the article.

But another increasingly popular strand of neo-conservatism (not discussed in 'Intellectuals for Law and Order') is sociobiology, with claims that this 'new synthesis' will eventually subsume all the social sciences (Wilson, 1975). Ray Jeffrey, president of the American Society of Criminology, is its foremost supporter among criminologists; and a recent planning session, attended by nationally prominent criminologists and chaired by Marvin Wolfgang, was devoted to the physiological and sociobiological aspects of criminality.

The relationship between class, crime, and male supremacy or sexism (as well as white supremacy or racism) continues to be neglected by the field and *CSJ*. This anthology contains one of the

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few systematic papers on this topic – ‘Any Woman’s Blues’ by Dorie Klein and June Kress. Other contributions (not in this anthology) by the Berkeley ‘school’ include an important critique of the conventional literature (Klein, 1973) and a rejoinder to Freda Adler’s *Sisters in Crime* (Weis, 1976). The Schwendingers’ ‘Rape Myths’ (1974) and their review of the literature on rape (1976) provide a Marxist alternative to liberal victimology and bourgeois feminism, exemplified by Menachem Amir’s *Patterns in Forcible Rape* and Susan Brownmiller’s *Against Our Will*. Anne Peters’s book reviews in the Fall–Winter 1977 and Spring–Summer 1978 issues of *CSJ* provide further ammunition against the Freda Adler thesis that women’s liberation is responsible for the rise in female criminality.

In the final section of this anthology, we have included two essays which examine repression in a historical and political–economic context. Dario Melossi’s ‘The Penal Question in *Capital*’ provides an important textual critique of Marx’s writings on the origins of the prison. Drawing upon and adding to Rusche and Kirchheimer’s pioneering monograph, *Punishment and Social Structure*, Melossi focuses on the modern prison as a peculiarly capitalist institution, whose origins are inextricably linked to the social relations of the capitalist factory.

Paul Takagi’s essay, ‘A Garrison State in “Democratic” Society’, takes a contemporary and seemingly narrow issue – the death penalty – and develops it into a macroscopic analysis with far-reaching significance for theory and practice. Extracting capital punishment from its usual legalistic boundaries, Takagi examines police killings, which average about 400 a year in the United States, as a form of class justice, whose victims are primarily blacks, browns and other super-exploited sectors of the working class. This essay and another updated essay, ‘The Management of Police Killings’ (Harring *et al.*, 1977), have been widely distributed and used by many community organizations which are fighting against state repression and political surveillance.

CSJ has consistently tried to avoid becoming a local or sectarian journal. We have many readers and contributors from countries other than the United States. In addition to Dario Melossi’s paper in this anthology, we have also published Falco Wekentin *et al.*, ‘Criminology as Police Science: Or How Old is the New Criminology?’, (*CSJ*, no.2); Thomas Mathiesen, ‘The Prison Movement in Scandinavia’, (no.1); Nguyen Khac Vien, ‘With Survivors from Saigon Jails’, (no.2); Yvon Dandurand, ‘Radical

Criminology in Canada', (no.4); Rosa del Olmo, 'Limitations for the Prevention of Violence: the Latin American Reality and its Criminological Theory', (no.3); Gill Boehringer and Donna Giles, 'Criminology and Neocolonialism: The Case of Papua New Guinea', (no.8); and Ivan Jankovic, 'Labor Market and Imprisonment', (no.8).

CSJ has pursued this policy for two reasons: first, we attempt to publish the best theoretical materials written by Marxists and other progressive scholars; and secondly, the problems of crime and repression must be understood as part of the capitalist system as a whole and therefore not only as a phenomenon limited to nation states.

Berkeley, California
June 1979

TONY PLATT AND PAUL TAKAGI

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