

THE POLITICAL ECONOMY OF CRIME

READINGS FOR A CRITICAL CRIMINOLOGY

BRIAN D. MACLEAN

THE POLITICAL ECONOMY OF CRIME

READINGS FOR A CRITICAL CRIMINOLOGY

Edited by

BRIAN D. MacLEAN

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*To all those persons
less fortunate than myself
who have met their
deaths in prison*

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Foreword

Anyone vaguely familiar with the discipline of sociology is aware of the theoretical diversity which characterizes the field. Within each of the numerous subdisciplines this theoretical antagonism is apparent as proponents of the various schools of thought seek sovereignty over the interpretations of observed social reality. In general terms, the most severe theoretical demarcations are drawn between various Marxist schools of thought and a host of non-Marxist theories. Since the sixties, Marxist-inspired social analysis has made substantial headway in establishing theoretical points of departure within the social sciences. Traditional sociologists, however, continue to demand greater levels of theoretical verifications from Marxist scholars than from their own schools of thought. Yet this methodological rubber ruler has begun to diminish in use as Marxist social analysis has gone from the defensive to the offensive in an increasing number of areas of study.

One of these — criminology — has shown far more resistance and intolerance to the employment of the critical approach encouraged by Marxist theoretical assumptions. This area continues to be dominated by scholars who, through an unfamiliarity with the richness and diversity of Marxist analytical forms, perpetuate the notion that such criminologists are a homogeneous group of theoretically confused scholars engaged in the extreme over-simplification of issues and problems.

A broad range of issues which only a nuanced Marxist approach can address is absent from most standard introductory textbooks. When the Marxist approach is referred to it most often is in the form of two paragraphs at the end of each chapter. Yet students and researchers alike would benefit greatly from a better understanding of the historical and structural analysis of crime pursued by Marxist scholars. Rooted in an appreciation of the relationship between political economy and general social development, these analyses tend to perceive crime as a process rather than an event — a process which is closely related to the more general process of social development or underdevelopment. This more holistic approach delves into what C.W. Mills referred to as the connection between “public issues

and personal problems.” An adequate understanding of these relationships in the area of crime will go far to providing a more informed basis for the development of social policy in this domain. The dismal failure of most efforts to deal with the “crime issue” reflects both the inadequacy of traditional theoretical analysis and the urgent need for a better, holistic analysis and corresponding social praxis.

These readings are valuable contributions in this direction. Of interest to both students and advanced scholars, they will help fill a vacuum in Canadian criminological literature. By pointing out the conceptual shortcomings of traditional criminological theory and offering a more critical alternative, they will contribute to the awakening of critical analytical faculties. The writers are from a number of reputable Marxist disciplines. The fact that experiences are drawn from different countries offers a degree of comparative analysis invaluable to an appreciation of the crime process. The articles have been selected to offer the students a multi-dimensional analysis of the issues. This reader will go far in dispelling the myth that critical criminology is simplistic and theoretically shallow. It will illuminate the conceptual and theoretical poverty of traditional theories.

John Fry
Stockholm
1986

Preface

My transformation from the object to the subject of criminological inquiry was sometimes painful and always indirect, but may be seen to underlie the gestation of this book. It was not until I began teaching undergraduates, however, that I fully realized the difficulty of making the increasing body of progressive criminological literature available to students, in a form which was readily intelligible to them. Alternatives to correctionalism were presented either in a too advanced manner or within idealistic and deterministic frameworks. They showed the need for a book along the critical lines of the following pages.

The emergence of the new right and the law and order lobby has had many curious effects in criminological circles. Some criminologists have returned to the philosophy of right; some have retreated from debate altogether; on some the effect has been retrograde; yet others have taken to writing preambles to their textbooks which are becoming increasingly more interesting than the contents. Although patiently observing the decline of Reaganism and Thatcherism I could hardly be accused to be one of those who have moved to conservatism; nevertheless, I hope that *The Political Economy of Crime* does not fall into one of the other emerging trends and that the articles not the preface generate discussion among readers.

Bringing this book to light was a long and difficult task in which many people shared indirectly as well as directly and to whom I should like to express my appreciation. A number of people provided me with friendship and assistance in dealing with the obstacles and setbacks which predated my serious academic efforts. While too numerous to mention all of them here, there are some who cannot remain unmentioned. Linda Wilcox and Linda Zbitnew were two loyal friends, and Penny and P.J. Fitch were with me every step of the way through my personal crises, as was John Fry whom I have come to accept as my mentor. Ed Anderson was also generous in his time and efforts to assist me in time of difficulty.

I should like also to thank Richard Noble, David Dyzenhaus, Robert Fincham, Karim Murgu, five anonymous reviewers and, especially, Dawn Currie for their

critical comments and helpful suggestions for improving various sections of the manuscript as it took shape. The University of Saskatchewan, too, provided assistance in a number of areas. The Department of Graduate Studies and Research made monies available from the President's Publication Fund to assist in the preparation of the manuscript. Professor Bolaria, Chair of the Department of Sociology, was as always generous with his time and in his support of the project. At Prentice-Hall many thanks go to Terry Woo, Elynor Kagan, and David Jolliffe, my production editor whose kind comments and professional approach made this book a reality. Cathy Tunnicliffe and Helen Abbott typed the manuscript quickly and efficiently, allowing me to meet my deadlines, while Herb Wiesenberberg ensured that the manuscript was delivered promptly.

My warmest appreciation goes to Dawn whose patience and assistance at all stages of the project allowed for its completion.

Finally, I should like to express my gratitude to each of the contributors without whom this book would not be possible. From them I have learned much.

Brian MacLean
London
1986

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M.G. Collison, who has a B.Sc. from the University of London and a Ph.D. from Sheffield University, is a lecturer in Criminology at the University of Keele. Among his research interests are politics and after-care for ex-prisoners, and the politics of punishment. His publications include *Radical Issues in Criminology* (Oxford: Martin Robertson, 1980) which he co-edited with Pat Carlen.

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Claire Culhane, born in 1918, has an impressive and lengthy history of participation in political issues. She almost succeeded in adopting the famous Rosenbergs' children after their parents were executed, and was the administrator of a Canadian hospital in South Vietnam where she was able to secure enough information about Canada's involvement in Vietnam to testify at three international conferences. She has numerous publications on this subject, including *Why is Canada in Vietnam: The Truth about our Foreign Aid* (Toronto: NC Press, 1982). She is a member of the Prisoners' Rights Group (PRG) in British Columbia where her interests in Prisoner Support led to her publication of *Barred From Prison: A Personal Account* (Vancouver: Pulp Press, 1979), which has been republished as *Still Barred From Prison: Social Injustice in Canada* (Montreal: Black Rose, 1985).

Dawn Currie received her B.A. and M.A. in Sociology from the University of Saskatchewan where she has also been a lecturer. She has been actively involved in research on women and has presented a number of papers at professional conferences, and been a lecturer in feminist theory at Middlesex Polytechnic. Dawn Currie has also done postgraduate research into the family and into the history of women in society at the London School of Economics.

Bob Fine has a degree in Sociology from the University of Oxford and has taught at the City University of New York. His many publications include "Law and Class" in *Capitalism and The Rule of Law* (London: Hutchinson, 1979), which he co-edited; "Law, Order and Police Powers" in D. Coates and G. Johnston's collection, *Socialist Arguments* (Oxford: Martin Robertson, 1983); *Democracy and The Rule of Law* (London: Pluto, 1984); and *Policing the Miners' Strike* (London: Lawrence and Wishart, 1985), which he edited with Robert Millar. Presently a lecturer at Warwick University, Bob Fine has research interests in South Africa and the capitalist state.

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Brian D. MacLean earned his B.A. and M.A. from the University of Saskatchewan. He has published "Contradictions in Canadian Prisons: Some Aspects of Social Control Mechanisms" in T. Fleming and L. Visano (eds.), *Deviant Designations: Crime, Law and Deviance in Canada* (Toronto: Butterworths, 1983). Brian MacLean has also done postgraduate work at the London School of Economics, lectured at Middlesex Polytechnic, and been Senior Research Officer for the London Borough of Islington on Crime and Policing. Presently he is an assistant professor

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Richard Quinney, since receiving his Ph.D. from the University of Wisconsin, has served on the faculty of a number of American universities and has made extensive contributions to the field of critical criminology over the last decades. He has published numerous books and articles, among them *The Social Reality of Crime* (New York: Little Brown, 1970); *Critique of Legal Order* (Boston: Little Brown, 1974); *Providence: the Development of Social and Moral Order* (New York: Longmans, 1980); *Criminology* (Boston: Little Brown, 1979, 1975, 1970); *Social Existence: Metaphysics, Marxism and the Social Sciences* (Beverly Hills: Sage, 1982). Currently professor of Sociology at Northern Illinois University, Dr. Quinney has special interests in criminology and the philosophy of the social sciences.

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Charles E. Reasons completed his B.A. at Central Washington University, his M.A. at Ohio University, and his Ph.D. at Washington State University. He has made numerous contributions to Sociology, having written many articles and books in a number of areas. His publications include *Assault on the Worker* (Toronto: Butterworths, 1981) which he co-authored with Lois Ross and Craig Paterson, and *Corporate Crime in Canada* (Scarborough: Prentice-Hall Canada, 1978) which he co-authored with Colin Goff. A professor of Sociology at the University of Calgary, he has conducted research into both the sociology of law and organizational crime.

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Together Julia and Herman Schwendinger were founders of the journal *Crime and Social Justice*. They also co-authored *The Sociologists of the Chair* (1974) and have published widely in journals of criminology and sociology and in anthologies in the United States and England. They are on the editorial advisory boards of such journals as *Crime and Social Justice* and the *International Journal of the Sociology of Law*.

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Jock Young obtained his B.Sc., M.Sc. and Ph.D. degrees from the London School of Economics. A founding member of the National Deviancy Conference, he has written numerous articles and published several books. His contributions to the field of criminology include *The New Criminology* (London: Routledge and Kegan Paul, 1973) and *Critical Criminology* (London: Routledge and Kegan Paul, 1975), both with Ian Taylor and Paul Walton; *Policing the Riots* (London: Junction Books, 1982) with Dave Cowell and Trevor Jones; and *What is to be done about Law and Order* (Harmondsworth: Penguin, 1984) with John Lea. He is a reader at Middlesex Polytechnic and is interested in crime and the mass media.

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CHAPTER 1

INTRODUCTION

Critical Criminology and Some Limitations of Traditional Inquiry

Brian D. MacLean

On the evening of January 14, 1983 a yellow Mini pulled into Pembroke Road, Earls Court, on London's west side. The three occupants of the vehicle, two men and one woman, had no reason to suspect that anything was out of the ordinary. The little automobile, trapped in a queue of traffic, was being driven by Stephen Waldorf who was in his mid-twenties and worked in the video film industry. He probably never noticed the tradesman's van pull in behind him. Waldorf had driven into an ambush. Two men, Peter Finch and John Deane, armed with hand guns opened fire on the vehicle, shooting Waldorf four times. The wounded man, who fell into the street, was lying in a pool of his own blood when a third assailant, John Jardine, walked up to him and shot him point blank in the chest. Finally, after being shot a total of five times, Waldorf was again violated by Finch who pistol-whipped his already wounded head. Finch and Jardine were later to claim that the excessive force they used on a victim who had already sustained serious injury was necessary because they felt he still posed a threat. Fortunately for Waldorf a nurse who was in the area heard the shots, ran to the scene, and applied first aid before he was taken to

a hospital in an ambulance. She probably saved his life.

The unusual aspect of this shooting incident was that Finch, Jardine, and Deane were all police officers acting on what Scotland Yard had called a "special operation." The plan for the operation had been to ambush David Martin, who had earlier escaped from the Marlborough Street Magistrate's Court cells and had previously wounded a police officer in another shooting incident. As events were later to prove, the detectives, acting in error, shot the wrong man.

Finch was subsequently charged with two counts of wounding with intent to do grievous bodily harm and one charge of attempted murder. Jardine was charged with attempted murder and wounding with intent to do grievous bodily harm. During the trial, Finch's charge of attempted murder was withdrawn because the prosecutor failed to show intent. The two men were cleared of all other charges by a jury at the Central Criminal Court. Although the detectives were suspended from duty pending possible disciplinary action, we might conclude from the jurors' decision that this behaviour is considered to be standard police procedure regarding a suspect-

ed dangerous person, despite the fact that the stereotype of the London police officer is the unarmed bobby. At least the jury did not consider their behaviour to be criminal in nature. Perhaps this incident is not so unusual.¹

• • •

On May 1, 1970 President Nixon told the nation that he had deployed 5,000 American troops into Cambodia, a country with which the Americans were not at war, in order to destroy North Vietnamese military sanctuaries. This act was not to be considered an invasion but rather

“a test of our will and character” so that America would not seem “a pitiful helpless giant” or “accept the first defeat in its proud 190 year history.”²

Three days later a group of students was protesting Nixon’s invasion under the watchful eye of the National Guardsmen at Kent State University Campus. The guardsmen claimed they feared sniper fire, although no reason for their suspicion could be later found. Kneeling and pointing their firearms, they shot into the crowd of students, killing four and wounding seventeen. While the guardsmen were later cleared of all charges because they, like the London detectives, felt endangered, 25 persons from the campus were indicted by the grand jury.³ The president justified the guardsmen by claiming, “When dissent turns to violence it invites tragedy,”⁴ even though the protest had been a peaceful demonstration by unarmed persons.

• • •

In January 1980, inside the Archambeault maximum-security prison in Quebec, a man was stabbed to death by other prisoners armed with spears fashioned from home-made knives and broom poles. The victim was Samuel Wood. Originally a meek and mild young man, he began his years in prison in Western Canada where a conviction for illicit drug activity in the early 1970’s, when the penalties were harsh, brought him to Drumheller Penitentiary. After serving his four-year sentence Wood had been released into society a desperate, labelled, ex-convict capable of violence. Shortly after his release, he participated in an armed robbery. Armed detectives pursued him; he

shot and wounded one of them. Wood perhaps felt he was in mortal danger and had reason to fear for his life at the time he fired. He was subsequently charged with attempted murder, convicted, and sentenced to fifteen years. The Crown Attorney’s office felt this sentence was not harsh enough and appealed; Wood was given life imprisonment in July, 1976.

Because of the notoriety of the case, an earlier escape, and a reputation of being dangerous, Wood was subjected to extremely long periods of solitary confinement. Finally, prison authorities instituted his transfer to Quebec where he knew no one and where the language was foreign to him.⁵ After many months of solitary confinement, Wood was released into the main population of Archambeault — a volatile, hostile and violent environment. He soon found himself in a conflict with prisoners of French-Canadian origin. The conflict was over a few pieces of bacon.⁶ In the final analysis, it seemed that the prison authorities had turned Wood’s life sentence into a death penalty.

• • •

What the above three incidents share is social antagonism. Society is structured in such a way as to place groups of people in conflicting positions and sometimes the antagonism is acted out in the form of conflict. In the Waldorf case the police are out to capture someone who is unwilling to be captured. In the Kent State incident, Guardsmen are pitted against students who do not agree with the actions of their government. Both groups felt threatened by each other’s actions. Wood’s conflicts were similarly structured with people from groups with opposing viewpoints. The examples also show us that sometimes similar behaviours are treated differently. In each case people wound or kill others out of a fear for their own safety. Finch and Jardine shoot Waldorf because, so they claim, they fear Waldorf poses a threat to themselves while the National Guardsmen shoot into a crowd of people because they also feel endangered. Similarly, Wood fires at a police officer out of a fear for his life. Yet, only Wood is severely punished; the National Guardsmen are exonerated and the London detectives are freed of all criminal charges. The outcomes

of the cases are contradictory: what is accepted in the case of the detectives and National Guard is deemed unacceptable in Wood's situation. The usual notions of "good" and "bad" will not bring us any closer to understanding this contradiction. The cases illustrate that violence in our society is characterized by three kinds of contradictions: 1) the contradiction of social antagonism; 2) the contradictions within society in which antagonisms are rooted; and 3) the contradiction in the way society views and treats the behaviour of different actors.

The events exemplify the dynamics of crime in our society, and as such are the starting point of criminological inquiry. Within criminology, investigators use different theoretical frameworks to explicate such acts. Some treat criminal incidents as isolated events which can be explained by some simple notion of cause and effect. The criminologist searches for the immediate, apparent conditions which precipitate each event in order to assert that the causes of crime have been isolated. He or she isolates responsibility for an incident in particular attributes of an individual person or circumstance. Thus he may conclude that citizens who are out of control, such as those in the first two opening examples, cause the unfortunate carnage inflicted upon them by agents of formal social control. Such a strategy is indicative of traditional criminological inquiry.⁷ Yet it ignores many of the elements that play a role in crime. A more fruitful approach would include an examination of the dynamics which underlie these events and may not be readily apparent by casual observation. The method would involve a detailed investigation of social antagonism and the contradictions upon which it is based. It would also seek to explain why similar actions are defined and treated differently and contradictorily.

In the 1960's, a growing dissatisfaction with the limitations of traditional criminology led to a radical re-evaluation of the social character of crime and produced a school of thinking that rejected the narrow explanations then characteristic of criminology. Howard Becker, Edwin Lemert, and others who contributed to the **labelling tradition** made a significant historical advance upon the individualized explanations of crime which previously dominated

the discipline of criminology.⁸ These writers argued that it was social reaction to behaviour, not the quality of the act itself, that determined whether behaviour was deviant or not. For example, Becker argues:

The act of injecting heroin into a vein is not inherently deviant. If a nurse gives a patient drugs under a doctor's orders, it is perfectly proper. It is when it is done in a way that it is not publicly defined as proper that it becomes deviant. The act's deviant character lies in the way it is defined in the public mind. (1971: 341)

How social reactions contribute to an actor's further deviant behaviour became the primary question addressed by this school. (Taylor et al, 1973: 171). While making an important contribution to our understanding of the social nature of crime and deviance, these writers avoided an analysis of power (the ability of people to impose their will upon others) which is distributed unevenly among the various levels of society. They acknowledged the importance of power within the context of social reaction, but they failed to analyze the way in which power and authority are structured and the relationship such a structure has with crime.⁹

An awareness of the need for a political analysis led to a further advance in criminology. The development coincided with a resurgence of interest in Marxism among many social scientists during the 1970's (Cain and Hunt, 1979). While Marx may not have analyzed law, crime, the family, women in society, or a number of other social groups and processes, his detailed critique of the political economy of his time provided a method of inquiry which the Marxists of the 1970's applied to increasingly more aspects of social life and social inquiry. This framework became central to the emerging field of **critical criminology**.

Critical criminology addresses problems that others do not. As we noted earlier, an adequate account of crime would provide:

- 1) an analysis of the apparent social antagonisms which characterize criminal incidents;
- 2) an examination of the underlying social contradiction upon which these antagonisms are