

Sociology Shortcuts

D6. Critical Theory

For **Critical (Marxist)** theories of crime the focus is on the creation and application of laws in capitalist societies and how, as **Croall** (2001) argues, "The criminal law and its enforcement reflect the interests of the powerful and are a means of controlling the activities of powerless lower-class offenders".

Milliband (1973), for example, suggests laws favouring the general interests of a ruling class are an extension of its political and ideological dominance - an **Instrumental** form of Marxism that sees the law as a **tool** used to control the working classes.

Poulantzas (1975), however, argues that while contemporary capitalist societies need laws that benefit the interests of the ruling class, these laws have (lesser) benefits for subject classes. This form of **Hegemonic** Marxism sees a ruling class as able to head-off class conflicts by co-opting subject classes into the benefits of capitalism and the "rule of law" (as opposed to the underlying reality - the rule of Capital).

More generally, critical theory sees laws as being framed to protect and enhance two things:

1. **Social order**: relates to things like the legality of killing people, violent behaviour and so forth. While *everyone* benefits from being able to go about their daily lives unmolested, a ruling class gains additional benefits; an *orderly society* is one where those making the greatest profits gets to keep their wealth safely secured.
2. **Property / contract** laws relate to the requirements of capitalism as an economic system; they exist to enshrine in law certain *rights*, such as private property ownership. While everyone benefits from a law against theft, those with the most to lose again reap the greatest benefit.

For Marxists crime is part of a **structural** process that sees the working class as both *more criminal* and *more criminalised*; they experience greater social pressures (higher levels of **economic deprivation** coupled with constant **ideological** pressures to **consume**) that lead to higher levels of crime. Their behaviour is also more-likely to be watched, defined and policed as criminal.

While these related processes go some way towards *explaining* crime, they do not *excuse* it. Crime, for Marxists, is **unproductive labour**; criminals, like the ruling class, live off the productive labour of others and **Marx** saw them as part of the **underclass** or **lumpenproletariat**: they placed themselves outside the class structure by their exploitative behaviour.



However, while the **crimes of the powerless** tend to be heavily policed and punished this isn't necessarily the case with the **crimes of the powerful**. **Pearce** (2003) argues, most **corporate crime** - from tax evasion to environmental destruction - is barely policed and rarely prosecuted. In addition, corporate laws are:

- **weakly framed** - it's difficult for control agencies to convict offenders because high levels of proof are required or the law is framed to allow for a strong defence.
- **weakly enforced** - very few people are arrested and fewer still convicted.

Slapper (2007), for example, notes "*Globally, more people are killed each year at work than are killed in wars. In the UK, over 40,000 people were killed in commercially-related circumstances between 1966 and 2006*". The majority of these deaths are prosecuted under *health and safety legislation*, where penalties are more lenient, rather than the criminal law.



Evaluation

Marxism gives us little or no explanation about *why* people commit crime, although Hirst (1975) argues this is less a criticism than an observation; Marxism, is neither interested in nor methodologically equipped for such a task. What Marxism does is **highlight** the nature of legal and policing **practices** in capitalist society; **social controls** are applied more *consistently* and *punitively* on the working class.

In the 1960s Marxism experienced a **cultural turn** through the work of writers such as Marcuse (1964) who argued the *revolutionary* potential of the working class had been compromised by their integration into capitalist **consumer society**. Marcuse's argument that revolutionary potential in advanced capitalist societies was to be found in those who had *not* been well-integrated - ethnic minorities, various "outsider groups" (such as radical students and marginalised youth) - led to **resistance** as a key theme in Marxism, explored in terms of **critical subcultures** and **critical criminology**.

Critical subcultures

Marxist subcultural theories are critical of *traditional* Marxist approaches in the sense their focus is on **youth** and **cultural resistance** to capitalism. Crime is considered as an expression of **resistance** around two ideas:

1. **Hegemony**, considered in terms of how a ruling class exercises its **leadership** through **cultural values**.
2. Relative autonomy. While individuals have the *freedom* to make decisions, choice is restricted or enhanced by *structural factors*, such as **wealth** and **power**. Although most people *choose* conforming behaviour (they're 'locked in' to capitalist society through family and work responsibilities), others, especially young, working-class males, who have fewer cultural ties and "less to lose", resist '**ruling class / bourgeois hegemony**'.

Youth subcultures interest Marxists because they show how groups can *oppose* bourgeois hegemony through the development of **cultural styles** of dress and behaviour as 'alternatives to capitalist forms of control and domination' (as with the '**counter-culture**' lifestyles of environmentalists, or the recent (2012) "Occupy" movements around the globe). For some this opposition takes place on a **symbolic** level while others argue it represents a **real solution** to the social and economic problems faced by young working class males that arise out of bourgeois hegemony.

1. Real solutions approach

This approach is characterised by the **Centre for Contemporary Cultural Studies (CCCS)** and the argument working-class subcultures develop as a response and resistance to social change. An example here is how subcultures arise as a **reaction** to changes in **social space**:

- **Literal space** refers to the 'loss of community' thesis advanced by **Phil Cohen** (1972), where urban clearance created a violent subcultural reaction among young, working-class males ("Mods") displaced by community changes.
- **Symbolic space**: **Cohen** explains the emergence of **skinhead subcultures** in terms of their violent response to their sense of loss of a traditional "British" identity".

Subcultural behaviour, therefore, involves a **collective** attempt to both deal with a sense of loss and to reclaim social and physical spaces.

Hall et al. (1978), for example, link subcultural theory to **structural tension** and upheaval by suggesting increases in deviant behaviour occur during periodic 'crises in capitalism' (high levels of poverty, unemployment and social unrest, for example). Studies of white, working-class education by Willis (1977) and Corrigan (1979) transfer the focus of 'class struggle' into the classroom and Young (2001) notes how subcultural development among lower-stream, lower-class 'lads' in Willis' study was an attempt to 'solve the problem of their educational failure' by 'playing up in the classroom, rejecting the teacher's discipline' and giving 'high status to manliness and physical toughness'.

2. Symbolic solutions approach

Other Marxist theories shift the emphasis further into the **cultural realm** by focusing on how subcultures represent **symbolic forms of resistance** to bourgeois hegemony.

Both Hall and Jefferson (1976) and Hebdidge (1979) characterised youth subcultures as **ritualistic** or 'magical' attempts at resistance by consciously adopting behaviour and styles (the skinhead 'uniform' of bovver boots and braces that ape 'respectable', working-class work clothing, Punks wearing swastikas and so forth) that appeared *threatening* to the 'middle class establishment', thereby giving the *powerless* a *feeling* of power. This is **symbolic behaviour** because it doesn't address or resolve the problems that bring subcultures into existence in the first place.

This idea is developed in the work of Bowles and Gintis (2002) when they argue there is a **correspondence** between school and workplace norms evidenced through schooling in areas like the daily need to attend and register and the right of those in authority to give orders.

If schools are a *proving ground* in which the hierarchical organisation of the workplace is reflected and reproduced then education becomes a test of **control** and **conformity**: those who conform are allowed into the higher areas



of education (and work) while those who **rebel** are excluded or develop ways of resisting this process through subcultural groups - even though such resistance is largely symbolic and doomed to failure.

Evaluation

In the 1960s and 1970s a number of "spectacular" youth subcultures (such as mods, skinheads, punks and hippies) developed that have not been repeated over the past 30 or so years. If working class youth subcultures are symptomatic of "resistance to capitalism" it seems difficult to explain their **disappearance**.

Although concepts like 'symbolic resistance' explain why youth subcultures persist without creating real social change, Young (2001) argues they lack any real substance or **empirical validity** - "There is a danger groups become sub-cultural Rorschach blobs onto which the theorist projects his or her own private definitions". In other words, Marxist subcultural theorists "see what they want to see" when they look at youth subcultures.

Stahl (1999), for example, argues that while Marxist subcultural theory sets up 'subcultural groups' in **opposition** to some real or imagined 'outside group or agency' (the school, media, and so forth), they neglect 'the role each plays in the sub-culture's own internal construction'. In other words, subcultures may simply be a **reflection** of how they are **seen** by such agencies - as **social constructions** of the media, for example; convenient *ciphers* that stand for whatever a theorist claims they stand for in order to substantiate their theories.