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# Radical Criminology: A Sympathetic Criticism from the Viewpoints of Philosophical and Theological Anarchism

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RADICAL CRIMINOLOGY: A SYMPATHETIC  
CRITICISM FROM THE VIEWPOINTS OF  
PHILOSOPHICAL AND THEOLOGICAL  
ANARCHISM

A Thesis

Presented to the

Department of Criminal Justice

and the

Faculty of the College of Graduate Studies

University of Nebraska at Omaha

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

J. Anthony Watkins

August 1979

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## INTRODUCTION

### Purpose and Scope of Thesis

The point of departure for this work is to sympathetically critique American radical criminology from an anarchist philosophical and theological viewpoint. Most criticism of radical criminology has thus far come from<sup>1</sup> politically conventional and orthodox Marxist sources. Anarchism is to the left of Marxism or scientific socialism and has been characteristically left of conservatism and liberalism.<sup>2</sup> By sympathetic critique what is meant is that this author tends to favor and support most of the criticism radical criminology has levelled against conventional criminology. However, radical criminology is apparently unwilling to critically comprehend its own essentially anarcho-religious, rather than authentically Marxist character. Thus, the criticism herein is mainly to assist radical criminology in its search for a Weltanschauung which best fits its purposes and ends.

A philosophical and theological critique of radical criminology is a difficult task, especially since it is to be done in a sympathetic rather than hostile manner. For reasons of clarity the author has restricted the theological discussion mainly to the Epilogue and deals with differing ideological and political questions in the bulk of the thesis.



The reader should understand that at back of all that is presented herein is the question of what relationship does religious anarchism have with radical criminology? Such terms as orthodox, heterodox, heresy, prophetic, secular and existential confusion should clue the reader into the author's own Weltanschauung which is Christian anarchist in focus. Further and also for the sake of clarity, this thesis interprets orthodox Marxism as the equivalent of scientific socialism, while unorthodox or heterodox Marxism is seen as the equivalent of a New Left anarcho-utopian and religious worldview. This interpretation does not deny that Marx was anarchist, utopianist or religious but rather it tries to be honest to what Marx himself believed his system to be: scientific socialism.

#### Anarchism, Marxism, Radical Criminology and Religion

Nineteenth century secular anarchism was viciously attacked by Marx for being a brand of "left utopian opportunism"<sup>3</sup>. Engels denounced anarchists as "madmen and provocateurs"<sup>4</sup>. Lenin accused anarchism and utopian socialism of being little more than "left-wing communism: an infantile disorder."<sup>5</sup> Contemporary secular anarchism as represented by New Left ideology, has been accused by orthodox Marxists and non-Marxists alike of moving beyond scientific socialism or Marxism in that, contrary to Marx, it has "stressed the individual, the deviant, the Utopian and anarchistic aspects"<sup>6</sup> of Marx's prophetic beliefs. Terrence Ball, an orthodox

Marxist sociologist, commenting on the contemporary American academic "doctoring of Marxism" by New Left social theorists has written that:

Indeed, today history repeats itself. If the bowdlerizing of Marx by the Revisionists (Bernstein and Kautsky: mine) was a tragedy, the current "rediscovery" of a respectable/young/Hegelian/humanist/social democratic Marx has all the making of a farce. The farceurs include those whose brand of Marxism has affinities with religion of one kind (Christianity) or another (Zen Buddhism); with a contentless "humanism"; with philosophical idealism with piecemeal reformism and social democracy; and so on.<sup>7</sup>

Contrary to the unconscious "academic prophesy"<sup>8</sup> of radical criminology Marx himself held that "the criticism of religion is the premise of all criticism"<sup>9</sup>. Marx understood his own system to be scientific and thus unprophetic and irreligious to the extent that:

It is the task of history, therefore, once the otherworld of truth has vanished, to establish the truth of this world. The immediate task of philosophy, which is in the service of history, is to unmask human self-alienation in its secular form now that it has been unmasked in its sacred form. Thus the criticism of heaven is transformed into criticism of earth, the criticism of religion into the criticism of law, and the criticism of theology into the criticism of politics.<sup>10</sup>

If in terms of orthodox Marxist criticism, law and politics are seen as secularized transformations of religion and theology, then, of course, the flip-side is true: religion and theology are the sacramentalization of law and politics. The result is that the combination of law and politics is theoretically, if not functionally,

equivalent in as far as orthodox Marxist criticism is concerned. Without advocating extreme elasticity in thinking, radical criticism of law and politics must entail a simultaneous criticism of religion and theology. Unorthodox radical criminology, following this line of thought, should not only be critical of the political and juridical status-quo, but more, the religious and theological establishment. Practically speaking the historical and present reality of American attitudes towards the interpretation and disposition of criminal action have been shaped by both combinations of law and politics, religion and theology.<sup>11</sup> Moreover the shaping of American attitudes on crime has come from orthodox and heterodox combinations of law and politics, religion and theology. In order for radical criminology to take this leap or judgemental step of becoming critical of the orthodox religious influence on crime, it must realize that such an influence is there. This author thinks that such a step can be taken if radical criminology first understands its own prophetic quality. The difficulty of such an understanding becomes acute because of radical criminology's association with the orthodox Marxist paradigm which seeks to dismiss religion and theology on plausible but fallacious grounds.

One religious system should not critically dismiss another religious system on the grounds of the other system's religiousness, for that would be akin to the Marxist and liberal criticism of each other as ideology. Ideology and pol-

itics are relative and so is religion. A religious system should point to another religious system's insufficient religiousness. Just as much as anarchist ideology criticizes orthodox Marxism for not being true to its ideology.

But, Marx and Engels themselves mistook orthodox Christianity and Judaism for "religion as such" and in so doing misunderstood two things. First they misunderstood the difference between religious orthodoxy and heterodoxy, such that their criticism of religion as an ideological apology for the power of the ruling classes never dealt with revolutionary Christianity which has also been historically critical of state, and juridical power, private property and hierarchial social relations (see the Epilogue herein).<sup>12</sup> It is not that Marx and Engels were totally unaware of revolutionary religion, for they both, along with later orthodox Marxists like Ernst Block and Roger Garaudy, appreciated the eschatological Messianism in the thinking and practice of revolutionary Christianity.<sup>13</sup> Second because their critical attention was focused on orthodox and not heterodox religious radicalism; Marx and Engels failed to comprehend their own inverted religiousness——i.e., where the God-hypothesis is inverted to read mankind writ large across the universe——and by such failure did not grasp the transphysical, moralistic, prophetic and unscientific nature of their system of socialism.

Given Marx and Engels failure to comprehend the

religiousness of their system of thought, New Left radical criminology in its acceptance of the Marxist paradigm has unconsciously repeated the religious error of the founders of scientific socialism. Hence, herein radical criminology will have its religious dimension exposed and it will be shown that even this religious dimension is more in tune with a political theology of anarchism than with Christian-Marxism which itself promises a new fusion of orthodoxy in left religious and political circles.<sup>14</sup>

The prophetic anomaly in Marx's thought has been commented upon by political philosopher Robert C. Tucker and a host of others:

The religious essence of Marxism is superficially obscured by Marx's rejection of the traditional religions. This took the form of a repudiation of religion as such and an espousal of atheism. Marx's athiesm, however, meant only a negation of the trans-mundane God of traditional Western religion. It did not mean the denial of a supreme being... From a structural viewpoint, moreover, Marxism invites analysis as a religious system...it has a number of basic characteristics in common with Christian system in its Augustinian and later medieval expression...Marx defines classification under any one of the accepted modern specialized headings, such as, economist, sociologist, historian, or even philosopher. This, of course, indicates a source of his system's appeal to some modern men in whom the hold of traditional religion has loosened but the craving for an all-inclusive world-view remains alive and strong.<sup>15</sup>

Radical criminologists may be such modern men who crave for an all-inclusive grasp of the reality of crime. The logic of the radical investigation into crime and its

disposition pushes far beyond the confines of conventional approaches to crime. So far that radical criminology has begun to deal, however with questions of ultimate human reality i.e., metaphysical questions which are commonly thought to be in the domain of political philosophy and/or political theology.

Ultimate Questions that Radical Criminology  
has Failed to Answer

Radical criminology is now engaged in a dialectical criticism of criminology and is thus forced to deal with ultimate questions about human realities. It attempts, but has not adequately, come to grips with such ultimate questions as:

1. What is the most rational approach to a  
crime free society.<sup>7</sup>
2. Can individual and social alienation, the basic foundations for the existence of crime, ever be overcome, no matter society's economic organization?
3. Are injustice and inequality, in the forms of class antagonisms, racism, sexism or plain-old socially differentiated political domination, essential or otherwise unnecessary features of human existence?
4. Is human order possible without resort to state enforced governmental control?

Given the above questions radical criminology requires a left political-theological criticism because of its misunderstanding of itself, in relation to:

1. Its claim that it is not ideological thinking.
2. Its claim that it is not utopian thinking.
3. Its claim that it is authentic Marxism.
4. An unconsciousness of being part of New Left theorizing.
5. An unconsciousness of being more of a secular prophecy and system of anarchistic thinking about crime, than a strict Marxist view of crime and crime control. The religious character of radical criminology must be brought to the surface.

#### Radical Criminology's Theoretical Confusion

This work's main line of argument is thus developed around radical criminology's theoretical confusion about its New Left anarcho-religious alternatives to the existing society. It is not that the radicals have not pointed the way toward such alternatives. On the contrary, radical criminology is unique in comparison to conventional criminology in its willingness to offer a liberative vision of society and should certainly be applauded for its efforts to date. Existing society does need to be changed root and branch and not just maintained for the benefit of a powerful segment. Essentially, though the claims and proposals of radical criminology

are inadequate when faced with the admittedly difficult questions posed above. It is to these "perennial questions" of political philosophy (and to this writer political theology) that radical criminology has thus far fallen short. <sup>16</sup>

As an instance, most radical criminologists confusedly posit ultimate human freedom in collectivist terms and end up opting for a majoritarian state power of the many who would exercise hegemony over deviant minorities. The call of Richard Quinney for even a democratic socialism is a call for a political society where power will be located in some ruling segment of society. <sup>17</sup> Those who would not enjoy power are those in a deviant political minority or the enemies of socialism. It is not too difficult to understand that those in the powerless minorities would become easily suspect as criminals. It will be contended, throughout these pages, that most brands of socialism or for that matter liberal democracy can ever "require the elimination of bureaucracies and all hierarchial forms" <sup>18</sup> because of the simple reason that both of these political philosophies view power in society as necessarily unequally distributed with respect to the hegemony of a dominant social class or segment over and against the desires and wishes of other classes.

#### Concerns of a Political Theology of Anarchism

One of Christian-anarchism's guiding principles is to overcome state power which is the highest expression of



organized political society. In this regard it is not in  
 any respect different than secular anarchistic communism. <sup>19</sup>

✓ As a left political theology it converges at most points  
 with radical criminology's critique of conventional crim-  
 ✓ inological thinking. But unlike radical criminology it does  
 not see the state in either its capitalist or socialist guises  
 as a legitimate guarantor of social justice and the potential  
 for human freedom, either in theory or relevant empirical  
 practice (e.g., human rights violations are as much a part  
 of American state power as is the same category of violations  
 in the Soviet Union). Rather than merely a protector of cit-  
 izens in their struggles against criminal activities state  
 power usually serves the crime control interests of some ruling  
 class.

✓ To Christian-anarchism the conditions for a guaranteed  
 social justice and human freedom must be found by a resort to  
 a theory and praxis wherein people freely associate themselves  
 into decentralized arrangements for specifically agreed upon  
 social ends. This conception of society radically diverges  
 from the social contract tenet of liberal democratic thinking  
 where an absolute social contract under state enforcement is  
 falsely presumed for all of society's members for all time; <sup>20</sup>  
 no matter the social inequality in actual existence or the lack  
 of social consensus about different issues. Moreover, a soci-  
 ✓ ety of voluntaristic associations parts company with orthodox  
<sup>21</sup>  
 Marxist socialism in that social theory's insistence upon

collectivist material production as the perpetual organizing rationale for the existence of a liberative future society. ✓ Anarchistic political theology interprets this element of socialist theory as pure dogma in that it disallows the necessary flexibility inherent in including alternative societal rationales and behaviors, some of which may consistently have nothing at all to do with material production.

The origins of anarchistic political theology can be traced to the earliest conceptions of Christianity where the libertarian concern of a world without law informed the thinking of the first Christian theorists.<sup>22</sup> The early Christian conception of a society without law was in direct revolutionary opposition to Romanist state power and its companion legalistic theories. The first Christian theorists sought to spiritually and politically undermine not only Roman power but indirectly the foundations of every human society dependant upon the restrictions of legal compulsion, whether criminal<sup>23</sup> or otherwise. Social compulsion was seen as the unjust antithesis of human freedom and it was understood that state power could not force society's members to be free, but on the contrary, state power would continue social enslavement.

Social freedom from the yoke of state enforced legal control continued to inform much of early Christian thinking until the period of Constantine.<sup>24</sup> At this historical juncture established Christianity officially aligned itself with the state and Christian-anarchism became a dangerous deviation

in the thinking of a heretical fringe. Therefore 19th century secular anarchists like Michael Bakunin, and even Karl Marx (in his post-socialist view of communism) were entirely correct in their bitter denunciations of what they viewed as the alienating and hypocritical theology and practice of orthodox religion. <sup>25</sup> Indeed orthodox religious intolerance and participation in state enforced ideological and legal repression of the masses of people remains "the opium of the people" to this day. However, in all fairness to orthodox Scholastic and Reformation political theology, it must be remembered that the Schoolmen <sup>26</sup> and Luther <sup>27</sup> consistently condemned the devices of interest and usury in early capitalist development. These religious thinkers developed the concept of justum pretium or just price which was founded on a strictly labor theory of value; a theory of value essentially in agreement with Marx's own notion of economic value and from which his theory of surplus value derives. <sup>28</sup>

Thus, although orthodox religion stands in constant need of denunciation for its on-going collusion with the capitalist state's repressive tendencies, upon a sound historical reflection the close kinship between modern secular anarchism and its sentiments for a communistic world without law, if compared to earlier Christian-anarchism, remains in fundamental accord.

In its course of development this critique will expand on the above issues in a more incisive manner. Before that

the main features of emergent radical criminology in its confrontations with conventional criminology must be dealt with, because to a great extent radical criminology is an outcome of criticism leveled against conservative and liberal (conventional) theories of crime.

### Chapter Descriptions

Chapter I, The Ideological Character of Recent Criminology, analyzes the role ideology has come to play in contemporary American criminological inquiry. The chapter is investigatory and has the objectives of:

1. Explaining how and why the ideological dimension emerged.
2. Defining ideology as essentially a political manifestation which reflects contemporary political struggles in academia and the at-large society.
3. Showing that ideology is relativistic and ubiquitous in that all criminological theory has at least a tacit political quality and is value-laden; radical criminology notwithstanding.

Chapter II, A Thematic Analysis of Ideology in Conventional Criminology, critically compares recent works of the "left" liberal Ramsey Clark, and the neo-conservative James Q. Wilson with a series of ideologically differentiated

criminological constructions developed by Walter B. Miller. The objectives of such a comparison are to:

1. Illustrate the unspoken ideological underpinnings of liberal and conservative criminology.
2. Demonstrate that on most questions of political import liberal and conservative criminology are in fundamental accord. Thus both can be viewed as conventional.
3. Comprehend radical criminology as politically different from conventional thinking with respect to general purposes, functions and goals.

Chapter III, Radical Criminology: Is it a Marxist or New Left Theory of Crime? Speculatively explores the evolution of Anglo-American radical criminological thinking from the early 1960's to the present. Selected writings of Richard Quinney, Anthony Platt and the British criminologists, Ian Taylor, Paul Walton and Jock Young are critically examined for the purpose of ascertaining whether or not the career evolution of radical criminology is toward or away from authentic Marxism.

The author will attempt to show that radical criminology has been, from its inception, a theory of crime in search of a philosophical orientation. It has infrequently found comfort with itself and continually seeks new theoret-

ical horizons. To date that search has lead radical criminology, like radical sociology, to its present unclaimed identification with New Left ideology; a New Left that has an undeniable affinity with anarcho-utopianism rather than with Marxist scientific socialism.

Some of the primary avenues to be explored are:

1. Why is radical criminology existentially confused about its political allegiance?
2. Can there be an orthodox Marxist analysis of crime?
3. Has radical criminology transcended orthodox Marxism?
4. Is radical criminology based on the New Left ideology of anarcho-utopianism?

Chapter IV, Radical Criminology: Is Its Heretical Marxism Actually an Unconscious Anarchist Theory of Crime?, proposes that American radical criminology, as a New Left and Heretical deviation from Marxist orthodoxy, is an unconscious anarchist statement about crime. The chapter explores the works of secular anarchist thinkers, from the classical period to the present. To build support for the foregoing proposal, a comparison is made between secular anarchist political philosophy and ten major theoretical features in radical criminology thinking. The outcome of the comparison suggests that radical criminology, especially in its consistent employment of a liberation ideal with respect to the nature, function and disposition of crime in society, is more

akin to anarchism than it is to Marxist orthodoxy.

Further, the chapter proposes that radical criminology should become conscious of itself as an anarchist theory of crime. Toward this end, the proposal illustrates what a deliberate anarchist criminology would entail, by examining four questions regarding ultimate human reality in light of the possibility of a crime free future society. In the examination of those four questions, it is noticed that overcoming social divisions, in the form of racism, sexism and political domination, should be as important to anarchist criminology as the overcoming class divisions is presently. With this in mind an anarchist criminology would be mandated not to engage in economic reductionism as in the case with Marxist orthodoxy.

In the Epilogue, Christian Anarchism in Relation to Radical Criminology, the present author offers a defense of the religious facet of radical American criminology from the standpoint of a political theology of Christian anarchism. The purpose is to explain the sources from which the religious dimension in radical criminology is most probably derived by a historical interpretation of Christian anarchist literature. The question of how religious anarchism became secularized is dealt with, as is Christian anarchism's historic relationship to other forms of Christian radicalism. Moreover the differences between Christian and Christian-Marxism is clarified. Of primary importance is the argument that the libertarian

ideal of Christian anarchism is the probable influential source of the prophetic quality in radical criminology. The examination also attempts to explain the religious facet of radical criminology by an analysis of left-wing political faith in the secular "religion of humanity."

Further, an examination of the history of conventional sociological criminology suggests that it also has held a faith in the "religion of humanity" and since this is the case the grounds for an eventual reconciliation between it and radical criminology can be understood in religious terms.

The Epilogue ends by proposing that reconciliation is possible if both variants of American criminology are willing to emphasize and connect those elements in each theory that speaks to human liberation.



## CHAPTER I

## THE IDEOLOGICAL CHARACTER OF RECENT CRIMINOLOGY

The Problem of Ideology

The role ideology plays within American criminology is currently a question of no small amount of discussion and concern. In the past few years several criminologists have begun the task of ferreting out the ideological basis of much of the discipline, and in so doing have sought to make the discipline's various ideological underpinnings explicit while speculating about the implications of certain ideological tendencies within the field.<sup>1</sup> The newly emergent criminological investigation of its ideological basis signifies a quest for alternative social arrangements,<sup>2</sup> and is an overt challenge<sup>3</sup> to received thinking within the criminological enterprise.

The importance of the concept of ideology in criminological thinking can be seen as matter of proper concern because of the very nature of criminology itself. The study of crime is often directly concerned with the making of policy proposals about how society is to best view and proceed with the disposition of crime related behaviors.<sup>4</sup> Questions of individual and social freedom, social control, morality, distribution of power and justice are of utmost import to the field. These kind of questions have long been at issue within

the general society. Criminological approaches that seek to answer any of these questions ought to do so with skill and caution, since studies and answers offered may dramatically effect the status of individuals in society.

Ideological viewpoints held by criminologists then have a bearing on the fortunes of individuals and groups in society. Given this, a contribution toward the further investigation of criminological theorizing as informed by ideology is of clear value.

Although recent criminological thinking has shown an increased attention toward ideological content in theorizing few writers have dealt systematically with ideology as a concept. Often, as it shall be shown, criminologists have not come to agreement on what ideology means politically and definitionally. The concept of ideology is used in ways that are somewhat ambiguous, obscurant, and frequently bewildering, even contradictory. This lack of clarity and thoroughness about ideology severely limits discussions of ideology and crime to a decidedly meager understanding of the role which ideology actually does play.

Therefore, the purpose of this chapter is to clearly define the meaning of ideology and its practical significance. The focus of attention will be primarily on academic criminologists in their theorizing about crime. Obviously, other personnel within the criminal justice enterprise hold their own ideological views; <sup>5</sup> however, the scope of this work is

restricted in the main to formulators of criminological theory who are academically situated in American universities, although reference is made to Eastern and Western European criminologists and other social thinkers, some academic, some not, who have been engaged in activity that influences "thinking about crime".

Ideology as a Reflection  
of Political Struggles in Society

Essentially the concept of ideology emerged from political struggles—the suspicion of ideology grows more formidable with the increasing bitterness of political conflict.<sup>6</sup>

All definitions and theories of deviation and social problems are normative. They define and explain behavior from socially situated value positions.<sup>7</sup>

No kind of social inquiry can honestly proceed in a vacuum divorced from the ebb and flow of political debate about the course society should take. Criminological inquiry with its unique subject matter necessarily operates within a political environment. As Radzinowicz has noted "a comprehension of attitudes toward the study of crime must make reference to the culture and society which gave them birth in the past."<sup>8</sup>

The recent history of political struggles in American society, and criminology's reflection of these struggles, at least since the mid-1960's, has lead to an increased awareness of ideology as a component part of criminological thinking. The field of criminology has been recently moved to criti-

cally question and confront established theoretical formulations about crime. At back of this internal questioning have been the spectre of political struggles in the larger society. Such larger societal issues as: racism, sexism, human rights, imperialism and neo-colonialism have forced criminological thinking to critically reflect upon its purposes and objectives.<sup>9</sup> The result of these reflections has been a new consciousness of the role that ideology plays in theory construction. The increased awareness of ideology as a component of criminological thinking has in turn led to political struggles within the discipline and has been felt most sharply at the University of California at Berkeley where the School of Criminology was recently "sanitized" of its radical challengers by administrative elimination of the School itself.<sup>10</sup>

In a major part then, a good portion of criminological thinking since the mid-1960's has been ideological to the extent that it has been an internalization of struggles over power in the at-large society. Awareness of this ideological element in criminology is also monotonously predictable: increased societal conflicts will tend to increase ideological conflict over the appropriate course and direction of criminological inquiry. Decreased societal conflicts will tend toward a corresponding decrease over the ideological nature of criminological inquiry.

Since political struggles in the larger society have

their reflection in recent criminological thinking, it is important to know the ideological issues involved. The primary conflicts are over what Allen, among others, has called "the questions which criminological inquiry has traditionally either neglected or excluded from discussion."<sup>11</sup>

The questions that traditional or conventional criminology excludes may be summarized as follows:

1. What should be the ultimate purposes and goals of the American criminal justice system?
2. What is the legitimate use of state power as administered through the system of criminal justice?
3. What kind of societal behaviors should be selected out as criminal or deviant?
4. Can criminal justice be fairly and equitably meted out to all segments of the population?
5. Does the criminal justice system foster or thwart the potential for human liberation?
6. Have traditional approaches to crime and crime control been merely exercises in support of an economic and political status-quo which seeks to repress individuals and movements aimed at wholesale societal change?
7. Are there any real alternatives to the existing criminal justice system?

A close inspection of the foregoing seven questions reveals that they are clearly questions with deep political reference. They testify to an "explicit political consciousness"<sup>12</sup> with regard to issues in criminal justice. No longer can theorists luxuriously construct paradigms of the criminological universe in some neutral or detached manner without being called to account for holding some particular ideological view about how society ought to function. Indeed some recent criminological inquiry is more akin to the enterprises of political science, political sociology, political philosophy and even political theology.<sup>13</sup>

The seeming apoliticality formerly portrayed by most in the discipline has changed so much in the past few years that Jerome Skolnick has declared that he sees, "... less and less of a distinction between political science as a discipline and the sociology of crime, or criminology as a discipline."<sup>14</sup> Ideology relative to criminological theorizing thus implies at least a "tacit theory of politics"<sup>15</sup> where certain courses of theoretically informed action are preferable to others because of the criminologist's peculiar worldview and social situation.

If "law and order is the basic political question of our day",<sup>16</sup> then a clear and forceful specification of the politicality in criminological thinking is required. A political definition of the ideological element in recent criminological thought is not apparent in the conventional

writings of Miller<sup>17</sup>, Gibbons and Blake<sup>18</sup>, Gibbons and  
 Garabedian<sup>19</sup> and Radzinowicz<sup>20</sup> all of whom have recently  
 written extensive articles about ideology and criminology.  
 Only Miller specifics how he is using the term ideology.  
 Gibbons, et al talk about perspectives, schools of thought,  
 approaches and the like without as much as mentioning the  
 term ideology. Radzinowicz employs the terms in the title  
 of his work and stops there. All use the standard political  
 labels of conservative, liberal and radical, but one is  
 left with little political feel for any real tug-of-war  
 between competing ideologies in these works. On the other  
 hand, radical criminologists like Quinney<sup>21</sup> and Platt<sup>22</sup> have  
 written works which are definite engagements in political  
 polemics. Taylor, Walton and Young<sup>23</sup> along with Krisberg<sup>24</sup>  
 and Pierce<sup>25</sup> have also shown that the historical development  
 of criminological theory is associated with intermittent  
 political conflicts between the various schools of thought  
 within the discipline. Bucholz, et al have even seen the  
 birth of classical criminology as,

. . . a scientific discipline filling the gap  
 left by the bourgeois jurisprudence of the  
 day. The new discipline was seeking to answer  
 the questions which the official criminal law  
 theory either failed to pose or was reluctant  
 to answer. Much as the ruling bourgeois cir-  
 cles were interested in defending their crim-  
 inal law theory, the bourgeois nevertheless  
 demanded a theory which it believed would ex-  
 plain criminality as a social phenomena and  
 propose more effective measures than those of  
 criminal law, in hope that it might thus suc-  
 cessfully wage the social war between society  
 and crime.<sup>26</sup>

A Political  
Definition of Ideology

For the purposes of this work ideology is: that component of any criminological theory which seeks to study crime within a normative framework that rationalizes and defends certain political ideals about how society should operate. The questions of whether the ideological component in various criminological approaches are true or false, conscious or unconscious becomes relativized in this definition. All criminological thinking has some degree of truth and never are all ideological assumptions about crime explicitly formulated in a particular criminological theory. Hence, a criminology, without an inherent amount of ideology is impossible since all social theory comes with at least a tacit theory of political ideals.

It may be that the non-radical criminologists are attempting to uphold what Wagner calls the "cherished social science tenets"<sup>27</sup> of objectivity, detachment and value-neutrality in their interpretations. Whatever the reasons are, the real consequences are ideological in the sense that non-radical authors attempt to defend an unnamed point of view and refute or repudiate the works of others they disagree with. Without risk then, the non-radical authors mentioned have not come to grips with a precise political understanding of ideology as a concept.

Besides a primary political dimension, ideology,



in all kinds of social inquiry refers to what the Theodorsons define as,

The system of interdependant ideas, beliefs, traditions, principles and myths held by a social group or society, which reflects, rationalizes and defends its particular social, moral, religious, economic, political and institutional interests.<sup>28</sup>

At its most abstract level ideology is the Weltanschauung or worldview of interconnected ideas held by particular sub-groups and individuals within criminology. Most often non-radical criminologists do not announce their particular ideological perspective. Some may not even be aware of the ideological element within their thinking. Even authors like Miller<sup>29</sup> may define ideology in the abstract politically but omit applying the definition to their own concrete situation (i.e., by taking note of the particular ideology that underpins the work they have at hand).

Other more specified definitions of ideology would be:

1. Ideology as a set of value assumptions about reality which serves the interests of class domination.
2. Ideology as a manifestation of false consciousness held by a politically subordinate group would be understood as an active participant in its own oppression.

Illustrations of the above two definitions of ideol-

ogy in recent criminological thinking are in order here. Ideology as a servant of class interests becomes generally apparent when criminology is "engaged in legal concerns for the purpose of preserving the capitalist order, including the welfare state associated with that order."<sup>30</sup> Moreover, when criminologists, as experts, are employed by the government or private foundations, as is more and more the case recently, the deliberate or unconscious creation and dissemination of value assumptions about crime and its control becomes a tendency directed toward the maintenance of societal class interests.<sup>31</sup> The manifestation of false consciousness by a subordinate group is somewhat more difficult to point out (assuming that most criminologists are not normally subjected to the outcomes of their own formulations). In an important sense the liberal rehabilitative ideal of contemporary corrections can be viewed as an example of the production of false consciousness if it is true that rehabilitation is for all intents a myth in that it does not work. Prisoners must, as a requirement, conform to expected behavior patterns based upon the rehabilitative ideal. If these behavioral expectations are internalized by the convict this can be understood as active participation in one's own subjection. A better example of a similar sort would be one where some convicts refuse to overtly act in concert with other convicts as they protest prison conditions and treatment. A refusal to act being based on some narrow advantage they

expect to gain from their institutional oppressors (i.e., the prison bureaucracy). Obviously the spectre of penal coercion would enter into and distort this example, but one could avoid this objection by pointing out that prison trustees in their relations with other convicts may often falsely conceive of themselves to be unoppressed because of their more intimate relationship to the prison bureaucracy.

### Coping with Ideological Relativism

Obviously the relativism or ubiquitous nature of ideology is problematic for those concerned with grounding their theories of crime in some kind of ideological void. Karl Mannheim, the liberal oriented father of the sociology of knowledge, attempted to overcome the difficulty by resorting to a neo-Platonism, where intellectuals become the social group who were "able to reach Olympian detachment from the mundane traces of earthly involvement."<sup>32</sup> Orthodox Marxists, on the other hand, ground the truth value of their social theories in the supposed historical objectivity of the proletariat (historical objectivity being supposedly non-ideological).<sup>33</sup> Recent criminological writings concerned with ideology hardly broach the question of ideological relativism.<sup>34</sup> This is the case for both radical and non-radical criminologists.

Rather than trying to deny that any criminological theory has an ideological component by resorting to devices

which in themselves are value-loaded, the reasonable prescription for coping with ideological relativism would be for theorists to:

1. Admit quite frankly that their theory comes wrapped with ideological ribbons.
2. State exactly what it is in terms of political ends the theory is aimed at.
3. If the ideological component of the theory is seen as a great hindrance, seek to denude the theory of as much ideology as is humanly possible.
4. Seek to state the ideology in terms of a clear-headed political analysis of crime in relation to society and not feel defensive about others attacking the view as false consciousness or as mere opinion.

William E. Connolly, a liberal political scientist, has proposed an idealization of the responsible ideologue:

The responsible ideology is one in which a serious and continuing effort is made to elucidate publicly all of the factors involved in its formulation and in which a similar effort is made to test the position at strategic points by all available means. A continuous shuttle is established between the levels of self-clarification, formulating and testing beliefs about the environment, recommending appropriate public action and attitudes, and specifying the expected consequences of the proposed action. In this way a maximum effort is made to keep all factors involved in the formulated ideology at the forefront of attention, and every opportunity is grasped to confront these recognized factors

with the hard facts of the environment:

The responsibly formulated ideology, in short, unites . . . analytical precision . . . self-awareness . . . and the commitment to social relevance. 35

While an honest coping with ideology is obviously important, what is socially and politically relevant to one interest group in society may not be to another. For this reason ideology must ever be conceived of as a tool of political struggle and interaction. For example, a conventional criminologist may be analytically precise and honest about the nature of his or her conservative belief. But it is the conventional belief itself that leads to conventional praxis. Thus no amount of even honest coping can earn the political "respect and consideration"<sup>36</sup> for ideology that Miller has recently called for.

For an ideological perspective to earn political "respect and consideration," the respect must be earned in a social atmosphere where all ideological viewpoints would have an equal opportunity, for not only theoretical expression but also practical application.<sup>37</sup> No such atmosphere exists, although radical criminology has earned an equal opportunity to express itself theoretically, in some universities and publications. Given that the hallmark of academia is its so-called openness to theoretical debate and discussion, even this opportunity is no mean feat for radical criminology.<sup>38</sup> Yet, unlike conventional criminology, the theoretic-

cal conclusions of the radicals are not presently applied in the field of criminal justice. Equality of opportunity stops short of allowing a radical praxis, in an academic environment which, through criminology, supplies policy options to the criminal justice system.

Two rather obvious reasons explain this disallowance of radical praxis: 1) radical praxis as revolutionary activity (at least ideally) is set against the cherished interests of conventionality and as such is political anathema; 2) conventional theory and praxis wield ruling power both in academia and the general society. Ruling power usually concedes little without a protracted period of political struggle. Out-of-power radical criminology cannot determine the concrete conditions for its application to what it studies because it is by political conventionality that such an application is determined. This second reason may indirectly explain why radical criminology, like New Left sociology, but in contrast to scientific socialism or orthodox Marxism, has tended toward a non-violent revolutionary, rather than a violent revolutionary strategy of social change, even though the radicals call their theories authentically Marxian. For radical criminologists to engage in an authentically Marxian revolutionary praxis would necessarily mean a renunciation of their academic existence and a switch to the status of the criminal lumpenproletariat because as, the liberal professor of criminal law M. Cherif Bassiouni

has recently noted in his "horn-book", The Law of Dissent and Riots:

Some lawyers may wonder why a discussion of the rhetoric, tactics and goals of the New Left is relevant to them. The link is the law and what we call the role of the law. In the final analysis, we are dealing with the guarantees and highest products of civilization itself . . . freedom, order, respect for the rights of others . . . and with an attack however haphazard, misguided and, one may hope, foredoomed to fail - on those ultimates. We lawyers have society itself as our client. We should attend to legal and illegal challenges to that society. The violent wing of the New Left is such a challenge.<sup>40</sup>

Unfairly then, radical praxis, in order to exist inside academia, must submit to at least the minimal demands of political conventionality, even though radical ideology may be given a relatively free avenue of expression. Submission must obtain until the radicals leave academia or until social evolution or even revolution transforms power relationships inside academia. An honest coping with ideology for radical criminologists may therefore be an unrespectable and inconsiderate suggestion by Miller, because his suggestion assumes a non-existent equality of power among competing ideologies in criminology. However, as is evidenced by social revolution in socialist countries, ideological struggles do not necessarily cease with a revolutionary take-over of power.<sup>41</sup> In the final analysis, the archetypical revolution has merely meant a change of political guard (then the issue becomes who will guard the new guards?). In the

event of social revolution in America what is now radical criminology would probably become conventionality and vice-versa. The relative nature of ideology would remain intact.

Thus, as a tool in political vocabulary and action ideology cannot be overcome until the social divisions of society are eliminated. Situated within criminology an overcoming of ideology in thinking about crime is dependent upon the elimination of crime itself. Coping does little more than require the ideologist to state a particular political line or affiliation or, in the case of radical criminology, to suffer the handicap of not being able to immediately realize its revolutionary praxis. Nevertheless conventional criminology should openly admit and take steps to cope with its ideological dimension. Radical criminology should become aware that political expression in itself is synonymous with ideological expression, thus radical politics and radical ideology are equivalent, the so-called "non-ideological" objectivity of the Marxist proletariat notwithstanding.



## CHAPTER II

A THEMATIC ANALYSIS OF IDEOLOGY IN  
CONVENTIONAL CRIMINOLOGY

To this juncture the main contention has been that the concept of ideology, however frequently mentioned recently by criminological theorists, has not received proper attention. Further a clearer understanding of ideology emerges if the concept is defined politically in the sense of a justification and defense of certain ideals. As a way of illustrating this contention the thematic presentation below analyzes several recent idealized propositions from the recent writings of two well known criminological authors, James Q. Wilson, a political scientist<sup>1</sup> and Ramsey Clark, a former Attorney General<sup>2</sup>, against the work of Walter B. Miller.<sup>3</sup>

The works of Wilson and Clark were selected because they are representative of ideological distribution between conservative<sup>4</sup> and liberal<sup>5</sup> thinking respectively. Moreover, both of these works attempt to examine a broad range of criminological issues which gives them depth and thus makes them attractive for analysis. Miller's work seeks to lay out an ideal construction of the left and right (politically speaking) ideological underpinnings of criminology and is also

broad enough to be useful in the presentation as a tool in comparative and contrastive analysis.

The purposes of the thematic analysis is to:

1. Illustrate the ideological presuppositions of liberal and conservative criminology.
2. Demonstrate that the lack of disunity over political ends indicates a fundamental unity of conservative and liberal approaches to criminology and thereby these approaches can best be viewed as politically conventional.
3. Comprehend the disjunction between conventional and radical approaches to criminology as a political difference based on differing ideologies.

Six categories of investigation will be employed in order to give the analysis coherence and clarity. The categories are:

1. Ontology of human nature and society.
2. Social value orientation.
3. Etiology of crime.
4. Function of crime.
5. Function of criminal justice system.
6. Ideology, change, politicality and utopianism.

In some of the above six categories of analysis all three of the authors may have nothing to say. The authors'

silence may have to do with their unconsciousness of the relationship the category has to their statements. For example, few conventional criminological theorists would readily admit that their theories articulate certain political lines, or that their thinking is utopianist. Again, the ontological or metaphysical basis<sup>6</sup> of their theories of human nature, for instance, would be difficult of admittance. On the other hand their silence may be interpreted as a deliberate strategy of mystification. If the authors are silent with respect to a particular category, the present author will attempt to glean (by inference) an answer to the omission.

When a comparison is made between the statements of Wilson or Clark or both to Miller's idealized construction it will be indicated by an equal sign (=). By the same token a contrast will be indicated by the not equal sign (≠). After each of the categories of analysis is a comment by the present author which makes inferences about the equivalency or non-equivalency of the statements to each other and to Miller's idealized proposition. Miller's construction schematically distinguishes left and right ideological positions; this procedure will be followed except for the interpositional modification represented by the actual statements of Wilson and Clark.

Miller's left construction will be signified by M-L; his right construction by M-R. Clark's statements

will be signified by C, while Wilson's statements will be signified by W. As a precaution, Miller's constructions use a five point scale to measure what he calls "a single major parameter of substantive variation along a left-right scale;<sup>7</sup> however this author has reduced Miller's scale to one approximate and composite proposition or construction in order to simplify the thematic presentation. The reduction brings together into one focus the moderate and extreme propositions and thus functions to negate the possibility for a centrist position of which Miller is not concerned with presenting in any case.<sup>8</sup> Finally, the question of whether the ideological constructions are moderate or extreme like the previously mentioned concern of ideological consciousness is relativized: ideology is ideology, whether moderate or extreme, conscious or not.

I. Ontology of Human Nature and Society

A. View of Human Nature:

M-L	C	W	M-R
<p>Destructive social conditions serve to force some to choose crime as a way out... so-called criminal behavior is a justified reaction to malign social forces. (p. 35).</p>	<p>Nature conspired to make social instability and concomitant crime common in America. (p.16). All those qualities in life that make us what we are determine our capacity to commit crime. (p.17).</p>	<p>...human behavior ultimately derives from human volition (tastes, attitudes, values, etc.) and volition is formed by choices or is the product of biological or social processes that we cannot or will not change. (p. 50-51).</p>	<p>The individual is responsible for his own behavior and makes choices with an awareness of consequences... individuals are not the pawns of external forces but possess the capacity to choose right and wrong (p. 22).</p>
<p>B. <u>View of Society:</u></p>			
M-L	C	W	M-R
<p>The social order is deficient in meeting the needs of most of its citizens...it incorporates an immoral order which is not applicable to the conditions of a rapidly changing society. (p. 24). Behavior designated as crime is an inevitable product of a corrupt and unjust society. (p. 35)</p>	<p>To live in ordered liberty we must develop social disciplines and actions relevant to present conditions and future directions. Social stability cannot be attained until we simplify the complexities of our lives...If human reason and purpose can control technology, they can vastly enrich the human condition. (p. 32, 33).</p>	<p>The most serious offenses are crimes not simply because society finds them inconvenient, but because it regards them with moral horror. To steal, to rape, to rob, to assault--these acts are destructive of the very possibility of society. (p. 204).</p>	<p>The central requirement of a good, healthy society is a strong moral order... threats to the moral order are threats to the existence of society. (p. 22). Violent and predatory crimes are destructive of the moral order. (p. 35).</p>
	<p>C = some of W and some of M-R but ≠ M-L</p>	<p>W = some of C and all M-R but ≠ M-L</p>	

Comment on Ontology of Human Nature and Society

Clark's ontology compares favorably with Wilson's partial assertion that behavior is the result of socialization. Human existence is a kind of tabula rasa, a clean slate that must be informed by external forces. However for Clark there is apparently no free will or choice: all human behavior is equated with socialization. Wilson and the M-R construction posit freely willed behavior as the essence of being human, noting that people must deal with the consequences of their behavior irregardless of the social conditions. Wilson obviously wants it both ways and as a neo-conservative he stands in the murky horizon between conservatism and liberalism. Countering these views the M-L proposition admits of humanity as being ontologically or existentially free but socially forced to make decisions that are contrary to its existential nature. Thus any comparison of M-L with the liberal statement of Clark is cancelled by virtue of Clark's omittance of the question of will shaped by force. A reasonable conclusion here would be that the M-L proposition bears little relation to either of the actual statements of Clark or Wilson and that Clark's position is akin to the liberal residue in Wilson's neo-conservatism.

As regards the ontology of society, threats to the existing moral (social) order inform the thoughts of both Clark and Wilson and compare well to the M-R construction. Wilson equates specified immoral behavior with the possible

destruction of present society. Clark's position is more problematic for he does not manifestly deal with the question of morality anywhere in his book. One explanation for this may be that morality, like free will, is not a part of his ontology of humans in society. However, in actuality Clark himself does emphatically take ethical or moral stances, just as much as he also makes volitional choices when social conditions allow. From his statement on society one can glean a latent moral posture by noting his emphasis on such terms as: ordered liberty, social discipline and social stability with respect to "present conditions" of society. These three terms compare well with Wilson's "moral horror" and M-R's "moral order". All three imply that present society should be based on ethical imperatives strong enough to cope with the challenges of destructive anti-social action. Clark even wants present society to use improved and less complex technology to insure that future society is not threatened by actions which would cause social instability. The M-L construction, in contrast to the other perspectives, views present society as ethically unjust in its relation to the needs of the majority of people. It holds that the majority of people are not being honestly dealt with by those who have the power to influence behavior, even though present conditions in society hold the possibility for change. Again, the M-L proposition stands alone relative to the actual statements of Clark and Wilson, while in an ontology of society

their statements best correspond with M-R.



II. Social Value Orientation

A. Social Order and Stability vs Social Conflict and Revolution

M-L	C	W	M-R
<p>The only method of eliminating social injustice is the total and forceful overthrow of the entire system... including the criminal justice system. (p. 42).</p>	<p>What revolutionary leadership could seize and operate the essential services of an American megalopolis? Romanticists notwithstanding, violent revolution is no longer tolerable. We must reform without disruption. (p. 320-321).</p>	<p>Wicked people exist. Nothing awaits except to set them apart... We know that confining criminals prevents harm to society and we have grounds for suspecting that would-be criminals can be deterred by the confinement of others. (p. 208-209).</p>	<p>The basic mission of crime officialdom is the protection of society and maintenance of its security against threats especially by radical Forces. (p. 42-43).</p>
C = W and M-R but ≠ M-L	C = W and M-R but ≠	W = C and M-R but ≠ M-L	
<p>B. Social Stratification vs. Social Equality and Justice</p>			
M-L	C	W	M-R
<p>Present society enhances crime by maintaining the separation of race from race, the poor from rich, the deviant from the conventional and the non-criminal. (p. 36).</p>	<p>Divisions arise over injustice. Underlying such divisions are those between the powerful and powerless young and old, rich and poor, educated and ignorant and black and white... Injustice is the cause of disorder.. But the long history of mankind says you will have neither order nor justice unless you have both. (p. 324-325).</p>	<p>It is often said that the greatest price of segregation is the perpetration of a divided society one black and one white. The real price of segregation in my opinion is not that it forces blacks and whites apart but that it forces blacks of different class positions together. (p. 34-35).</p>	<p>Societal distinctions must be maintained between major categories of persons on the basis of race, sex, age, class, religion and ethnicity. (p.22).</p>
	C = W and M-R	W = M-R and part of C	

## C. Established Morality vs. New Morality

M-L	C	W	M-R
<p>Society is illegitimate and immoral. Thus behavior which threatens such a society should be applauded. (p. 38)</p>	<p>In the main regulation and control of technology must be through law. Man will have to make moral judgements by democratic process, encase them in the rule of law and enforce them equally throughout society. (p. 323).</p>	<p>The theory that crime is an expression of the political rage of the dispossessed rebelling under the iron heel of capitalism, leaves wondering why every nation in the world has experienced increasing crime rates. (p. xiii)</p>	<p>There is an erosion of discipline and respect for authority and too much permissiveness in society. (p. 21).</p>
	<p>C = some of both W M-R but ≠ M-L</p>	<p>W = M-R</p>	

D. Faith in Technological Control vs. Fear of Technological Repression

M-L	C	W	M-R
<p>The more efficiency gained through improvements in technology, the more the likelihood of greater brutality, harassment, intimidation and discrimination against the poor and minorities. (p. 44).</p>	<p>There is no greater evidence of the total neglect of the criminal justice system than our failure to apply science to the solution of crime... If we really cared, we would devote the best scientific resources at our command to the prevention and control of crime. (p. 239).</p>	<p>Where an appropriate technology exists and the self-interest of persons can be linked to its operation, there can be virtually no limits to what men in organizations can do. (p. xvi).</p>	<p>Society must have increased manpower coupled with an effective technological capacity to direct maximum force against internal threats. (p. 42).</p>
	<p>C ≠ M-L but = M-R and W</p>	<p>W = all but M-L</p>	

E. Right Decentralization vs Left Decentralization:

M-L	C	W	M-R
<p>Increasing power in entrenched bureaucracies must be checked and the people given maximum rights to local control of their own lives. (p. 43).</p>	<p>The criminal justice system was never more important, because of the prevalence of crime and the increasing complexities of its successful control... the incredible neglect that characterizes the system itself raises the question whether we really want to prevent crime. (p. 100).</p>	<p>As for community control of police there are three questions: in the situation of the ghetto is there really a community? Secondly, if the ghetto has its own police should not other communities have theirs? Finally subordinating police to community councils might make a patrolman lose his sense of confidence and attractiveness toward a police career. (p. 129-130).</p>	<p>Increasing concentration of power in the hands of centralized government must be stopped and basic rights returned to the people at the local level. (p. 43).</p>
	<p>C=W but ≠ M-L or M-R</p>	<p>W=C but ≠ M-R or M-L</p>	

Comment on Social Value Orientation

On the three questions of social value orientation both Clark and Wilson are in fundamental agreement with the M-R construction while they divorce themselves from association with the left point of view. On revolution, Clark assures us that reform must come without instability to the social order. He is certain that revolution is at minimum an obsolete romanticism, at most intolerable. In the introduction to Clark's work Tom Wicker calls Clark "the most revolutionary public voice in America today," but as can be seen, Clark wants something other than what the M-L proposition is calling for. Reform and revolution are not synonymous terms. Wilson also wants reform but in a right direction. His view is to confine criminals as a way of securing society against the threat of criminality produced by evil people.

The stratified nature of existing society is apparently of positive value to Clark and Wilson. Wilson wants to divide blacks along class lines, with the black middle class as the moral superior of the other black classes. On the other hand Clark's view is problematic. He at first seems to agree with the M-L proposition in its emphasis on crime as an outcomes of desperate maintenance; however, as it turns out he is more concerned with a liberal balance between order and justice or worse, by inference, justice and injustice, and the separation of criminal from the law-abiding. In the M-L perspective: struggles for justice and liberation arise from situation of disorder and instability not the contrary.

The M-L construction represents threats to the existing society as acts of rebellion against social immorality. Wilson holds such left-wing talk in contempt and retorts that all societies evidence criminal behavior, no matter their economic arrangement. Again, Clark by proposing the rule of law as an end, seems to be suggesting that legality is the equivalent of social morality and that as long as decisions are arrived at by democratic means all will be well. The problem with Clark's reasoning with respect to the M-L proposition is: existing law itself is seen in left thinking as illegitimate, as an immoral set of rules arrived at in an arbitrary and thus non-democratic manner. Any appeals to such laws, especially in circumstances of rebellion, would be interpreted as ideological apologetics for the status-quo and hence more in tune with the M-R construction in its concern for the maintenance of prevailing authority.

Faith in technological control unites Clark and Wilson and distinguishes them from the M-L proposition. Neither deal with the question of technology as a method of repression.<sup>9</sup> For them, science and its application is the answer to social instability, not revolution. The M-L proposition does not fear the existence of technology, but does fear its use which increasingly has been aimed against the interests of the poor and minorities. Technology has a middle-class bias in the same fashion as law. Technology

according to the M-R proposition is to be used to direct maximum force against threats to the present social order.

Decentralization presents problems for both Clark and Wilson. Neither can agree with Miller's left or right constructions but they do agree with each other. Both want to maintain an organizational span of control which is ultimately divorced from community auspices. To them crime is infinitely larger than the resources and capacities of any one local community. There must be more coordination and cooperation among fragmented elements of the criminal justice system. The need is to professionalize through training and other methods the existing criminal justice system. As for control, the power to determine policies would remain in the hands of criminal justice administrators and the most the people could hope for would be better community relations with a crime control apparatus they are not to control.

III. - IV. Etiology and Function of Crime

A. Etiology

<p>M-L True crime is the behavior of those who profit from and control an exploitative and brutalizing system. Those commonly regarded as criminals are in fact in an heroic rebellion against an oppressive social order. (p. 35).</p>	<p>C What we know when crime occurs is that there are individuals who care so little for others, or have such disregard for the systems and standards of society or who have so little control over themselves that they will hurt people, take property that is not theirs and violate the rule of law. So long as society includes such individuals crime will occur. (p. 4).</p>	<p>W ...the continued immigration of blacks to large cities inflates crime rates...The fact that blacks commit a disproportionate share of certain crimes led those who spoke for or about blacks in the 60's to deny the fact, to explain it as a result of police discrimination, or to argue that blacks are driven to it by poverty or segregation. (p. 73).</p>	<p>M-R The bulk of crime is committed by members of certain racial and social classes characterized by defective self-control, self-indulgence, limited time horizons, and undeveloped moral conscience. (p. 35).</p>
<p>B. Function</p>			
<p>M-L The dysfunctional consequences of common criminal behavior are justified reactions to society's oppression. By comparison, crimes of the powerful have far greater social consequences but are hardly ever dealt with by the criminal justice system. (p. 23-24).</p>	<p>C White collar crime is the most corrosive of all crime; it shows the capability of people with better opportunities for creating a decent life for themselves to take property belonging to others: As no other crime it questions our moral fiber.</p>	<p>W Predatory crime does not merely victimize individuals it impedes and even prevents the formation and maintenance of communities. By disrupting the delicate nexus of ties... by which we are linked with our neighbors, crime atomizes society and makes its members mere individual calculating their own advantage... (p. 21).</p>	<p>M-R Crime is dysfunctional to the moral basis of social order and to speak of rights of persons who have chosen to engage in crime is a travesty and obstruction to the processes of justice. (p. 22 &amp; 39).</p>
	<p>C = some of M-L but # W or M-R</p>	<p>W = M-R but # C or M-L</p>	

Comment on the Etiology and Function of Crime

Throughout his book Clark projects two mutually exclusive views about the cause of crime. The first is that crime is a function of distinctive social forces; the second is that crime is a result of faulty personal psychology and disregard for the customs and conventions of present society. His main emphasis though is on the second view and thus he must take exception to the M-L proposition's view of crime as a product of society's differential power flow. Moreover, he would object to the notion of regarding criminals as heroic; so long as criminals disregard the rule of law they demonstrate to Clark that they care little for the "systems and standards of society."<sup>10</sup> The fatal question for Clark's ideology is: "whose law, what order?"<sup>11</sup> For Wilson there is no difficulty. Poor and psychologically disturbed blacks are the cause of most crime. If these people could only cultivate white middle-class values like self-control and moral consciousness most crime would be almost eliminated. Wilson gives little credit to the historical and social forces that continue to enslave most blacks, nor is he or Clark concerned with an analysis of ruling class social control, which the M-L construction sees as problematic.

Most crime is dysfunctional for all the positions, but to the M-L proposition the bulk of crime is also justified. To the M-L construction the value is revolution not order maintenance, hence crime may provide a eufunctional



service to the structure and activities of revolution while remaining dysfunctional to the ends of existing society. Clark sees crime as corrosive to society and if practiced by the more fortunate (upper class), crime presents great questions about the moral order. Clark agrees with the M-L construction about (upper-class) white-collar crime, but could never countenance crime as justified, even though society is oppressive or "criminal" in its behavior toward the oppressed. Wilson in his concern for the security of middle-class communities views crime as creating the conditions for Hobbes' "war of all against all."<sup>12</sup> It is interesting that the competitive element of present capitalism is geared to individual calculation and advantage, rather than group sharing. Maybe in contradistinction to Wilson, crime is merely another word for capitalism, for both atomize society and both are predatory.<sup>13</sup> The question for Wilson is: why condemn crime without an equal condemnation of capitalism and its pathologically immoral excesses?

V. Function of Criminal Justice System  
 A. Criminologists:

M-L	C	W	M-R
<p>Academic criminology, reflecting academic social science, is substantially oriented toward the left. (p. 28).</p>	<p>Just as straightforwardly as President Johnson's chief law officer, Clark authorized the prosecution of Dr. Spock and Rev. W. S. Coffin for conspiring to counsel evasion of the draft. ... Clark is generally and genuinely sympathetic to the problems of the police, as shown by his recommendations for professionalizing local forces, paying them more, and recording them more respect and status. (p. xi).</p>	<p>Sociology for all its claims to understand structure at heart a profoundly subjective discipline. When those who practice it are brought forward and asked for advice they will say (if conservative) that nothing is possible, or (if liberal) that all is possible. That most sociologists are liberal explains why the latter reaction is more common, even though the presupposition of their discipline would lead to the former. (p. 63).</p>	<p>A major role in the alarming increase in crime is played by certain elitist groups of left-oriented writers, educators, jurists, lawyers, and others who contribute directly to criminality by supporting crime-engendering values. (p. 36).</p>
	<p>C = W and M-R but ≠ M-L</p>	<p>W = M-R and C</p>	

B. Criminal Law

M-L	C	W	M-R
<p>All but a small amount of those who come under the jurisdiction of criminal law pose no real danger to society are entitled to full and unconditional freedom..The state must guarantee that those accused of criminal law violation are granted their full civil-rights. Criminal law as currently conducted is brutalizing and should be abolished. (p. 39).</p>	<p>As with so many things in our complex society the great need of the law is to simplify. We must reduce laws to basic principles and to numbers of a dimension intelligible to man. The proliferation of the corpus of law, the failure to distill and refine, can hurl the system out of control. Then we become a government of men and chance, not of law. (p.182).</p>	<p>The criminal sanction Stephens concludes, "operates not only on the fears of criminals but upon the habitual sentiments of those who are not criminals. A great part of the general detestation of crime...arises from the fact that the commission of an offense is associated...with the solemn and deliberate infliction of punishment wherever crime is proved. (p. 204).</p>	<p>Criminal law is based on social retribution and is a most forceful means of deterring threats that endanger existing society. The more dangerous the criminal, the more severe the criminal penalty should be, even to the point of sterilizing certain criminal types to prevent them from reproducing. (p. 39).</p>
	<p>C ≠ M-L but = W and M-R</p>	<p>W = M-R and C</p>	

C. Police:

M-L	C	W	M-R
<p>The whole apparatus of law-enforcement is simply the domestic military force used by the powerful to maintain their power and to inflict harassment, confinement, injury or death on those who challenge arbitrary laws devised by the powerful to protect their interests. (p. 42).</p>	<p>Riots are the antithesis of humanness, individual dignity, reason...they manifest an abandonment of faith in a system and of hope that it will right wrongs. A well disciplined, trained and manned police department...can prevent riots. That failing, it can meet and contain rioting and violence with superior force. (p. 147 and 163).</p>	<p>...a massive increase in police presence on foot in densely settled areas will probably lead to a reduction in those crimes...that require the perpetrators to use city streets. No one can say how long this reduction will persist and how much crime is merely displaced to another location. (p. 96).</p>	<p>The critical crime situation requires massive increases in the size of police forces and their technological capacity to use force in dealing with radical and criminal elements, in order to render these elements impotent. (p. 43).</p>
	<p>C = W and M-R</p>	<p>W = M-R with caution</p>	

D. Judiciary

M-L	C	W	M-R
<p>Reactionary judges and lawyers are pre-dominate in the lower courts where most criminal behavior is first adjudicated. There jurists are usually arbitrary and capricious in their application of criminal law. Thus criminal procedures must be standardized, rationalized and geared to specific and explicit justice, if not abolished. Otherwise the reactionary bias of the lower judiciary will continue to prevail. (p. 30 &amp; 45).</p>	<p>Courts are the major balance which in the system of justice determine guilt or innocence and sentence persons convicted, they also insure balance and objectivity. The truth is that the courts and primarily Supreme Court have done more to right wrong, to perfect the system, to speed the process and to bring equal justice than the legislative and executive branches combined. (p. 176 &amp; 185).</p>	<p>In theory the function of the court is to determine guilt or innocence. In fact it is to decide what to do with persons whose guilt or innocence is not at issue. A crucial question in deciding what is a good sentence then is what effect any given sentence will have an actual or potential behavior... We also want... sentences to give appropriate expression to our moral concern over the nature of the offense and to our standards of human conduct. (p. 163 &amp; 164).</p>	<p>The power of the courts to undermine the basis of police operations by denying them fundamental legal powers must be curbed. These left-oriented jurists and lawyers are misguided with their legalistic interference with law enforcement--particularly with the practice of judges in allowing genuine criminals to go free on the basis of some legal technicality. (p. 43 &amp; 44).</p>
	<p>C ≠ part of M-L</p>	<p>W = M-R</p>	

M-L	C	W	M-R
<p>Rehabilitation is a complete illusion and must be abandoned as a policy. Moreover, the vast bulk of those in prison must be considered as political prisoners, unjustly deprived of their freedom by a corrupt regime. Since this is the case prisons should be abolished and prisoners returned to the community. (p. 38 &amp; 39).</p>	<p>Rehabilitation must be the goal of modern corrections. Every other consideration must be subordinated to it... The theory of rehabilitation is based on the belief that healthy rational people will not injure others, that they will understand that individual and his society are best served by conduct that does not inflict injury and that a just society. (p. 200).</p>	<p>If rehabilitation is the object, and if there is little or no evidence that available correction systems will produce such rehabilitation, why should any offenders be sent to any institution. The function of the correctional system is to isolate and punish. (p. 170 &amp; 173).</p>	<p>Rehabilitation as a policy is a disguise for the pampering of criminals and must be abandoned for swift and certain punishment in the form of permanent removal from law-abiding society. (p.39).</p>
	<p>C stands by itself.</p>	<p>W = M-R but ≠ M-L</p>	

Comment on the Function of Criminal Justice System

A. Criminologists:

Both of the M propositions assert naively that criminologists are oriented toward the left as is most social science. This bi-partisan assertion presents certain difficulties which revolve around the improper use of political terminology. The term left in political discourse normally refers to them who profess views which find fault with and are characterized by a desire to overthrow the existing social order.<sup>14</sup> In contrast, the right usually makes reference to a political philosophy that is based on social stability and which stresses the need to maintain established institutions and preferring gradual social development and reform to abrupt and through-going societal change.<sup>15</sup> Corresponding to the usual meanings of the two terms one would find a left criminology to be; the brand of criminology which at least theoretically seeks revolution and change in the way crime is defined and dealt with in the present society. A right criminology would define and handle crime in traditional ways in order to insure the stability of the established social order.

By the terms of the foregoing definitions neither academic criminology, nor jurists or lawyers are anywhere near being social revolutionists or leftists. Revolutionary criminology is not now offered in most universities: indeed this writer cannot think of any American educational insti-

tution with such offerings (mention has previously been made of the "sanitizing" of Berkeley). For a revolutionary jurist to be seated in an American criminal docket is almost a contradiction in terms; the same goes for the non-revolutionary practice of law.<sup>16</sup> Moreover, most academic social science itself cannot in any conceivable stretch of the imagination be favorably compared with left or revolutionary<sup>17</sup> sentiments.

Wilson's statement may hold the key to an explanation of Miller's naivety about the difference between left and right criminologists. Wilson finds most sociologists to be liberal (criminology being for the most part derivative from sociology). He suggests that the presuppositions of their discipline ought to guide liberal criminologists to conservative conclusions, rather than liberal ones.<sup>18</sup> Many of the presuppositions of conventional criminology have already been dealt with throughout these pages, i.e., social order maintenance, preference for traditional morality, criminal behavior as a product of poor socialization or devious psychology, and etc. Thus academic criminology in its conventional form is best thought of as an exercise in political conservatism and is rightest ideology. The term liberal can best be viewed as a variant of rightest ideology in the sense that when it comes to questions about the fundamental reorganization of existing society liberals and conservatives are in mutual agreement. Both find the true



left to be contemptible and both consciously do their utmost to restrict the true left from any real participation in the political, social or academic arenas of American life. An example of liberal conservatism (left liberalism) is that of Clark who for all his rhetoric about change, justice, freedom, equality, etc., remains genuinely supportive of the police and other coercive elements of the existing criminal justice apparatus and who sought, while Attorney General, to enforce his cherished "rule of law" against the leftist activities of Dr. Spock and Rev. William Sloan Coffin among others.

The M construction about criminologists are thus in extreme error and ought to be restated to read:

1. Academic criminology reflecting academic social science is substantially oriented toward the right. (M-R).
2. A major role in eliminating crime is played by the great bulk of the great bulk of elitist right-oriented writers, educators, jurists, lawyers and others who contribute directly to crime reduction by supporting the values of the existing social order. (M-R).

B. Criminal Law:

Wilson is in agreement with the M-R concern that criminal law be based on the requirement of strict social

punishment or retribution. The conservative bias places a heavy emphasis on retribution. The conservative bias places a heavy emphasis on retribution because it is thought that strict punishment of offenders will have a salutary effect in deterring actions which threaten the social order. Clark like so many liberals talks of a government of laws and not men, and by such mystification, elevates criminal law to some ethereal strata where men and law are separate and unequal creatures acting out some strange and coercive drama based on the requirements of social system maintenance. To Clark criminal law needs to be made more efficient and as a corollary more effective if society's legal system of behavioral control is to be maintained. In not criticizing criminal law application for its tendency to promote an unequal and unjust social order, Clark and the M-L construction fail to reach any fundamental accord. Yet in his concern for the continuance of the existing social system Clark shares common ground with Wilson and the M-R construction.

### C. Police:

The police, as guardians against threats to the social order, is a theme which both liberals and conservatives are comfortable with. Wilson proceeding with the scholar's guarded witness testify's that massive increases in police manpower tends to reduce street crimes. (The term "massive increase" is usually accepted as part of

conservative jargon when references to police arrangements are made). True to his liberalism Clark views mass violence for social change as a negation of the human potential. Riots, rebellions and revolutions are to Clark a demonstration of a lack of faith in the existing social system. Police to both liberals and conservatives are the "thin blue line" between society and utter social destruction. Yet there is no evidence in either Clark or Wilson's writings that police serve as a force for the maintenance of societal class interests as the M-L construction claims. To the true left police are little more than the armed protectors of a class based society which refuses to deal humanely with its marginalized masses. To call for faith in an apparently hopeless situation of police repression, as does Clark, is to exposit the absurd.

#### D. Judiciary:

According to the M-L proposition it is the bias of the lower courts and a greater rationalization of criminal procedures which require remedial attention. Left in this state, without abridgement, the M-L construction bears a positive relation to Clark's concerns for perfecting the existing judicial system. However, contrary to Miller's construction of left views about the judiciary, a true left position would understand, as the radical attorney William Kunstler has that,

Unfortunately, it is not enough to point

out that, no matter how unjust the system may be at the trial level, [lower court: mine] there are always the higher courts to undo the damage. The judges on those lofty tribunals come, in large measure, from the same milieu as their colleagues below, and react in much the same fashion to the social order which created and maintains them. Furthermore, even assuming courts which can rise above their own instincts of self-preservation, the gradualism of the appellate process often runs counter to the immediacy of human needs at the very moment they most cry out for recognition and fulfillment.<sup>19</sup>

As was pointed out above criminal law rationalization and its justification, is not the aim of the true left. The present legal system, as a whole, is to the true left the antithesis of justice and liberation. To make the existing legal system more effective and/or efficient without revolutionary change in the conditions that create the need for such a system, is an exercise in double-think or bad faith and it is not really a part of an authentically radical posture. Thus, the M-L construction is in fundamental error.

Wilson and the M-R construction hold seemingly divergent views about the judiciary. The M-R typology represents an extreme rightist view wherein left-oriented lawyers and judges are deemed responsible for allowing criminals to go free. Wilson, as a scholar and neo-conservative is concerned about the dichotomy between judicial theory and judicial practice. Of course, the M-R view is based on the misuse of the term left. Very few lawyers and judges are

revolutionaries, theoretically or in social praxis. There may be a predominate liberal and even left liberal tendency among higher court judges and a comparable conservative tendency among most lower court judges, but to describe either of these tendencies as revolutionary or left-oriented is to completely obscure reality. The convergence between Wilson and M-R comes at the point where both are disgruntled with the prospects of not having their conservative views about morality, retribution and deterrence always taken into liberal judicial sentencing determinations. As seen throughout this analysis the conservative view is that criminals should be strictly punished by judicial decision-makers. When some liberal judges go counter to conservative ideals for the disposition of criminals a cry of intense anguish will most assuredly be heard from conservative quarters.

#### E. Prisons:

Wilson and the M-R construction are in perfect agreement as to the function of prisons: prisons are established to isolate and punish offenses against society, not to rehabilitate. Interestingly enough, conservatives and left radicals are in agreement that rehabilitation is a myth and must be abandoned as a policy. But where the conservatives advocate prison punishment, left radicals advocate the abolishment of prisons in their entirety. Clark is the odd-man out in the dialogue about rehabilitation though it is his liberal view that prevails in current penal

thinking. Rather than seeing the incarcerated as basically political prisoners, Clark wants to force rational people to adjust their behavior to a "just society which has the ability to provide health and purpose and opportunity for all its citizens". Clark has no problem in calling present society just and healthy but a true left comprehension of rehabilitation would reveal that the concept of rehabilitation is a complete mystification of the real function of prisons which is to mainly isolate and punish society's marginalized masses.

#### VI. Ideology, Change, Politicality and Utopianism

The thematic inquiry has thus far dealt mainly with substantive similarities between liberal and conservative variants of conventional criminology while simultaneously delimiting the vastly divergent substantive horizons that separate conventional and radical criminology. The misapplication of the political term "leftist" has been demonstrated by reference to Miller's L construction which fails a positive comparison to the statements of Clark whose views are in essence "left" liberal and not really politically leftist. The next and final major category of thematic inquiry will vary from the preceding five categories in that attention will now focus on some prime modal contrasts between the conventional and radical criminological statements expressed in the works of Clark and Wilson as compared to the idealized constructions of Miller. Rather than employing

the schematic arrangement used above, the following presents four statements in sequential form:

M-L: The left provides the cutting edge of innovation, the capacity to isolate and identify those aspects of existing systems which are least adaptive, and the imagination and vision to devise new modes and new instrumentalities for accomodating emergent conditions (p. 34).

M-R: The right has the capacity to sense those elements of the established order that have strength, value and continuing usefulness, to serve as a brake on over rapid alteration of existing modes of adaptation, and to use what is valid in the past as a guide to the future (p. 34).

Clark: To live in ordered liberty we must develop social disciplines and institutional actions relevant to present conditions and future directions...Through technology this generation first liberated mankind from bondage to nature...If human reason and purpose can control technology...Tragically neglected processes of criminal justice can enlarge both security for society and liberty for the individual. (pp. 18-19).

Wilson: I argue for a sober view of man and his institutions that would permit reasonable things to be accomplished, foolish things abandoned, and utopian things forgotten. A sober view of man requires a modest definition of progress...Were we to devote resources to a strategy that is well within our abilities — namely, to incapacitating a larger fraction of the convicted...—then not only a 20 percent reduction is possible, but even larger ones are conceivable. (pp. 198-199).

These four statements will then be examined in light of their:

- a. Ideological allegiances.
- b. Position on social change.

- c. Line of political articulation.
- d. Utopianisms in political articulation.
- a. Ideological allegiance:

By ideological allegiance reference is made to the ideological line of progression in each of the author's statements. If the essential difference between conventional and left criminology comes precisely at the juncture of receptivity to or rejection of existing social arrangements, then it is reasonable to presume that conventional criminology, in its rather uncritical receptivity is a theoretical defense of the present power distribution in society. The contrary would be true of left criminology in its offensive against present arrangements and its advocacy of a new means and strategies which would undermine rather than bolster the structure of existing society.

The M-L proposition goes strangely astray when viewed in terms of ideological loyalty. Not only does it not take offense with the existing social order, but it unfortunately seeks to creatively adapt parts of the existing system to changing circumstances without changing the essential nature of the whole system. The erroneous M-L construction is a defense of the status-quo and merely calls for the introduction of technological novelty into a system in need of systematic overhaul. It advocates treating symptomatic criminal phenomena instead of treating the diseased whole



social apparatus. Clark's statement correlates well with the erroneous M-L construction. His innovation would be to use greater and more rational technology to insure social stability and, by inference, to control anti-social behavior. Further, Clark's insistent rhetoric about society's ills places him at the cutting edge of a "heretical" or left liberalism which stops just short of advocating means directed towards the revampment of the entire pathological social order.

Wilson's "sober view of man" is akin to Clark's instrumental gradualism where innovative technological methods of control are devised to shore-up the present social order. To maintain sobriety in a situation seemingly demanding urgent attention is analogous to the calm of fiscal conservative Herbert Hoover just prior to the crash of 1929. The only difference between Clark and Wilson on this point is whether to choose between selecting a new tool of social control (for Clark computers) or resorting to an old one which has fallen out of favor (increased incapacitation or punishment for Wilson).

b. Position on social change:

The modal contrasts here are extremely sharp. Conventional criminologists seek to extend social control by calling, like Clark does, for technologically efficient response to criminal behavior. Miller's construction, if it were restated to represent a true left position, would

necessarily posit a radical rupture of social control by a revolutionary transformation of the whole social apparatus. The probable reason that total transformation is a threat to conventional thinking is that control of the transformation would not be exclusively located in the hands of established societal power brokers or the ruling class. Innovations, on the other hand, are usually controlled features "rationally" introduced into the social system and designed with a view toward merely ameliorative "band-aid" type action.<sup>20</sup> Adaptation of improved methods of social coercion, as in the case of the M-L statement is definitely not the theoretical posture of social change advanced by revolutionary left criminology.

c. Line of political articulation:

What is meant by the line of political articulation is the author's unconsciousness of or deliberate attachment to and advocacy of a particular political philosophy. Mention has been made above with respect to the improper use of political terminology as was evident in some of Miller's left constructions. The M-L construction quoted above is a summary statement which reveals Miller's entire position on what he thinks the function of left criminology is. One can only conclude from his summary that for Miller left criminology is in reality based on the principles of political liberalism; a classic definition of political liberalism being: the favoring of principles which call for a disdain of con-

servative reactionalism, coupled with a pronounced emphasis on economic and individual liberty and the introduction of political reforms to smooth over social demands. Clark unlike Miller at least acknowledges his allegiance to liberalism and resists being associated with revolutionary leftist extremism.

Wilson's caution in pushing his "sober view of man" belies an adherence to a political philosophy of conservatism. The ideologies of sobriety, reasonableness, objectivity and scholarly detachment in the face of demands for drastic social change lend themselves well to conservatism with its traditional emphasis on the maintenance of existing views and support of established institutions. Wilson, in confessing his pragmatic views below, remains decidedly confused about exactly where he is at in the left-right political continuum.

Those who argue that we can eliminate crime if only we have the "will" to do so, whether by ending poverty (as the left argues) or by putting more police on the street and more gallows in our jails (as the right believes) seriously mistake what we are capable of under even the best of circumstances, and place the blame for our failings precisely where it should not be-----on our will power, and by implication on our governing morality.<sup>21</sup>

Wilson in his pragmatism cannot escape being designated as a political conservative exponent of rightist ideology, although he may advocate a line different (neo) from plain old conservatism.

Like liberal and conservative (conventional) criminology, left or radical criminology also adheres to a particular political line of articulation. As shall be shown in later chapters left criminology can be associated with Marxist socialism, utopian socialism, syndicalism, communism, and secular or religious anarchism. All of these are revolutionary left-oriented political viewpoints and as such are highly critical of existing society, including the purpose and function of the criminal justice system. Yet each of these radical political viewpoints are distinct entities unto themselves and are not revivalistic in the sense of Wilson's moderate neo-conservative posture.

d. Utopianism in political articulation:

The great modern moral idea is that of individuality; it is at the heart of the modern liberalism, modern humanism, modern radicalism. There is no understanding utopia apart from these movements of thought: utopia is their culmination.<sup>22</sup>

Admittedly the concept of utopia is difficult of specification. Some believe that, like Karl Mannheim, utopian thought was transformed into various ideological tendencies after the French Revolution.<sup>23</sup> Others, along with the political philosopher Crane Brinton, see the American Dream and modern western democracy as a diffuse secular utopian experiment which first emerged with the 18th century emphasis on the rule of reason and unashamed pursuit of the good life as summed up in the credo of liberalism: liberty, equality and the inev-

itability of progress.<sup>24</sup> Orthodox Marxism most often attempts to explain away its utopian vision of communism where the good life is finally achieved.<sup>25</sup> Modern conservatism for all its professed realism and moderacy retains a profound nostalgia for an idyllic yesteryear that never was part of reality at least for most people.<sup>26</sup> This author subscribes to the view that utopian tendencies are still part of the political landscape,

...eschatological and paradisiacal elements in the colonization of North America by the pioneers, and the progressive transformation of the "American Paradise", giving rise to the myth of indefinite progress, to American optimism, and to the cult of youth and novelty.<sup>27</sup>

Utopianisms in political articulation also makes the broadest references to:

1. Speculations and images about what society should be in the light of its deficient actuality. Utopianisms in political thinking and action is the secular counterpart to religious eschatology where, instead of God, humans mobilize themselves to "make over the barbaric earthly world...here man has a primary responsibility to create a better future."<sup>28</sup>
2. A compassionate concern for social humanitarian ideals that call upon humans to constantly liberate themselves from all kinds of tyranny.
3. A visualization and conceptualization of a

future society, either near or far, that is better in most respects than the immediate society.

4. A consistent and insistent focus on social policy changes which encourage the realization of social humanitarian ends.

Life magazine describes Clark's book as one that "could stir people of conscience to demolish the courts, the prison networks and to replace them with a system that is decent."<sup>29</sup> As has been demonstrated throughout this thematic inquiry, Clark is not really about demolishing or replacing any part of the criminal justice system. He is however, a passionate liberal humanitarian reformer with a utopian vision of what society's response to crime control ought to be given what is. The point is that one does not necessarily have to be a revolutionary to be utopian. Utopian visionaries since Plato's Republic have more commonly been supporters of the prevailing political ethos of society.<sup>30</sup> Clark's gradualism is slow but it is definitely aimed at social policy changes which he believes will encourage the realization of social humanitarian ends. Thus, though Clark's vision is not leftist, it is very much utopian in its call for the amelioration of crime engendering and control activities.

Wilson's moderate neo-conservatism is somewhat more difficult to weigh on the utopian scale. He is at once concerned about what works and advocates the abandon-

ment of "ideological preconceptions about what ought  
 [emphasis: Wilson] to work".<sup>31</sup> Yet Wilson also believes  
 that justice has suffered because criminal justice policy  
 makers have not emphasized criminal incapacitation or strict  
 punishment. Thus community and individual security are  
 threatened because of the lack of will on the part of crim-  
 inal justice policy makers; lack of will in the sense of  
 not using the tools already at their disposal. To solve  
 this apparent paradox between ideals of justice and security  
 and the lack of will with respect to criminal justice policy  
 makers, Wilson advocates a pragmatic, utilitarian calculus  
 for policy setting which entails an emphasis on what he  
 thinks has worked (criminal incapacitation) as a guide to  
 future policy implementation. The crucial question is:  
 has criminal incapacitation actually ever worked in as far  
 as deterrence is concerned or is this utopian thinking on  
 the part of Wilson? At best the evidence is that criminal  
 incapacitation or strict punishment for crimes is and has  
 been an ambiguous project. Norval Morris and Gordon Hawkins  
 have noted recently that deterrence,

....figures most prominently throughout  
 our punishing and sentencing decisions...yet  
 we know very little about it.

Punishment sometimes deters, sometimes  
 educates, sometimes has a habitcative effect  
 in conditioning human behavior; but when and  
 how? Our ignorance is a serious obstacle,  
 whatever our regulatory objectives.<sup>32</sup>

Wilson's display of scholarly ignorance with respect

to what he advocates leaves one with yet another question. If his proposed criminal incapacitation denies a rehabilitative dimension and is ambiguous concerning deterrence, then what is left as the basis for policy? The answer is: societal revenge against law-breakers. Thus Wilson's utilitarian calculus ought to be translated to read: the revenge element of criminal incapacitation has worked in the past and should work in the future. But to admit that revenge is the essential substance of punishment is to put forward an ages-old view that by itself has not worked to any appreciable degree in the course of western history.<sup>33</sup> There is thus little reason to expect that revenge will decrease the occurrence of criminality in the future.

On the utopian scale Wilson's pragmatic realism harks back to a revengeful society of yesteryear—one long before the eighteenth-century criminological reform movement<sup>34</sup> —that really did not work then (if it had there would have been no need for reform) and, in the present atmosphere of increasing personal freedom and social revolution, will not work. The chances for a better society, which Wilson obviously values, would be jeopardized if revenge were the only object of a criminal justice policy of punishment. In sum, Wilson's humanitarian concern for community cohesiveness and security against threats of crime, coupled with his consistent and insistent advocacy of a neo-conservative version of criminal sanction



reform, puts him squarely but moderately in the utopian orbit.

Radical Criminology as a Political Reaction to Conventioanality

It has been shown in the foregoing thematic presentation that conventional criminology, in both its liberal and conservative forms, is in essence identifiable by its ideological tendency to support existing social arrangements.

Left or radical criminology is identifiable mainly by its counterideological denial of the validity of the present social order; pointing instead toward a utopian vision of a society quite unlike the one now in existence. With this utopian view of a new society radical criminology of necessity has to announce and advocate in critical terms the means to such an end. It does this by conceiving of crime and the criminal justice apparatus in ways ideologically offensive to the received orthodoxy of conventional criminology.

Radical criminology can thus best be interpreted as a studied political reaction to the faults, sterility and lack of adequate approaches of conventional criminology in entertaining alternative conceptions of society. Ideological objectivity would seemingly require an admission by conventional criminologists that their construction of theory is an automatic engagement in a particular political stance. Paradoxically, radical criminologists themselves should counter the emerging radical dogma that radical

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social theory is not ideology. All social theory is laid out in line with some preconceived but not necessarily empirically valid notion of what reality is and what it should be. For radical criminologists to deny that this is the case, while criticizing conventionality, borders on intellectual dishonesty.

In the last decade certain malcontented criminologists, unsatisfied with conventional notions about crime, began to ascertain that whatever was needed in the field of criminology was not the forward reforms of liberalism or backward reforms of conservatism, but, more importantly, some kind of critical method of criminological analysis that would incorporate a political dimension which in turn would give meaning to the political struggles that were threatening to tear society asunder.<sup>36</sup> Somewhat earlier certain segments of disgruntled sociologists had become unsatisfied with consensus theory in sociology and this led to the development of a critical and eclectic sociology—a sociology which saw a number of its antecedents in the works of Karl Marx, Theodore Adorno, Max Horkheimer, Max Weber, Ralf Dahrendorf, Herbert Marcuse, Karl Mannheim, George Lukacs and C. Wright Mills, among others. Academic criminology also had its malcontents and being a sub-field of sociology<sup>37</sup> initiated a critical approach. The new conflict based paradigm to emerge emphasized dissensus instead of consensus; social change rather than social

stability; ideological advocacy in place of value-neutrality; conscious defense of the powerless against the powerful, and the democratic participation of the many over and against the exclusivity of the few.

For criminology the radical emphasis brought about new definitions of crime and consequent methods of solution. Given the operation of dissensus in society, criminal law was no longer automatically thought of as embodying the highest ideals of a truly good society but rather criminal law began to be viewed as the political instrument of dominant segments in society. <sup>38</sup> The police, courts and prisons became the enemies of the powerless in their just struggles to gain power. <sup>39</sup> Democratic theory itself was criticized for its glaring alienation from actuality. <sup>40</sup> The authority and legitimacy of the state, which had been relegated to the metaphysical heap of political philosophy, began to be restored to their former eminence and became part of criminological inquiry. <sup>41</sup> The lumpenproletariat, contrary to Marx, were exalted, as victims of social control and became legitimate sources of academic inspiration. War, racism, sexism, imperialism, capitalism were determined to be criminal acts in and of themselves and were so categorized for radical investigation. <sup>42</sup> Traditional explanations of crime were debunked as veiled exercises in ideological mystification and status-quo maintenance. The whole enterprise of criminology was up for radical reconsideration.

At this writing this development of radical criminological criticism and reformulation is still in process and shows little sign of completion. It is in line with radical criminology's criticism of conventional criminology that this author aligns himself. However, to align oneself with a particular point of view does not necessarily denote a final concurrence as later chapters will seek to make abundantly clear.

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## CHAPTER III

RADICAL CRIMINOLOGY: IS IT A MARXIST  
OR NEW LEFT THEORY OF CRIME?

Radical criminology, although it exhibits some diversity in terms of style and particular objects of study, is a fundamental unity in five over-arching ways:

1. A persistent and critical challenge of "the everyday political assumptions, practices and implications...of the (conventional: mine) science of criminology."<sup>1</sup>
2. The understanding that in capitalist societies law and other components of the criminal justice system are founded on an ideology of "science and technology"<sup>2</sup> which is supportive of order over justice in society.
3. The employment of a utopian and/or prophetic vision that posits a post-capitalist crime free society.
4. An attempt at balancing left political praxis with radical theorizing.
5. A New Left<sup>3</sup> method of thinking about crime that is distinct from orthodox Marxist social science.

Given the unity of radical criminology, this chapter contends that radical criminology in its dialectical criti-

✓cism, its utopianism and its antiauthoritarianism, is not only explicitly critical of conventional criminology (the argument of the last chapter), but it is also a critical departure from Marxist orthodoxy. The departure however is not clearly understood as such by radical theorists because these theorists have sought to identify their theories of crime with the Marxist paradigm, though Marx himself would have disavowed them for such an identification. It will be argued that radical criminology is actually a New Left theory of crime; a view of crime which initially emerged in the late 1960's and by its nature is implicitly if not explicitly critical of Old Left Marxist "orthopraxis"<sup>4</sup>. In short the contention, then, is that radical criminology is a departure from or a transcendence of the bounds of Marxist "orthopraxis" and as such is in the process of developing a New Left "heteropraxis" suitable to its distinctive purposes and ends.

To substantiate the above contention the chapter concentrates on a career analysis of five leading radical criminologists and is divided into the following segments:

1. Heretical liberal criminology of the early sixties, followed by this author's comment.
2. Political criminology from the period 1965-1973, followed by this author's comment.
3. Radical criminology from the period, 1973

to the present. The question of is radical criminology really Marxist?, will be broached for the first time.

4. The question of radical criminology as a New Left theorizing in criminology will be explored.

#### Radical Criminology: A Career Analysis

The academic careers of Richard Quinney, Anthony Platt and the radical British collective of Ian Taylor, Paul Walton and Jock Young lend themselves well as examples of radicalization within the field of criminology.<sup>5</sup> To some degree all have evolved on a career lattice through initial though heretical acceptance of conventionality to the political rejection and substitution of same. Each has become prominent as an advocate of the radical position since the late 1960's. These authors were selected because it is felt that their careers and thoughts are symbolic of the most important themes in radical criminological analysis. The career evolvment of the authors is below illustrated by use of a time-consecutive presentation which shows the career progression of the writers' thoughts on criminology from the early 1960's to the present; following each time period is a comment by the present author.

#### I. Heretical Liberal Criminology: Early Sixties

##### A. Richard Quinney

Quinney grew up in rural Wisconsin and



is highly positive about the influence Midwestern populism has had on his academic career. As he describes it in populism there is the "still basic idea of the questioning of authority, of an attempt to obtain basic human rights, but also the pursual of a decent life that was more than economic."<sup>6</sup> Yet prior to the mid-1960's Quinney's populism was basically unquestioning in any radical sense and remained accepting of the authority of conventional canons in sociological criminology. Even before the completion of his doctoral dissertation in 1962, Quinney's interest in criminology was not in the least outside of the norm of conventionality. His earliest work emphasized offender shortcomings and individual psychology rather than oppressive social factors in relation to criminality. In fact his dissertation, Retail Pharmacy as a Marginal Occupation: A Study of Prescription Violation was, by his own account,

....devoid of legal considerations, the law being taken for granted....Yet I tried to go beyond the confines of criminology by looking at the occupational structure. Where criminologists had tried to explain behavior in terms of the social characteristics of the individual, I turned to the characteristics of the occupation in which the individual was employed. 7

From 1962 until late 1964, while teaching at the

University of Kentucky, Quinney expanded on the central feature of his dissertation: the relation between social structure and crime. In his first journal article, wrote in the fall of 1963, he concludes that,

...White-collar crime reflects the particular structure of the occupation and is a normal response to one's particular location within the occupation. 8

In April 1964 in an article on "Suicide, Homicide and Economic Development", Quinney found, after reviewing statistics on suicide and homicide rates in 48 countries, evidence which indicated that economic development—as measured by urbanization and industrialization—bears a constant relation to the frequency of suicide and homicide and should be considered as causally separate phenomena.<sup>9</sup> That economically developed countries have higher suicide but lower homicide rates than less developed nations is not a radically enlightening piece of information by any reckoning. Yet it is the kind of nuts and bolts conventional criminology that occupied Quinney's energies in this particular period.

Though Quinney's work in the early sixties was conventionally oriented, it did become part of an emerging chorus of heretical voices that

sought to incorporate the study of criminal law into criminological theorizing. This had the net effect of locating responsibility for criminal behavior in external social arrangements rather than merely explaining all criminal behavior from the behavior patterns of criminal actors. By studying criminal law, the criminologist could better discover why a particular behavior came to be defined as a crime in the first instance. It was Quinney's continuing study of white-collar crime that led him to conclude, in an article devoted to a reorientation of criminological research and theory, that:

...It is probably the case...that in some occupations certain behaviors have been a part (possibly deviant) of the occupation for some time, but the fact that for some to reason a law was established made the behaviors criminal. The point is that that the relationship between social structure, criminal law, occupational norms, and criminal behaviors should be given further consideration. 10

B. Anthony Platt

Platt comes from an English background where he successfully completed a high school "scholarship factory" and thereafter received his B.A. in jurisprudence from Oxford in 1963. He decided against a legal career because of the conservative orientation of a law professor he

read under while at Oxford. His interest in criminology began at a seminar in his last undergraduate semester at which he was put in contact with a University of California criminologist who suggested that he attend Berkeley. But Berkeley, prior to the 1964 Free Speech Movement, was a great disappointment to him because of its nontutorial educational emphasis and he decided to go back to Britain. Fortunately, a psychoanalyst and legal scholar got him interested in the discipline of law and psychiatry and he took a job as a graduate research assistant.<sup>11</sup>

Platt soon discovered that there were interesting parallels between the legal definition of madness and juvenile status; a discovery which attracted him to David Matza's interactionist perspective (as put forth in Delinquency and Drift). In addition to Matza's influence, several leading labeling theorists were then active at Berkeley and Platt found labeling theory's critical posture<sup>12</sup> toward the criminal justice system appealing. Platt has noted that the labeling theorists,

...at that time were the "young Turks" of criminology and seemed to offer a radical alternative to traditional positivism and delinquency control theorists...and I embraced it [labeling theory: mine] too quickly and without proper examination of its ideological assumptions. 13

Illustrative of Platt's early uncritical association with interactionist and/or labeling theories are some of the works he had published even prior to his 1966 doctoral dissertation, The Child-Savers. In the year 1965 Platt was named research editor for the first volume of the Berkeley Graduate Journal, Issues in Criminology. Appearing in this journal was (to this author's knowledge) his first published work: "The Origins and Development of the Wild Beast Concept of Mental Illness and Its Relation to Theories of Criminal Responsibility." The basic concern of this journal article was to correlate the historically reitified "wild beast" test of criminal responsibility with psycho-social theories which defined madness as essentially destructive childlike behavior. The article is notably excellent for its characteristically liberal and contradictory social policy recommendations. On one hand, Platt was concerned that psycho-social theories which employ the child model of mental illness emphasize "the fixed, irremedial position of such persons"<sup>14</sup> and thereby tends to arbitrarily segregate the mentally ill from the more normal. However, though the mentally ill were selected out for differential treatment from normal individuals (that is at law they are "children" of the state)

Platt held that social policy based on the child model is to be encouraged because:

...the wider society relates to the mentally ill in paternalistic attitudes...this social policy is to be encouraged because it encompasses all the compassionate and tolerant aspects of social welfare. 15

In a second early article, Platt discussed the meaning of punishment as it relates to the schism in modern penology "between some who take the psychologically oriented treatment approach and others who advocate an old fashioned punitive approach."<sup>16</sup> Platt took the position that the historical trend is geared toward those advocating treatment as against retribution, while he admitted that treatment is a necessarily coercive force set against criminal offenders. His recommendations, which deal with the actual administration of the treatment approach merely asks that treatment, like old-fashioned punishment, be subjected to legal regulations as a way of assuring offenders "freedom and justice."<sup>17</sup> Platt's recommendation falls short of any critical understanding of criminal law's role as the formalized expression of the retributive ideal in penology.

### C. Ian Taylor, Paul Walton and Jock Young

The present author was basically unsuccessful in an attempt to secure biographical infor-

mation about these young British criminologists which would be relevant to their academic careers in the early 1960's. All of them probably began publishing in the early seventies. Prior to 1968<sup>18</sup> the authors had not met each other. However, there is scant information available which is suggestive of the kinds of social and academic influences which made an impact on their early academic careers.

...Most of us were affiliated directly or indirectly with Left parties, factions or groups. And one of the features of these Left parties was that, however critically they welcomed the advent of the Labor Government in 1964 and the equivalent victories of other European Social Democratic parties in the early 1960's, they were uncritical on questions of crime, penal policy or on questions of human dignity and diversity in general. 19

But being active in left politics even under the most favorable conditions is not necessarily a precondition for radical scholarship. Radical scholarship is in tension with radical activism because of what Howard S. Becker and Irving L. Horowitz have called..." the differing time scales of the two activities."<sup>20</sup> The social scientist takes time to collect evidence but the political activist" must often make decisions prior to the compilation<sup>21</sup> of adequate evidence." The situation for Taylor et al prior to their academic radicalization was

one in which they drew important insights and inspiration from "American symbolic interactionist sociology" as it was then manifested in the non-radical works of Becker and Peter Berger.<sup>22</sup>

The point is that they did not at first turn to orthodox Marxism or Fabian socialism<sup>23</sup> for theoretical insights to guide their early thinking, even though they were at the time engaged in left political activities. They were disappointed with the traditional positivism of most conventional criminology, but early in their careers naively latched on to theories held by "the young Turks" of American criminology whom they later came to criticize as failing to live up to their initial promises which were made in the early 1960's "social reaction revolt against the structuralism of the Mertonian anomie theorists."<sup>24</sup>

#### D. Comment

In the early 1960's much of American criminology was interventionist and scientifically oriented toward the administrative requirements of criminal justice personnel.<sup>25</sup> Positivism and structural-functionalism were the preferred methods of criminological investigation. Political consensus in the social order was deemed to be the normal



state.<sup>26</sup> Most criminologists took for granted such concepts as: "bureaucratic rationality, modern technology, centralized authority, and scientific control."<sup>27</sup> The research activity of criminology regularly represented the conservative status-quo interests of the powerful at the expense of the less powerful.<sup>28</sup>

In this conservative criminological atmosphere new and somewhat critical voices began to emerge and offer rather unorthodox alternatives to the dominant mentality. These new voices can be characteristically described as liberal young Turks, rather than political academic radicals in the sense of calling assumptions of the whole criminological enterprise into question. This disjunction between the "heretic liberalism" of the young Turks and later radicalism in criminology is important to note because the tendency is to confusedly identify any criticism of conventional orthodoxy with radical criticism. Young Turk alternatives, such as what has been variously called social construction theory, social control theory, social reaction theory, transactionalism, interactionalism and labelling theory, were basically liberal ideologically<sup>29</sup> and politically supportive of the status-quo. Thus in a paradoxical way "heretical

liberalism" though it questioned some features of conventional criminology, accepted the dominant ideological assumptions and political practice of conventional criminology. Like positivism and structural-functionalism, "heretical liberalism" failed,

...to lay bare the structured inequalities in power and interest which underpin the processes whereby laws are created and enforced (the processes referred to in individualistic fashion by Becker in his discussion of moral enterprise). 30

Even though "heretical liberalism" in criminology is non-radical, it did serve as a transitional step for the radical authors considered above. By offering a non-conformist understanding of crime to the authors early in their academic careers, the way was opened for later radical discussions about "the problematic nature of legal order."<sup>31</sup> Heretical liberalism's realization that crime and deviancy may be stigmatized behaviors which are created and fostered on some by others, was the initial step in a more radical criminology which has since come to define criminal law as the arbitrary and formal imposition of control by the powerful over the powerless. Finally, by positing individual freedom as the antithesis of social repression, "heretical lib-

eralism" contributed to radical criminology's utopianist vision of a new society where life "instead of being controlled by the rigid mechanisms of the state, is to be lived collectively with others, in harmony..."<sup>32</sup>

## II. Political Criminology: 1965-1973

### A. Richard Quinney

In the mid-1960's Quinney's work began to emphasize the politicality of crime, a studied rejection of his earlier emphasis, which was mainly content with a non-political investigation of the relations between social (occupational) structure and crime. Criminal law was a public policy outcome of unequal political activity in the general society. It followed that:

Criminality is not inherent behavior but is a property conferred politically upon some individuals by others in the enactment, enforcement and administration of the law. 33

Quinney's political perspective on criminal law was further an outright rejection of conventional jurisprudences' claim that "the rule of law" is somehow an objective instrument of social control which justly reflects the social consciousness of the whole community.<sup>34</sup> Conventional jurisprudence, following the line of theory began by Roscoe Pound, had developed an interest theory of law based on

a pluralistic conception of political interaction. Law in the pluralistic conception is the result of compromises between interest groups who hold social values in common and have equal access to political power in society. Quinney's most representative work of this period in his career development was his 1970 Social Reality of Crime. In developing his perspective on the politicality of crime and criminal law he suggested, by implication, that there is an elite segment of interests (ruling class) which had more power and influence than other interests.<sup>35</sup> Crime in this elite formulation is fundamentally a product of social stratification and its attendant conflicts among unequal segments in society. Yet parallel to this elite conception Quinney posited an explicitly phenomenological anthropology which relativized and obfuscated the elite argument, forcing Quinney to draw uncritical and subjectivist conclusions:

1. It can accept no universal essences. The mind is unable to frame a concept of an objective reality beyond man's conception of it. Thus we have no reason to believe in the objective existence of anything. 36
2. Though the content of the actions is shaped by the social and cultural location of the person in society, actions are ultimately the product of each individual. 37
3. Crime begins in the mind. In this sense

a conceptual reality of crime is constructed. But the consequence of such construction is a world of actions and events; that is, a phenomenal reality. The whole developmental complex of conception and phenomena in reference to crime, is the construction of the social reality of crime. 38

In compounding his confusion Quinney, in another 1970 work, interpreted crime as functionally necessary to a well ordered society.<sup>39</sup> Crime maintains the social order by allowing economic opportunity (at some risk) for those otherwise handicapped in terms of access to legitimate economic means of securing themselves. Criminal behavior is thus normal order maintenance activity which contributes to society's basic welfare and is "not alien...to the organization of society...[nor] does it disrupt society."<sup>40</sup> This structural-functionalist approach of Quinney is bewildering and problematic when compared to the conflict generating elite theory implied in his thesis on the social reality of crime. Social order maintenance requires stability and agreement on values especially when related to economic production and distribution. In employing structural-functionalism, Quinney failed to engage in a critique of capitalist economic arrangements and thus showed uncritical allegiance to the very same economic values he would later

come to attack so vehemently. Moreover, because the functionalist view is based on an essentialist conception of social reality, it flies squarely in the face of a phenomenalist anthropology of crime causation: the individual's mind and the meaning it attaches to criminal activity is dysfunctional/existential rather than functional/essential.

B. Anthony Platt

Platt left Berkeley in 1966 to work on a two-year research fellowship at the University of Chicago where he was picked as Research Director on a \$100,000 Ford Foundation pilot project designed to study the delivery of legal services to black youth in Chicago's Southside.<sup>41</sup> The project had a "technocratic orientation" which focused on how best to implement the Supreme Court's Gault decision, i.e. how to make lawyers a "regular part of the juvenile justice system."<sup>42</sup> In retrospect Platt has lamented that the project was essentially a fraud in that it existed for "research and not service to the people" and that,

The program was typically liberal and reformist. While in the short-run it appeared humanitarian and benevolent it did great injustices to the Black community...it channeled residents away from political action...it encouraged reliance on professionals and experts. ...More significantly, the project served important public relations functions for the University of Chicago.

...It was a perfect example of liberal colonialism, of missionary-style politics based on guilt and paternalism. 43

In 1968 a rather disillusioned Platt returned to Berkeley to assist in the preparation of Jerome Skolnick's Politics of Protest, a report to the National Commission on the Causes and Prevention of Violence. Platt was primarily responsible for the chapters on black militancy and the crisis of the judicial system in its response to urban violence.<sup>44</sup> Contrary to conventional collective behavior theory which conceived of collective behavior as irrational, deviant and inappropriate behavior,<sup>45</sup> Platt sympathetically set black militancy in a historical and particularistic context of Third-World protest against white Western domination. Thus rendered, black militancy was better thought of as rationally motivated political behavior, consciously employed to overcome domestic white colonialism or social control.<sup>46</sup> Riots and violence were political strategies and not simply some ambiguous psychological urge to destroy indiscriminately. Platt necessarily stopped short of proposing that black militancy as violent political behavior could be made legitimate in the eyes of white authority; in fact the question of legitimate black violence to overcome white oppres-

sion was not discussed although the violence of white police was criticized. By not posing this kind of question Platt's analysis of the courts role in response to black militancy assumed that not only is white authority legal, but by extension, legitimate, which obviously it was not, at least from a revolutionary black perspective.<sup>47</sup> If internal colonialism<sup>48</sup> is a political contest between oppressed and oppressor, with both parties considering themselves politically right (legitimate), then the colonialist judicial system's ability to administer equal justice is severely compromised. This point becomes all the more clear when Platt in classic liberal confusion proposed that,

...every effort should be made to improve the ability of the courts to administer justice efficiently and fairly, with full regard to the civil liberties of defendants. 49

Only later did Platt come to recognize some of the liberal contradictions inherent in the Politics of Protest.

The book was sanitized of ideological discussion on the grounds that policy-makers might be offended...it was written for progressive forces within the government and academia and not for the movement it was studying...it was reminiscent of my experiences in Chicago... I don't think I will work for a commission again. Too many compromises have to be made. 50



C. Ian Taylor, et al

A shared revulsion against the "correctionalism, pragmatism and puritanism" of conventional British criminology was the basis for the 1968 coming together of the three authors.<sup>51</sup> At this initial meeting, which took place at Cambridge's Institute of Criminology, the three men decided to form the National Deviancy Conference as a progressive alternative to the Institute. Their concern in organizing the Conference was two-fold: 1) to counter the academic hegemony of established criminology and 2) to provide an umbrella organization for non-academic political activists as a way of uniting progressive criminological theory with a political praxis.<sup>52</sup>

The first published outcome of their association was the 1971 Images of Deviance, wherein a not-so successful attempt was made to move away from both conventional deviance theory and American symbolic interactionism.<sup>53</sup> The aim was to ascertain among other things "the political implications of studying deviance." They took note that conventional criminologists by focusing on individual pathology had not dealt honestly with or made explicit the value orientations of their work and that

academic research was strictly limited to functional use by the official agencies of social control. The study of deviancy itself was thus problematic because of the political nature of the criminological enterprise. But the "skeptical emphasis" of this work undercut its potential for radical analysis. Their naive skepticism coupled with ethnographic methodology prevented them from moving beyond the boundaries of heretical liberalism, which in Stanley Cohen's (another radical British criminologist) estimation,

...often implies little more than a plea for a more tolerant attitude towards the deviant or reform at the level of specific institutions... 54

The 1973 Politics and Deviance, was as its title indicates, an explicitly political criminology of deviancy and social control. The authors had moved from their earlier uncertainty and skepticism into a historical conception of crime as a specifically political activity deliberately created by the selection processes of agencies of social control. Criminal activity became for them a matter of who was defining what as crime: sub-cultural groups, as for instance Hippies and the Weatherman, interpreted their own activity as normative, as did corporations, which though not strictly engaged

in illegal activity, were purposefully engaged in "socially injurious" actions as the normative ethic of business as usual.<sup>56</sup> Since, for example, both Hippies and businessmen were from the outside engaged in behavior which was offensive to certain cherished ideals of what is socially good, the authors raised the question as to the ultimately biased nature of legal order. That is harmful business practices were viewed and treated with deference by the same legal order that apprehended and punished Hippies and Weathermen as cultural and political outcasts. By exploring the political ramifications of deviancy the authors rendered a necessary service in their critique of criminological orthodoxy. However, they were still far from a radical criminology as discussed in chapter one of this thesis. Liberal criminologists have often engaged in politically liberal assessments (even critiques) of the criminal justice system. The earlier example herein of Ramsey Clark gives evidence of this kind of liberal political analysis of crime; the difference between Clark and the three authors being the space between liberal orthodoxy and liberal heterodoxy. An explicitly political analysis of crime is thus not the equivalent of a radical political critique

which is premised on the wholesale dismantling of criminological conventionalism. What the authors ultimately did in Politics and Deviance was no more than to make explicit the skepticism in Images about the politicality of crime.

D. Comment

Two salient and common features are apparent in the career development of the several authors during the period discussed above. As was the case in the early sixties, all of the authors addressed themselves to the search for more meaningful approaches to the study of crime than that which conventional orthodoxy provided. The great difference between the early and later period being an accelerated and more explicitly self-conscious rejection of conventionality. By contrast in the early period the authors accepted, with a certain "existential Angst" the major features of conventionality. <sup>57</sup> In the second period one is confronted with the beginnings of a boldly explicit, but non-radical, assault on the entire criminological establishment. The primary aims and objectives of conventionality were called into account for being directed toward the maintenance of some social interests which were in conflict with other interests. The social

reality of crime became a question of power with the objective study of crime being located in the subjective interaction of the powerful *vis-a-vis* the powerless. In this process of self-conscious reflexion the authors became acutely aware that crime is essentially political behavior: a contest between the punishers and the punished. The social climate of mounting demonstrations, riots, and war added greatly to this acute sensitivity. No longer were criminological niceties the main topic of contention at criminological gatherings; the politicality of crime and criminology as the servant of powerful political elements in society were the primary agenda items.<sup>58</sup> Existential nausea was beginning to turn into political struggle within the criminological enterprise itself.

Even with the political turmoil in both the general society and criminology the several authors failed, during this period to develop a strictly radical criminology. The transition to radical criminology was not complete mainly because the goals of even liberal heterodoxy in criminology are of social reform rather than social revolution. Not yet had the authors created a political-economy of crime which would have taken them

beyond the classic liberal dilemma of wanting to engineer incremental change and administrative modifications in social systems without an equitable redistribution of social rewards and privileges. The rule of law and order so dearly loved by liberals would necessarily become the unpredictable rule of the people in a radical context. The authors, in not adequately addressing the contradictory nature of their liberal heritage, failed to understand that the disjunction between liberalism and radicalism is,

...the liberal belief that it is possible to create a well-regulated, stable and humanitarian system of criminal justice under the present economic and political arrangements. Whilst it is true that criminologists have subjected social-control institutions (police, courts, prisons, etc.) to a variety of criticisms---including inefficiency, mismanagement, corruption and brutality---their reform proposals are invariably formulated within the framework of corporate capitalism and designed to shape new adjustments to existing political and economic conditions. 59

### III. Radical Criminology, 1973 to Present: Is It Really Marxist?

#### A. Richard Quinney

For Quinney it was the comprehension of the radical implications of a newly found critical philosophy (critique of Legal Order, 1973) that served as an immediate backdrop for his embracing of a particularly "curious" Marxist conception of

criminology. The philosophy of negation or critical philosophy—drawing on the theoretical formulations of Hegel, the younger Marx, the Frankfurt School which included Marcuse and more recently Habermas<sup>60</sup>—provided Quinney with a "radically critical" and dialectical understanding of the established legal order. Critical philosophy, because of its dialectical method, was for Quinney, the alternative to the liberal dilemma which had prevailed in his earlier work.

That is, the legal order is founded on the rationality of science and technology, and the dominant mode of thought in understanding that order is based on this same ideology. Little wonder that we had been unable to break out of our conventional wisdom. 61

Strangely enough in desiring a less abstract and more concrete analysis of crime, Quinney rather hastily aligned himself with "underground Marxism".<sup>62</sup> This alignment is strange first because Quinney, since the early sixties had been highly critical of liberal criminology for its insufficiency in postulating alternatives to the established legal order. For him to pass from critical philosophy to an unclear Marxism without hardly a mention of the reasons for such a passage borders on the incredulous, his academic desire for concreteness notwithstanding.

Quinney's strange passage from "radically  
critical"<sup>63</sup> philosophy is also problematic because  
as he claims, "critical thought must ultimately  
develop a Marxist perspective"<sup>64</sup> and vice-a-versa.  
The question of why this is so is left open with  
only passing reference to the need of uniting of  
critical theory with a socially concrete praxis.  
Why critical theory must develop a Marxist praxis  
rather than say an anarchistic praxis is never men-  
tioned. Again, if critical thought is only possible  
as a derivative of Marxism, then are we to under-  
stand that orthodox (aboveground) Marxism has devel-  
oped in practice a "radically critical" analysis  
of crime which is divorced in function from main-  
tenance requirements of the socialist status-quo?  
After arbitrarily making critical philosophy  
strangely synonomous with "underground" Marxist  
theory, Quinney proceeded to develop a "critical  
philosophy of legal order". The goal was to demys-  
tify law and the crime control establishment by  
exposing them as the coercive arm of society's  
corporate-capitalistic ruling class. By its terms,  
the negation of official reality as the project of  
critically demystifying legal ideology, was a cor-  
rect and necessary onslaught against the prevailing  
liberal ideology. But Marxist praxis by its



terms requires the actual working of a theory which not only aims at a critique of capitalism but more importantly a struggle to incorporate a socialist existence. In areas of the world ✓ where socialist existence is the official reality, criminology functions (as it does in capitalist society) as an arm of the ruling elements in a socially differentiated society. In this regard it is instructive to glimpse how an existing socialist criminology views criminality:

A member of socialist society bears a real responsibility actively and creatively to shape all social fundamental relationships himself and to develop his capacities for so doing. The objective foundations of socialist relations justify socialist society to expect and demand that its members should participate in the shaping of these relationships. If the individual does not come up to these expectations, and if in choosing his social options of action he takes his bearings not from a mode of behavior possible for him but instead chooses an antisocial or or even society-endangering social behavior, then, on the basis of his general responsibility, there arises an individual criminal accountability and personal culpability. This culpability...fails to observe or even deliberately disregards the basic demands of society, by a social behavior dangerous or hostile to essential aspects of the life of society; at the same time it also infringes the criminal law. 65

Obviously existing Marxist criminology like its liberal adversary in capitalistic societies requires a radical critique not on the basis of its social-

istic mode of material production but on account of its plain-old allegiance to social control forces. If Quinney would have done a cross-cultural criminological analysis of orthodox Marxist criminology, before forcing the association of critical philosophy and Marxist praxis, he would have found that:

- ✓ 1. All official versions of social reality are pervasively one-dimensional no matter the particular economic arrangement.
2. All official criminology support the official version of social reality.
- ✓ 3. The almost one-hundred year old praxis of revolutionary-to-administrative Marxism has supported the official political line of the official party. This is important to note because revolutionary out-of-power Marxism rapidly converts into an a-critical (of itself) administrative and conservative Marxism upon the taking of power.
4. Marxist praxis has a collective or organizational need (both while in power and out) to implement a social control apparatus to discipline those who express attitudes in conflict with the official version of reality.

5. Both capitalist and orthodox Marxist criminology are as academic disciplines, part of the same dominate, technical, rationalist and scientific world-view, which neither, by the terms of their essentially materialistic and totalistic focus, can extract themselves from. This shared Weltanschauung, is moreover, a valued cultural feature that seeks to discipline and punish (for similar reasons) deviants worldwide; even the technical dominance of nature itself forms the basis for what Marcuse calls,

...the ever-more-effective domination of man by man...Today domination perpetuates and extends itself not only through technology but as technology and the latter provides the great legitimation of the expanding political power, which absorbs all spheres of culture. 66

- ✓ 6. A truly "radically critical" criminological analysis would, because of the above reasons more probably have combined with a praxis which has consistently dealt in a revolutionary manner with the modern phenomenon of rational-technical domination. Class domination being only one of the many characteristic forms of social dominance in contemporary America.

Class State and Crime, reflects Quinney's most recent work in developing a "Marxist" criminology. It

is basically a restatement of the system of inquiry first layed-down in his Critique three years earlier. Of minor interest is that the descriptive term "underground" has mysteriously disappeared and a supposedly mature Marxist position took its place.

Progressively the book again praises critical thinking and then abruptly and arbitrarily transforms it into a Marxian framework.<sup>67</sup> In building a Marxian critique of capitalist political-economy Quinney's main concern was to answer the question of the meaning of crime in the development of capitalism.<sup>68</sup> The answer was that "crime control and criminality...are the conditions resulting from the capitalistic appropriation of labor."<sup>69</sup> The historic capitalistic exploitation of labor has continually generated classes and factions within classes "whose interrelations determine the essence of the mode of production"<sup>70</sup> up to the present advance state of capitalist development. The most important interrelatedness of the classes has been and is class struggle. The superordinate capitalist class through state manipulation is responsible for social domination and repression.<sup>71</sup> The subordinate working class is the accomodating, resisting class (objects of

state control).<sup>72</sup> Crime control and crimes of domination are crimes of the superordinate class; "while nearly all crimes among the working class in capitalist society are actually a means of survival."<sup>73</sup> Predatory crimes and personal crimes (e.g. murder, rape and assault) "are pursued by those who are already brutalized by the conditions of capitalism."<sup>74</sup> When working class crimes are consciously directed at the over-throwing of the dominate class, these crimes become political and as such are revolutionary in character.<sup>75</sup> Since, by the logic of dialectical materialism, capitalism is in a constant state of flux, so is crime and crime control. A Marxist analysis must also change to keep pace with ever newer internal contradictions of capitalism which are now resolving themselves into a socialist political economy where the need for a criminal justice system will have gone the way of capitalism.<sup>76</sup> This, in capsulated form, was Quinney's basic argument.

Because Quinney conceives of crime as absolutely a product of capitalist development, it is at the level of comprehending the transformations in capital—i.e., the changes in capitalist production are reproduced in the social relations of society of which crime control and criminality are

elements of <sup>77</sup> ----that one must enter into critical dialogue with Quinney. It is necessary to argue against Quinney's dogmatic assertion that all crime is inevitably a result of the social relations of capitalist production (class struggle).

<sup>78</sup> All personal crimes like for example, rape, murder and assault cannot be adequately explained as a matter of economic survival; nor can all predatory crimes (e.g., robbery, burglary, and etc.), when these crimes are committed by persons with fair and equal access to good paying and legitimate employment. Even while granting ✓ that the bulk of crimes may be rational responses to economic conditions, some amount of criminal irrationality is not thereby necessarily precluded. For example, racism and sexism are not simply a matter of economic exploitation, but have more to do with questions of biology, social status and culture wherein the American criminal justice system has consistently upheld the superiority of ✓ white and male privilege. <sup>79</sup> Racism and sexism, as irrational forms of social dominance, may be interrelated with the development of capitalism <sup>80</sup> but not inevitably dependent on it. White ruling class and working class crimes against racial minorities and women may be immune to a dogmatic Marxist

analysis. Recently several black radical scholars with an Afro-centric ideology<sup>81</sup> have confronted white Marxists with historical and contemporary evidence of the racism that is an inherent part of dialectical materialism or Marxist orthodoxy:

We must pose this question: can an ideology tailored exclusively after a Western model, designed to serve exclusively prolet-Aryan interests and construed in such a way as to confirm, approve and extend the basic propositions of white supremacy, act as a guide to that part of mankind most directly subjugated to international Aryan supremacy. Can an ideology that incorporates subtle philosophico-racist principles serve as a tool or weapon against racism? Marx and Engels' political judgements, theoretical conclusions and philosophical analysis... were naturally conditioned by their being Westerners...whites, not blacks; free men... not chattel slaves. It is thus clear that their...evaluation of non-European mankind must be categorically challenged. We must also challenge the "universalistic" pretensions of certain "general laws" emerging from a strictly Aryan socioeconomic and cultural mold. Most important of all, we must profoundly question the very utility of Marxist-Leninism in solving problems for 82 which, in truth, it has no answers whatsoever.

Radical feminists have also engaged in a critique of Marxism not too unlike that of Third-World peoples. For Marxists, like Quinney, to define a rapist, or homosexual or child-molester as a person involved in a struggle for economic survival is insidious to non-Marxist radical feminists. Even to hold as Lenin did that sexism was a secondary contradiction of capitalist development is an insult to con-

temporary non-Marxist radical feminists who have witnessed sixty-two years of orthodox Marxist socialism.<sup>83</sup> The results of the socialist experiment to date shows that female emancipation is still "secondary". That is,

...economic revolution--i.e. change from captialism, to socialism----can also be viewed in terms of male interest. Under capitalism, the majority of men were exploited and controlled by a few men who held wealth and power. By changing the economic structure to socialism, this particular economic exploitation was largely eradicated. Women fought for and supported such a revolution...but the Soviet revolution remained a male power revolution... Soviet women are teachers, doctors, assistants, food handlers. And when they come home from work they are expected to continue in their submissive role to men and do the housework, cooking and take primary responsibility for child rearing. 84

Perhaps Quinney's greatest naivety in Class State and Crime is his hope of transcending the criminal justice system and the intellectual specialization of criminology.<sup>85</sup> He conveniently forgets that, by the terms of his interpretation of dialectical materialism, class struggle will prevail even under a socialist economy (the players switch but the game of political domination goes on). Class struggle only ceases after the stage of pure communism (anarchism) has been reached. The state as the executive agency of the proletariat will ultimately control criminal behavior as it does in existing



✓ socialist and capitalist societies. What Quinney calls "popular justice" is in reality state sponsored proletarian justice and nothing more than wistful thinking on his part. Moreover, to describe the socialist justice systems of China and Cuba as somehow enlightened models for American radicals to work toward suggests that Quinney has not really investigated the matter.<sup>86</sup> For example, the Chinese legal system is ethno-centric and based therefore on not only the thoughts of Mao but more importantly also of Confucious. Confucian religious thought "eschewed formal legal rules as inherently inferior to principles of behavior derived from common consent or custom, and enforced through community pressure and community based mediation operating largely informally."<sup>87</sup> Cuba, on the other hand, and after twenty years of Castroism, "mysteriously" maintains a criminal court system based on the 1938 Cuban Code; the Cuban system even comes replete with judges decked out in medieval robes.<sup>88</sup>

Quinney's hope of transcending the specialization of criminology, i.e., social theory must be "capable of moving across the boundaries of normal science with its normal division of labor,"<sup>89</sup> is based on the concern that social theory must

serve the majority democratic interests of the working class. In response to this concern, it should be understood that the transition to socialism, and even after socialism's entrenchment, social theory will most probably serve majority working class interests as these are immediately defined by the state and mediately defined by the ruling party clique. The transition to socialism is not the end of class struggle but rather its conscious continuance. That is, socialist theory, like bourgeois theory under capitalism, will serve class interests as these are defined by the state which in turn will be subject to the conditioning of ruling elements in society. Thus there will be no compelling reason to discontinue criminological investigation given that under socialism crime and crime control will still be extant. So will the state as the primary agency of social control.

By the terms of dialectical materialism, minority interests under socialism will be defined as either deviant or criminal. This being so the state will resort to the same or worse kinds of crime control techniques that now prevail under capitalism. Socialist theory, manifested in criminology, will be called upon to provide the state with explanations and recommendations. Socialism

will require, as it does now in existing socialist states,

...on the one hand a higher quality of judicial practice—with particular reference to the study of criminal law and criminal procedure—and on the other the development of a system of administrative and social measures designed to overcome criminality and its causes, a task involving in particular the participation of socialist criminology and other social sciences. 90

Finally, one could buy Quinney's transcendent argument if he were hoping for a post-capitalist revolutionary critique of administrative socialism because those in minority opposition (praxis) to socialist state control would presumably require a critical social theory to confront socialist criminology.

But this is not Quinney's argument; for him only capitalism can provide a causal explanation for the existence of crime. This economic reductionism keeps Quinney from dealing with those forms of social pathology which cannot be so categorized. It also implies that criminologists become expert economists even though socialist criminologists may,

...ordinarily have no significant contribution to make as political economists or political sociologists constructing revolutionary theory. They can, however, use their training to develop critique of existing theories of crime causation and corrections. A rare few might even be able to creatively utilize international criminal statistics and the record of

various attempts to rehabilitate law violators to construct a new socialist approach to these problems. 91

B. Anthony Platt

In reaction to conventional literature on the subject, Platt, in concert with Lynn Cooper, produced the 1974 criminological reader Policing America which was a radical criticism of police history and represented Platt's first attempt at locating the police function within the framework of capitalism's historic development.<sup>92</sup>

The reader,<sup>93</sup> which included articles by Eldridge Cleaver, "Domestic Law and International Order", Alan Wolfe, "Political Repression and the Liberal State", and Karl Klare "Policing the Empire", represented a challenge to the conventional view of police theory and practice in several respects. First, they were concerned to show that policing is political and protective of capitalist interests. Another way of putting this is, in capitalist society police necessarily function mainly to uphold in practice conventional definitions of what crime is and what to do about crime's disposition. Second, they connected domestic policing with international policing suggesting that police protection of capitalism in America is paralleled by American imperialism abroad, which in turn is pro-

tected by such agencies as the Office of Public Safety and the International Police Academy. Third, Platt and Cooper, showed that the police have historically used violence and a racialist ideology against minority races. Finally, the reader proposed a radical structural reform of police and community interaction in the form of community control of the police (Berkeley Referendum, 1972).

In sum the reader was a meaningful contribution to an emerging radical interpretation of American police history. However, the present author is disturbed that the reader sought to reduce police history to the history of capitalist development in America. An opportunity to interpret the origins of the police as originally a product of racism was apparently overlooked. If the reader had approached an interpretation of police history from the standpoint of racial conflict, at least in so far as the origins of the policing institution is concerned, the reader's conclusion that "the police neither initiate nor benefit from the policies they implement", probably would not have been proposed. The reader could have proposed an alternative consideration which may have more historical accuracy, such that:

1. "The earliest form of modern American police lies in the Southern slave patrols which pre-date New York's 1845 accomplishment by almost <sup>94</sup> half a century."
2. Slavery in the 1700's (the period of the beginning of the police) was in the main not slavery under capitalism, but rather slavery under American feudalism and/or mercantilism. Properly speaking American capitalism as a full blown political-economy may not have begun until it triumphed over mercantilist economic ideology and praxis in 1828. <sup>95</sup> The point is at least in contention among both conventional and Marxist economists and historians.
3. Southern whites of all classes did benefit from black slavery in material and non-material terms, police included.

According to a recent statement by Quinney,

It is debatable, nevertheless, in our study of crime in the United States, whether America was capitalist from the beginning...or whether ...capitalist development has occurred in only fairly recent times. For the first hundred years of nationhood the United States resisted large-scale capitalist production. Independent commodity production predominated; farmers, artisans, small manufacturers and other petty producers were the mainstay of the economy. Only as northern capitalists acquired land from the farmers (thus appropriating their labor power) and as immigrant labor power was imported from Europe did capitalism finally

emerge...American capitalism emerged when labor power. Surplus labor was not in the hands of a capitalist ruling class. Workers could be exploited. 96

The police may have been first created as a racist response to black revolutionary political activity (political crimes) rather than as guardians of capitalist hegemony over labor. In that case for Platt and Cooper to conceive of the antebellum slave police as mere pawns who "neither initiated nor benefitted" from the early domination of blacks is to deny the range of rational and irrational advantages that whites of all classes (police included) have historically accumulated from black subordination.<sup>97</sup> The logic of policing's analysis is also refuted if American capitalism is thought to have produced the white crime of slavery.<sup>98</sup> As an extension of the refutation since American slavery pre-dates American capitalism the "white working class" or proletariat did not, strictly speaking, exist (i.e., in the Marxian framework, a working class can only exist in relation to a capitalist class). Therefore, intra-class struggles, between white "working class" police and blacks, probably did not exist during slavery. Thus feudalistic race struggle, not capitalist class struggle, may be a better and more precise

measure of the origins of American police.

Probably as an outcome of the inaccuracy with regard to racism's role in the earliest development of the police, Platt and Cooper's proposal of community control of police also missed the mark. That is, from the standpoint of the history of race relations and from what is generally known about the concept of community for the reader to historically interpret efforts at community control of police merely from a class struggle perspective is to be historically misinformed about black interaction with the police.

First, because Platt does not historically separate out racism from class antagonisms, he misses the point that the historical relationship between "working class" white police and the black public has been negative; especially if compared to police relationships with whites of all classes. Even the introduction of monopoly capitalism of today has not significantly changed the historical facts of mutual animosity between the police and the black community. "There is no reason to suppose", according to Skolnick, "that (police) anti-black hostility is a new development...What appears to have changed is not police attitudes, but the fact that black people are fighting back."



In corroboration of Skolnick, a 1972 study by Wolfgang, et. al., strongly indicated that of all the variables, including race and class, race most affected police disposition of cases in which blacks are involved.<sup>101</sup>

Secondly, the historically negative quality of the relationship between blacks and whites can be more properly understood as a colonial rather than class relationship.

Colonial subjects have their political decisions made for them by the colonial masters, and those decisions are handed down directly or through a process of "indirect rule". Politically, decisions which affect black lives have always been made by white people---the "white power structure"...when faced with demands from black people, the multi-faction whites unite and present a common front. 102

Thirdly, because of the historically verified tendency of whites of all classes to politically unite in community solidarity against black aspirations for independence, the reader's proposal for the community control of the police becomes problematic for the following reasons:

1. State power, including the police function has been and is exclusively under white control. Even in cities where blacks hold high political positions, the police remain functionaries of white power, however that power is defined.

Community control of the police would in some sense require control of the whole state apparatus itself, which in a class analysis only white capitalists have ultimate control of (e.g., blacks, as corporate capitalists are extremely few and can in no way be described as having a direct influence on state power).

2. Community control comes with the implication that a given community police force will have the power to transcend its jurisdictional boundaries in order to be effective. <sup>103</sup> Criminal activity transcends neighborhood and community localities. If the black community is to police the crimes of white colonialism it must seek to eliminate white criminality at its source: the white community. What is required would be a well-equipped military force rather than an internal police force. Thus prospects for a continuance of inter-community warfare would be heightened rather than diminished.
3. Traditional electoral politics will not secure black control of the police because:
  - a. Blacks are a voting minority and as such are outnumbered by the white majority which acts in solidarity against black demands. <sup>104</sup>
  - b. White advantage is gained by having the

police control the black community. Why should the white majority vote against its own narrowly defined interests? For whites to do so implies loss rather than gain.

c. White police themselves are better organized and have historically had a greater effect on local electoral politics than have blacks, at least when it comes to issues in conflict between the police and blacks.  
105

4. Police are subject to four kinds of influence: "judicial, public, legislative and organizational"  
106  
al". Hence, the black community would not only have to control police organizational activities but further the entire criminal justice system in a given locality. This would require black sovereignty over a political territory; a feat which even white "working class" national minorities in the Soviet Union and other Marxist  
107  
dominated lands have failed to accomplish.
5. The term community itself is nebulous. The key attribute in virtually all the literature on the urban environment emphasizes the theme of interdependence that "arises among groups as  
108  
a consequence of large-scale specialization."

The notion that the term community has to do with a relationship where individuals and families share a commonality of primary values and sense of communal identity is rapidly disappearing.<sup>109</sup> Though black opinion may appear unanimous in its criticism of police, "nonenforcement and underenforcement of criminal laws"<sup>110</sup> and police brutality, black opinion is not necessarily in agreement as to exactly how police racism can be controlled. The majority of blacks may feel a greater sense of urban interdependency in contrast to a more radical sense of black independence; if so, this dissensus over liberation methodology may go far in explaining why most blacks probably did not support the referendum for<sup>111</sup> community control of police in Berkeley.

The 1975 Iron Fist and Velvet Glove, is a systematic "Marxist" analysis of the police, collectively written by members of the Berkeley Center for Research on Criminal Justice in which Platt played a key role as editor. The "iron fist" refers to the reality of police repression while the "velvet glove" refers to "a relatively non-coercive thoroughly professional police force enjoying a high level of legitimacy: an unrealized dream held

by liberal reformers of the Progressive Era.

The major difference between this work and Policing is its more elaborate presentation of evidence to support both books' central thesis: late capitalism's ever increasing contradictions produce greater contradictions in social life which in turn creates the need for more and more police repression to uphold the hegemony of the capitalist class. As the author's report:

The class control function is always the most essential function that police serve in a capitalist society, although they serve other functions as well. Since the democratic state requires some legitimacy, the police must also make some attempt to serve popular needs, as long as these needs are not inconsistent with the class control function. 113

Thus the work challenged a fundamental tenet of criminological liberalism: the police exist to prevent, control or eliminate criminal activity; activity which resulted originally from the complications of urbanization brought on by the Industrial  
114  
Revolution. Platt and his co-worker's contribution is in their understanding that the police do indeed at times serve capitalist interests against the interests of society's marginated masses. However, not only is their unicausal socialist approach insufficient as a total explanation of police existence or even increasing police repres-

sion, their approach ultimately fails to say anything significantly different from what liberals have said, the difference is in the type of ideological analysis, for as has been suggested above in reference to Quinney: all official versions of social reality are pervasively one dimensional no matter the particular economic order. Socialism to maintain itself in power must resort to some kind of police action and control of deviance.

Moreover, the concrete data of human existence to this point in our evolution suggest that we are social animals who come packaged with the will to fashion and control our material (private or social property) and immaterial environments according to certain dearly held ideological expectations. When those expectations clash with expectations not held by our particular group the tendency is to take action which furthers our group's interests. That action could be thought of as repressive or protective. <sup>115</sup> If the action is governmental or institutionalized and is aimed at criminally defined deviance within our group it is usually called coercive police action.

To move beyond police action in human affair (to this author) is to move beyond institution-

alized coercion, beyond the state (either capitalist or socialist) and juridical relations; such a move cannot be made if socialism itself is geared to state power and police repression of deviance. Thus Platt and his co-worker's critical analysis of the police is valuable in that it represents not only an explicit challenge to liberalism, but, more, an implicit challenge to all forms of authoritarian socialism that repeat the error of liberalism, i.e., organizing and arming police as the enforcers of state power and guardians of ruling class interests.

C. Taylor, Walton and Young

In their 1973 The New Criminology: For A Social Theory of Deviance, the authors sought without much success to construct linkages between subjectivist approaches to criminology and "the theories of social structure implicit in orthodox (emphasis: mine) Marxism."<sup>116</sup> They felt that since liberal positivism, as a grand social theory, "is wedded to the position of taking social reaction for granted" what is needed is a grand social theory which could account for a social psychology of deviancy in a dialectical way rather than in the determinism of positive criminology which emphasizes a taken for

granted need for social control and correctionalism  
 with <sup>117</sup> regard to deviancy. Positivism had failed  
 to question the social order at all, thus deviants  
 and not society were problematic (pathological)  
 and required social control. On the other hand  
 subjectivist approaches like symbolic interaction-  
 ism, phenomenology, social constructionism and  
 ethnomethodology were inadequate for four primary  
 reasons:

1. Their lack of any real theory at all.

For us, the social reaction literature does not contain a theory as such. Rather, it represents an attempt to demystify one side of a continuous dialectic of human activity. But this activity has determinants which cannot be encompassed by any approach which relegates the etiological questions concerning the causes of deviation to an ambiguous location subsidiary to social action. 118

2. Their search for an individual meaning of deviancy has lead them away from developing "fully social" explanations of deviancy:

The theory must be able, in other words, to place the (deviant) act in terms of its wider social origins...(it would place the deviant act) against the overall social context of inequalities of power, wealth and authority in the developed industrial society. 119

3. Because these approaches tend to become resigned when faced with the sheer complexity of "mediatory variable", and thus fail to treat deviant



causality, they "end up with a completely indeterminate picture"<sup>120</sup> of social realities.

4. They are founded on and take liberalism as given:

Like the pragmatists (positivists) before them, the social reaction theorists, operating within the confines of liberal ideologies, fail...to confront the way in which authority and interests enforce and maintain sets of laws, rules and norms which in themselves are part and parcel of the creation of deviancy. 121

As an element within the grand social theory of Marxism the authors had hoped that subjective criminology would lose its relativism and indeterminacy and become instead dialectical; at the same stroke it would hopefully become consciously political and the results of all this would be a "fully social theory of deviancy." Dialectically, deviance theory would interpret the deviant actor as proactively, rather than reactively, engage in a strategy of social struggle. This proactivity is consistent with the vision held by "anarchists and deviants"<sup>122</sup> themselves and is to be viewed as a conscious "political act... where deviance is a property of the act rather than a spurious label applied to the amoral or careless by agencies of political and social control."

The authors are to be commended for their criticism of conventional deviancy theory. Subject-

ivist criminology's main problem is that it tends to over-emphasize individual action rather than explaining action from a dialectical balance which gives credit to both the individual and society in the construction of criminal reality. Yet one remains disturbed with the New Criminology for several important reasons.

In chapter III of this work anarchism will be distinguished from orthodox Marxism, meanwhile one is disturbed that Taylor et al thoroughly confused anarchism with such Marxism, and, in so doing, ended up with an unconscious secular anarchist criminology instead of what they originally intended. Why the authors failed to distinguish these two unique left political ideologies may be due to their unfamiliarity with anarchist ideas about the social order, or it may be that the authors fear the historic ridicule which has been levelled against anarchism by theoretical liberalism, conservatism and Marxism alike. Paul Q. Hirst, an orthodox Marxist, has assailed the authors for their tendency to romanticize criminals; a "dangerous political ideology"<sup>123</sup> for authentic Marxism. Whatever the cause of their confusion, the following critique is to demonstrate that their goal of linking subjectivistic criminology with Marxism

missed its mark by a wide margin.

The argument that subjectivist criminology is merely descriptive and devoid of causality and thus lacking the conditions of a theory is at most an insipid misreading of the sociology of knowledge. A full six years prior to the New Criminology, Berger and Luckman sought to hammer out a sociology of knowledge which derived from not only Marx but more importantly Max Weber, George H. Mead and Emile Durkheim.<sup>124</sup> Their sociology of knowledge was very much a theoretical project and employed a dialectical method i.e., it stood in the middle of orthodox Marxist determinism and the indeterminacy of strict subjectivists. Quinney in his Social Reality of Crime was quite dependent upon Burger and Luckman for theoretical insights and yet his work is also dialectical in the sense that it posits a tension "between coercion by interests and subjective freedom."<sup>125</sup> Yet the Quinney of 1970 mentions Marx in only one sparse footnote.

The debate about causation in criminology is as old as the field itself. "Clearly the concepts of cause and effect are related to concepts of determinism and free will and these in turn to the legal concepts of responsibility and the

126

reasonable man", and just as clearly causality has long had political and moral connotations in criminology. Quinney has even noted that,

...causal explanation need not be the sole interest of criminologists. The objective of any science is not to formulate and verify theories of causation, but to construct an order among observables...A science of human social behavior is obviously possible without the notion of causation. 127

Quinney, while admitting that subjectivist criminology has its conservative drawbacks praises this kind of criminology for pointing out what should be obvious: crime is a dialectical and therefore political construction based on the activity that exists in the relations between a powerless self and powerful others:

The legal order, accordingly is human activity. It is an order created for political purposes, to assure hegemony of the ruling class. 128

Since in its main features subjectivist criminology is valid as a sociological theory, and is dialectical even though it emphasizes one side of the dialectic (the individual), and since it is in Quinney's terms "political," the question that begs answering is: why must it also be Marxist? Taylor et al's response is that it must become truly Marxist to the extent that it retains a conventional political allegiance. <sup>129</sup> Thus their most severe

criticism of subjectivist criminology is not due to an alleged lack of theoretical validity but it is due to subjectivist criminology's political affiliation. Extensively, this is the authors' fundamental criticism of all the criminological theories dealt with in their work, including positivism, the "new conflict" theorists, Marx himself, and the old line Marxist, William Bonger.<sup>130</sup>

Would a switch in political allegiance to strict Marxism necessarily restore a balance to the dialectic between self and society or the criminal actor and a crime producing environment as Taylor et al claim? Or would such a switch only tip the balance over to a pronounced emphasis on social causation with the self being relegated to the garbage heap of conventional ideology? The authors' response to these questions suggest that they do not really want a switch that maintains the dialectic in balance. In fact they do not even want to deal with an orthodox Marxism which by its terms is patently opposed to their efforts at building linkages with subjectivist criminology. What the authors really want is what they criticize so vehemently: a theory of deviancy which emphasizes individual "purpose and integrity"<sup>131</sup> in interpreting criminal action and not the orthodox Marxian

economic determinism which as the authors rightly describe it tends,

...to subsume the question of humanity or the rationality of human action--to the larger question of political-economy. Criminal action, in practice, is understood—in terms of interests demanded by the structure of political economy as more or less "false conscious" adjustment to society rather than as an inarticulate striving to overcome it. 132

However to get around orthodox Marxist determinism with its criticism of the criminal lumpenproletariat, the authors even more confusedly do not want the mature Marx of Das Kapital, but the young humanistic Marx of 1844. Yet to divide Marx up into so many bits and pieces is a highly dubious project even though the Marx of 1844 is "openly subjectivistic".<sup>133</sup> Robert C. Tucker, along with a host of others, both critical of and sympathetic<sup>134</sup> to the Marxist system, have noted that Marx and Engels both interpreted their system as an indivisible movement from Hegelian philosophy to scientific socialism:

From their standpoint there were not two Marxisms but one. Alternatively, there were two in the peculiar and limited sense in which the adult may be said to be a different person from the child. For them scientific socialism, embryonic already in Hegel's Phenomenology, was delivered into the world in Marx's manuscripts of 1844. The philosophical terminology of the latter was simply the umbilical cord binding the new-born child to its philo-

sophical parent. And mature Marxism was the baby grown to adulthood. Consequently, it was perfectly proper to speak of the mature doctrine in terms applicable to original Marxism. 135

The indivisible corpus of Marx's writing on criminality per se does not even allow the dialectic nor indeed for revision, thus strictly speaking a neo-Marxist criminology is an impossibility. Dialectically, the Marxist system conceives of criminality in a decidedly deterministic fashion. There is no positive Marxian assessment of the lumpenproletariat or the "criminal classes" as valid contributors to social revolution. <sup>136</sup> These "contemptible" classes are more of an enemy to the proletariat than even the capitalists.

As an unorthodox Swedish Marxist sociologist has noted:

In its propertylessness, poverty and alienation, the lumpenproletariat is akin to the working class. Even more than the proletariat, the lumpenproletariat has been victimized by the power of capital; it lacks even such a modest instrument of defense as the labor union. Its chief defenses are total apathy and religious sectarianism, drugged oblivion and personal violence, psychoses and death. Of the numerous hallmarks of pure capitalism, a disoriented, demoralized, and socially estranged lumpenproletariat is one of the most distinctive, tragic and dangerous things...

For all of his structural and historical thinking, Marx was evidently unwilling to see the sociological causes of lumpenproletariat status or to acknowledge the very small gap between proletarian and lumpenproletarian positions. 137

One of the fundamental reasons that Marx and Engels felt as they did about the lumpenproletariat, besides the fact of their active racism which Franz Fanon and other black radicals have detected<sup>138</sup> (in America crime and the lumpenproletariat are as Wilson would have it usually synonymous with oppressed minority people, especially black youth), was that this class was thought to be a-political and reactionary to working class struggles. Further, the lumpenproletariat were economically unproductive to capitalism's contradictory evolution toward socialism; whereas the capitalists were productive actors, in as much as they produced the conditions for their own eventual elimination.<sup>139</sup> In no way can the historic activity of capitalism be viewed as criminal, though individual capitalists may become criminals in the orthodox Marxian framework. In the dialectic the workers need capitalists and vice-a-versa; hence to eliminate the capitalists on the grounds of its criminality as a class is akin to anarchism but not valid Marxism.

To orthodox Marxism the activity of the lumpenproletariat is dehumanization in its most acute form. This class in its a-political irrationality weakens the morals and morale of other classes in



society. It especially weakens proletarian morality. Ethically, the lumpenproletariat represent nothing other than a parasitic plague, and as such, a constant denial of what Engels described as "that morality which contains the maximum of [truth] durable elements" or revolutionary proletarian morality.<sup>140</sup> Thus, as Alexander Grey a Fabian socialist historian has well understood, "real" Marxism cannot "appeal to morality and justice", no matter the pain and suffering of the lumpenclass, because such appeals are replaced by a scientific socialist "understanding and acceptance of historical development."<sup>141</sup>

Moreover, given the lack of a Marxist dialectic on the issue of criminality, (notwithstanding Anderson's moralistic "appeal" aimed to resurrect the lumpenproletariat from its death at the hands of orthodox Marxist labelling) Taylor et al's attempt to revise something that was not there in the first place is an act of bad faith. Revision depends on the operation of the dialectic. Taylor et al's goal of synthesis takes the dialectical character out of the Marxian approach and replaces it with a flat static [idealistic] assertion of the inherent rationality of all human action. A neo-Marxist interpretation of criminology

is impossible and is an act of bad faith, or what existentialists R. C. Laing and D. G. Cooper call the "idealist remystification"<sup>142</sup> of Marxism.

This bad faith is, to the english socialist philosopher G. D. H. Cole, a way of eliminating Marx altogether:

It is no doubt, easy under cover of revising Marxism really to abandon it; and this tendency has given all attempts at revision a bad odour among Marxists, and has often driven them towards a defensively dogmatic interpretation of Marx's doctrines. But, in fact, no Marxist can escape revisionism without denying the dialectical principle. For to lay down hard and fast dogmas is to fall back from the evolutionary dialectic into the static categories of formal logic. 143

Essentially, then a Marxist notion of crime would have to be based on something very close to Bonger's "correctional perspective" which has to do with understanding a social phenomenon (this lumpenproletariat) only to the point of being able to rid society of the phenomenon in question.<sup>144</sup> It is exactly this correctional perspective that Taylor et al criticize as being an inauthentic and really non-Marxist approach to criminology. But for the authors to import New Left idealism into the categories of scientific socialism is no less inauthentic. To dichotomize a Marxist analysis of crime into an objective world of society and a subjective world of conscious individual "idiosyncrasy"<sup>145</sup>

is to end up having no real Marxist theory at all.

"All I know is that I am not Marxist,"  
 is a statement Marx himself made <sup>146</sup> toward the  
 end of his life; a life truly heroic in its intel-  
 lectual and inspirational abilities. Like any  
 heroic figure in world history he left a legacy  
 abundant in truth and error. That which is true  
 like the bitter historical interaction between  
 oppressors and the oppressed, the ever presence  
 of alienation, and the vision of dramatic change  
 or revolution has long informed the vocabulary  
 and praxis of all great social prophets, from  
 Qoheleth of Ecclesiastes <sup>147</sup> to Jesus to the more  
 recent example of Martin Luther King, Jr. <sup>148</sup>

Earlier in this work all social and thus  
 criminology theory was defined as ideological to  
 the extent that theory necessarily mixes truth  
 with error. Marxism is no exception. The error  
 of orthodox Marxism with respect to criminality  
 is that crime is not socially dialectical but  
 socially determined. As heirs to the orthodox  
 Marxian legacy Taylor et al plus Quinney and Platt  
 are failures. Yet in the act of failing the ortho-  
 dox Marxist legacy they are actually engaged in  
 a radical transformation of Marxism to something

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other than Marxism. These radical criminologists have set the stage for a transcendence of Marx, just as in another prophetic tradition, but in a decidedly vulgar direction, most of what now passes for orthodox Christianity is a transcendence of Christ (i.e., if Christ were living today Christians themselves would most probably rush to electrocute him for the crime of radically deviating from what Christianity has come to mean).

#### IV. Radical Criminology as New Left Criminology

The period from 1973 to the present evidences a movement of radical criminology towards being that part of the New Left which thinks about crime rather than having an attachment to any real Marxism. This movement closely parallels developments within academic social science, especially sociology. The 19th century genesis of New Left ideology is found in the utopian socialists, the Left Hegelians and the anarchists "and as such has a close kinship with radical religion, rational humanism and philosophical idealism," among other ideas.<sup>150</sup> The New Left is engaged in transcending both liberalism and Marxism, although admittedly with Marxism the transcendence is still basically implicit.

The parallels between radical criminology and New Leftism are inexact but enough of comparison can be made to give credence to the thesis asserted above.<sup>151</sup> Below is a

brief comparison of seven themes which radical criminology and New Leftism hold in common (Chapter III will offer a more intensive comparison of Marxism and anarchism in relation to radical criminology):

A. Existential Confusion

✓ Radical criminology, like New Leftism, is actively searching for a philosophical (some say spiritual) home. <sup>152</sup> It is populated by intellectuals who matured academically during a period in which social conflicts threatened to tear America apart. Their reaction to the American of the mid-  
 ✓ dle and late 1960's was to experience a loss of innocence; a loss of the Lone Ranger, Hoppy, Gene and Roy. <sup>153</sup> The good guys of television shoot-em-ups were in reality the bad guys: Sheriff Bull Connor, Lyndon Johnson and the Pentagon multiplied by an almost infinite factor. The loss of innocence brought on discontentment and alienation. Youthful segments of academia began to search for alternatives to liberal and conservative theories; alternatives which would give meaning to their academic existence. <sup>154</sup> Western European Marxism, itself in mortal combat with state capitalism in the Soviet Union and national socialist states, seemingly offered one such alternative. Radical criminology completely glossed over the homegrown

radical tradition which pre-dates Marx and has been part of the American scenario since the 1638 antinominal revolt against orthodox Puritan morality.<sup>155</sup> Yet radical criminology in its existential restlessness is, by the necessity of dialectical analysis, implicitly critical of Marxism and can thus be described as still groping for an indigenous philosophy. As radical criminology becomes more reflexive or critical of itself this author hopes it will comprehend that the insurmountable error of Marxism is its one-sided dialectical epistemology i.e., what another New Leftist, Jean Paul-Sarte understands as the Marxian attempt to "eliminate all subjectivity,"<sup>156</sup> in exchange for pure objectivity. No valid radical analysis of crime can long endure such a misguided political philosophy and praxis.

#### B. Antiauthoritarianism

Radical criminology, like New Leftism, is based on negative thinking which involves theorizing about and building mass movements "toward a negation of what is through thinking about and practicing what could be."<sup>157</sup> Here it is well to add that the normative "could" is to be put into practice right now rather than waiting for the proletariat and its vanguard or the contradictions inherent in the

forces of social production to make the "inevitable" revolution. Traditional Marxist-Leninist praxis which narrowly emphasized institutionalized party politics will not do. Institutional authoritarianism in all its guises must be overcome. Radical criminology's quest for "popular justice" and participatory democracy (e.g. the Berkeley referendum for community control of the police) are based on the notion that:

Built into state efforts at citizen participation is a dialectic that supports autonomous community action removed from state control. Developing along-side the criminal justice system is a grass-roots approach that is beyond the design of the state. The dialectic undoubtedly will advance in coming years. 158

Of course, radical criminology's criticism of the advanced capitalist state and its increasingly repressive crime control tendencies is anti-authoritarian. Thus it is unlike orthodox Marxism which lacks a political analysis "in relation to the nature and role of the state" because "Marx himself...never attempted a systematic study of the state."<sup>159</sup>

Presently though radical criminology is extremely confused in its analysis of the state's role in criminality. Quinney in his Class, State and Crime has recently developed the most extensive statement on the subject. On the one hand, Quinney

views the state as the primary agency for promoting late capitalist advancement. In this role the state referees diverse capitalistic competition in the goal of capital accumulation and self reproduction. The state furthers capitalism's advancement by "regulation and control," in which process the state itself creates employment which is unproductive (e.g. CETA, Job Corps, Vista, criminal justice workers, etc.) and not in demand by "normal" capitalist production requirements. If the state defends capitalist interests it must regularly offend other interests like those of the lumpenproletariat. This would be a plausible argument based on concrete experience.

However, Quinney's New Leftism has almost obliterated class distinctions. The workers in advanced capitalism make up 98.5% of the total population.<sup>160</sup> Managers or the "petty bourgeoisie" are part of this overwhelming majority of workers. The 1.5% of the total is the capitalist class "who wields state power." Crime has ceased being merely activity of the lumpenproletariat as in real Marxism. Crime has lost its class basis at least implicitly.

Yet for this author it remains that the class most immediately affected by detentive repres-



The state does not patronize certain interests, and is not allied with certain classes. Rather, what the state protects and sanctions is a set of rules and social relationships which are presupposed by the class rule of the capitalist class. The State does not defend the interests of one class, but the common interests of all members of a capitalist class society. 162

What are the common interests of the powerful capitalists and powerless lumpenproletariat? Love and liberation, morality, the need for a shared environment or what? The commonality of interests is never defined by Quinney. This theme of common interest protection sounds like a radical revival of Roscoe Pound's pluralist theory of law. 163

Should not the state defend the interests of capitalists against threats by other classes? Quinney again does not provide an answer. Yet he proceeds to an acceptance of the decidedly un-Marxist view that the state is somehow a protector of outmoded social relations which neither capitalist nor worker, nor for that matter, the usually unemployed lumpenproletariat adhere to. The state is therefore politically "autonomous" 164 from class interests as such. The criminal justice apparatus is a creature of monopoly capitalism's need for modern technological control in a Marcusean New Leftist instead of orthodox Marxist sense. 165 Is bureaucratic survival and autonomy a more important interest than

crime control in criminal justice agencies? Is the "steadily growing autonomy of organized interest groups"<sup>166</sup> within capitalist society more dangerous, from a radical perspective than capitalist class power? Quinney, to both questions, seemingly argues, in the affirmative. Hence contrary to the orthodox Marxian category of class struggle, Quinney's most extensive radical criminological theory of the state transcends Marx and posits a New Left anarchistic political struggle against the increasingly dangerous autonomy of the authoritarian and bureaucratic state. The politically "autonomous" state itself is thereby the villain which a conscious revolutionary class composed of the lumpenproletariat and other surplus population must smash.

### C. Anti-Racism and Sexism

Radical criminology, like New Leftism, likes to think of itself as anti-racist and sexist. In comparison with conventional criminology and real Marxism it is anti-racist. In fact, it originally took its point of departure from the ideas and practice of black revolutionaries like the early Eldridge Cleaver, George Jackson and etc.<sup>167</sup> But theoretical anti-racism is not the same as practical anti-racism. Practical evidence to

substantiate this theme is hard to come by. What is known, from this author's personal experience, is that New Left groups working in the area of criminal justice reconstruction are ideologically and programmatically geared unlike liberalism and orthodox Marxism to defeat racism but their success has to all appearances been no greater than that of liberals and orthodox Marxists in the area. Political prisoners groups, prison moratorium activists and groups organized to fight police brutality to a large extent reproduce the racism endemic to the whole society. The leadership of these groups is predominantly white, intellectual, middle-class and male and lacks any real political base within effected black communities. Black non-Marxist radical groups with an interest in criminal justice issues are basically anti-white in ideology and have rejected Old and New left attempts at coalition politics because:

The established white radical schema has fostered an axion which says: the Negro can never, should never, will never, create a definitive theory on social revolution wherein he is placed in hegemonic leadership as the guiding source of inspiration, ideas, strategy tactics and direction even if the coalition is interracial.

Radical criminology (though Quinney, and Taylor et al are silent on the subject) has raised

"the woman question" in three basic ways. It has attacked rape as an act of political terror against women.<sup>172</sup> Rape is a sexist crime produced by the contradictions of capitalism which continue "to feed the hatred and contempt of certain men toward women."<sup>173</sup> Rape laws are seen as a protection of males who are charged with rape and as such are biased toward the continued male oppression of powerless females. Secondly, radical criminology has begun to analyze prostitution as very much a victim creating rather than a victimless crime: prostitutes themselves are victims of "moral degradation and physical danger"<sup>174</sup> engendered by the capitalist produced sexual exploitation of women. Thirdly, the phenomena of women as police<sup>175</sup> has encouraged some radical criticism. These three areas of radical criminological investigation will no doubt grow as more women become involved in social exchange outside the home. Yet it remains that the best radical criminology about women may be written by women themselves.<sup>176</sup>

However, the "woman question", like racism, cannot be forced into an orthodox Marxian analysis merely because Marx and Engels said it could. The connection between radical feminism and orthodox Marxism cannot be merely theoretical, but must

be born of praxis. Recently Sheila Rowbotham, a New Left historian, who has engaged in a long search for genuine connections between female liberation and orthodox Marxism in practice, has concluded that:

They are at once incompatible and in real need of each other. As a feminist and a Marxist I carry their contradictions within me and it is tempting to opt for one or the other in an effort to produce a tidy resolution of the commotion generated by the antagonism between them. But to do that would mean relying on pre-packaged formulas which come slickly off the tongue and then melt as soon as they are exposed to the light of day. 177

### Utopian Theory

Radical criminology, like real or orthodox Marxism and New Leftism, is utopian at least to the extent that it projects a future society where the abolition of "crime is possible."<sup>178</sup> Like orthodox Marxism, but unlike New Leftism, radical criminology tries hard to not "specify a utopia because socialist society will be constructed only in the course of the creation."<sup>179</sup> Generally though, radical criminology wants a utopianist crime free society in which "imperialism, racism, capitalism and sexism" are replaced by "truly egalitarian rights to decent food and shelter...human dignity and self-determination."<sup>180</sup> Superficially, radical criminology finds it acceptable to hope and dream of utopia. The dream of a crime free future society dialectically informs

present radical criminological praxis and vice-a-versa. Thus radical criminological praxis, is itself a specific program aimed at the realization of specific strategies which begin the future here and now. In the concrete reality of right now, radical criminology is as its praxis calls for, dialectically engaging conventional criminology in a critically specific dialogue in order to construct the future crime free society.

An example of radical criminology's praxis in preparation for the utopian future is Platt's insistence that "intellectual inquiry should not be carved up into artificial domains like pieces of private property."<sup>181</sup> For him criminology would do best to provide answers to the questions of political philosophy, i.e., freedom vs. control, authority vs. legitimacy, estrangement vs. unity, who governs, why and how.<sup>182</sup> In its faltering attempts to provide answers to these kind of questions radical criminology is now in the process of creating a social theory and practice appropriate to the utopian vision of a crime free society. As such it has begun and must continue to go beyond the confines of traditional criminology.<sup>183</sup>

In chapter I of this work, the central understanding was that all social theory is ideological and as a consequence has a utopian dimension. Radical criminology is no exception; it is ideologically relativized thinking. More importantly, it is also utopian thinking. Thus the question to be ans-

were is: why does radical criminology try to delude itself into thinking it has no utopian dimension?

Part of the explanation for radical criminology's delusion with regard to its utopian tendencies lies in its confused courtship with real Marxism. To real Marxism, theorists of "critical-utopian socialism and communism" had a primitive and thus reactionary bent:

The undeveloped state of the class struggle, as well as their own surroundings, causes Socialists of this kind to consider themselves superior to all class antagonisms. They want to improve the condition of every member of society, even that of the most favoured. Hence, they habitually appeal to society at large, without distinction of class; nay by preference, to the ruling class. For how can people, when once they understand their system, fail to see in it the best possible state of society? Hence, they reject all political, and especially revolutionary action; they wish to attain their ends by peaceful means...by small experiments necessarily doomed to failure and by force of example, to pave the way for the new social Gospel.

Such fantastic pictures of future society... correspond with the first instinctive yearnings of that class (the proletariat) for a general reconstruction of society. 184

Digressing briefly, some of the Communist Manifesto's above criticism of utopian thinking can be applied to Quinney's theory of the "autonomous" state, a state which serves only socially common and not class interests. One can see Marx turning in his grave at the thought of the petty bourgeoisie being considered as a "fraction" within the proletariat. Marx would certainly not have confused administrators of the state bureaucracy and presidents (but non-owners) of

the multi-nationals with the proletariat or the "contemptible" lumpenproletariat. Alternately, Marx's criticism of utopian thinking can be applied to Marx himself. According to Bertram Wolfe, the Communist Manifesto relies heavily on the thought of utopian socialist and anarchists; the very theorists Marx was about criticizing.<sup>185</sup> Four of the ten transitional measures pronounced in the Manifesto are borrowings directly from such utopian thinkers as: Saint-Simon (#3 and #5), Fourier (#8) and Robert Owen (#9).<sup>186</sup>

What is really astounding about the Manifesto is that the majority of its proposals-including "the abolition of the family" and the conversion of the function of the state into a mere superintendence of production" (with Engels the state function is to be converted to an "administration of things")-----are, in Marx's own words: "of a purely utopian character"<sup>187</sup> Thus the Communist Manifesto can rightly be interpreted as a heroic piece of utopian literature.

Moreover, it was from Saint-Simon that Marx's got the utopian (not economically scientific) slogan, "From each according to his capacity, to each according to his performance."<sup>188</sup> Even the specifically utopian vision of a communist society (utopian society at its best) offered out by Marx in his German Ideology, comes straight from Fourier, viz.:

For as soon as the distribution of labour comes into being, each man has a particular exclusive



sphere of activity, which is forced upon him and from which he cannot escape. He is a hunter, a fisherman, a shepard, or a critical critic, and must remain so if he does not want to lose his means of livelihood; while in communist society, where nobody has one exclusive sphere of activity but each can become accomplished in any branch he wishes, society regulates the general production and thus makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, shepard or critic. 189

Marx himself was thus confused about the utopian character of his own revolutionary social theory. Radical criminology as an announced, inheritor of the Marxian legacy, has necessarily inherited the utopian thought Marx himself would have repudiated as being unscientific and unreal.

This real Marxian and radical criminological delusion about, and concealment of their utopian character, is further exacerbated by their preference for a scientific kind of socialism in contradistinction to utopian socialism and communism. Radical criminology wants a praxis informed and critical inquiry "capable of moving across boundaries of normal science with its normal division of labor."<sup>190</sup> Yet the "scientific socialism" of Marx lacks scientific verification. Most of Marx's critical and purely scientific predictions about the inevitable demise of capitalism have been refuted as being non-scientific.<sup>191</sup> Material conditions themselves both in capitalist and socialist political-economy have provided the basic refutation of scientific

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socialism. Engels, five years before his death in 1895, wrote to Joseph Bloch regarding his and Marx's overemphasis on the economic (or scientific) analysis of capitalism:

Marx and I are ourselves partly to blame for the fact that the younger people sometimes lay more stress on the economic side than is due it. We had to emphasize the main principle vis-a-vis our adversaries, (Left-wing communists, i.e., utopianists and anarchists: mine) who denied it, and we had not always the time, the place or the opportunity to allow the other elements involved in the interaction to come into their rights... Unfortunately, however it happens only too often that people think they have fully understood a new theory and can apply it without more ado from the moment they have mastered its main principles, and even those not always correctly. And I cannot exempt many of the more recent "Marxists" from this reproach, for the most amazing rubbish has been produced in this quarter too. 193

If Engels were living today he would justifiably declare radical criminology to be a form of left-wing communism or New Leftism rather than an authentic Marxist approach to the study of crime (even though left-wing communism has its own eclectically utopian economic analysis for this present period of advanced capitalism).<sup>194</sup>

"Paradoxically, (then) the aspect of Marx's thought that is most alive and relevant to the concerns of men in the contemporary West is the purely utopian aspect, the part relating to the post-revolutionary future. Otherwise expressing it, his purportedly scientific analysis of capitalism was quite utopian, whereas his utopian vision of the future world was, if not scientific, at least rather prophetic of real possibilities. Marx's concept of commu-

nism is more nearly applicable to present-day America, for example, than is his concept of capitalism. Capital... is an intellectual museum-piece for us now, whereas the sixteen page manuscript of 1844 on the future as aesthetics, which he probably wrote in a day and never even saw fit to publish, contains much that is still significant." <sup>195</sup>

Prescriptively, radical criminology like New Leftism but unlike real Marxism ought to honestly learn to rejoice in its utopian vision:

Given the irrationality (Marcuses's sense: mine) of the neo-capitalist social system, the function of utopian thinking is to keep alive counter-images of rational social existence. Those who would decry the utopianism of the New Left should ask themselves who are the true custodians of reason in an irrational society: the utopians who refuse to be supine and who attempt to construct humanizing social alternatives to the status quo or the "realists" who sheepishly capitulate to the status-quo? This is not to say that radicalism is synonymous with building castles in the air, but that where reason is systematically violated the most reasonable course is not to be "realistic", in the same sense in which this implies accommodation to a maleficent and irrational system. 196

Radical criminology if it is to become a truly dialectical social theory ought to appreciate its debt owed to real Marxism in the same way Marx owes such a debt to the German idealism of G.W.F. Hegel in his effort, at sitting this political philosopher and theologian "right side up." Like New Leftism, radical criminology ought to be thrilled at having a utopian dream that merits the critical attention of scoffers and "realists." The dream of a crime free future where the whole

apparatus of repressive criminal justice will be no more, is relevant to not only capitalist society but the world in general. In its essentialist form the utopian dream has informed religious and secular myths since the dawn of history.<sup>198</sup> Real Marxism has pointed the way beyond itself, but, in the paradox of evolutionary dialectics utopian and thus unreal Marxism remains to haunt and urge forward the confused spirit or Geist of radical criminology. Radical criminology would do well to transcend real Marxism by consciously locating itself within the received legacy of unreal utopianist Marxism if it is to become a truly dialectical theory of crime.

## CHAPTER IV

RADICAL CRIMINOLOGY: IS ITS HERETICAL MARXISM  
ACTUALLY AN UNCONSCIOUS ANARCHIST THEORY OF CRIME?

The preceeding chapter's main contention was that the guiding force in the late development of radical criminology is in accord with the heretical deviation of the New Left. On the one hand, radical criminology has failed to adequately comprehend the hereticism and confusedly claim a grounding in and harmony with true Marxism; a Marxism supposedly derived from the "early" Marx and revised to meet the left theoretical demands of this present "generation."<sup>1</sup> Yet on the other hand radical criminology is clear about having, "little surface relation to the traditional Marxist categories and conclusions."<sup>2</sup>

Given its clarity about being unrelated to Marxist dogma (of which Marx himself was responsible for)<sup>3</sup>, and its certainty about its Marxist pedigree, radical criminology must now be assisted in understanding the character of the New Left heresy. Towards that understanding, this chapter is concerned to show the following:

- A. That the heterodox tradition within Marxist socialism has historically been libertarian in focus and thus critical of authoritarian<sup>4</sup> Marxism.
- B. That the libertarian focus of the heterodox

tradition has most frequently been described by orthodox Marxists and anarchists alike as synonymous with anarchistic tendencies.

- C. That radical criminology's grounding in heretical Marxism, and its libertarian focus on crime is actually an unconscious anarchist statement of criminology.
- ✓ D. That radical criminology should become conscious of itself and move towards a deliberately anarchist conception of crime; a conception which would go far beyond the economic reductionism of scientific-socialism or orthodoxy.
- ✓ E. That with regard to certain "perennial questions of political philosophy" (e.g., justice, order, coercion, authority, individual alienation and equality) a consciously anarchist criminology may possess a more liberative analysis, of American society, than the formulations of conventional and/or a strict Marxist criminology.

Movement towards the accomplishment of the above objectives can be initiated if it is kept in mind that the New Left has generally transcended or gone beyond the bounds of orthodox Marxism as understood by Marx and Engels themselves. The transcendence is best described by a term from

Hegelian dialectics, viz., aufheben, a term which refers to the changing relationships in paradigmatic interactions such that in the present case orthodox Marxism, as the paradigm with hegemony over left thinking, has been destroyed and yet, dialectically, the residual strength of the libertarian elements in Marxism are preserved as part of "a new and higher synthesis."<sup>5</sup> The destruction of orthodox Marxism, as with its preservation through transcendence has historically been more of a process of internal left criticism rather than as a primary result of criticism emanating from bourgeois academic sources.<sup>6</sup>

It is ironic that the American New Left in its identification with Marxism turns out to be more the contemporary expression of anarchistically inclined "left-wing communism" than authentically Marxist. The irony dissolves into the incredible when radical criminologists seek to construct a Marxist theory of crime by first "explaining away Marx and Engels statements"<sup>7</sup> on the dangerousness of the lumpenproletariat and then, after such a distortion, fail to comprehend that what has been explained away is the foundation for their construction. Without a foundation in authenticity "there can be no Marxist criminology," as Mugford has warned.<sup>8</sup> Thus it shall be argued that radical criminology has actually engaged conventional criminology in an unorthodox, heretical or what Quinney terms "underground Marxist"<sup>9</sup> criticism, which in its major features----romanticism;

subjectivism and idealism; individualism and voluntarism; antiauthoritarianism; decentralization and egalitarianism; rational humanism; utopianism; conflict vs. cooperation; revolution and lumpen violence; libertarian justice---- represents a radical departure from orthodox Marxism and is, similar to, if not synonomous with the interchangeable concepts of: left-wing communism, libertarian socialism or secular anarchism. These features in radical criminology will be laid out and favorably compared to similar features in secular anarchism. But before that comparison can be made four obstacles must be clear from the argument's path.

Five Obstacles in Associating Heretical Marxism with Secular Anarchism

Below are five areas of concern which, if left unexplained could cause confusion in the present attempt to associate the unorthodoxy of radical criminology with secular anarchism. Historic linkages between radical criminology's heterodoxy and anarchism are not easy to draw because, although radical criminology understands itself as being heterodox in relation to orthodox Marxism it has not yet understood that anarchism has historically exemplified that heterodox tradition in its concern for a socialism with libertarian means and ends. Anarchism, as left communism or even left Marxism, has had an irregular relationship to orthodoxy. Often it assented to and combined with orthodoxy and just as often criticized and parted with orthodoxy



over matters of theory and praxis; yet it has remained loyal, as orthodoxy has not, to those principles in Marx's writings which embody libertarian ends. Thus if the obstacles below can be overcome the possibility for a clearly anarchistic description of radical criminology could be greatly enhanced.

\*✓ I. The Myth of Scientific Socialism

The first obstacle emerges from the fact that Marx and Engels were confused about the scientificity of their own system.<sup>10</sup> As root materialists and "scientific socialists" they did not adequately comprehend the metaphysical, unhistorical and mystical essence of their paradigm. Scientific socialism as a science of the class nexus in society has thus far failed miserably in at least sixteen important categories of prediction about the social relations of capitalist political-economy, if New Left sociologist C. Wright Mills and others are<sup>11</sup> correct in their critical observations.

As noted in the preceding chapter a science of crime is impossible from an authentic Marxist perspective because of the nature of the lumpenproletariat. The lumpenproletariat is devoid of historical importance in all matters concerning the "objective science of revolution",<sup>12</sup> thereby orthodox Marxism only studies criminal activity in order to

eradicate it and not to romanticize it as is the tendency in radical criminology. The social dialectic between capitalists and non-criminal proletarians are the categories for scientific investigation. Both of these economically productive classes can scientifically qualify for the designation of "a-class-for-itself", or for that matter even a "class-in-itself", but the lumpenproletariat must ever remain as a "repository for failures from all classes, including the lump-<sup>13</sup>enproletariat itself". In short, socially unproductive segments in society have no scientific meaning for real Marxism.

Perhaps unknowingly the mythical scientificity of the Marxist paradigm serves to provide radical criminology with a justification for its continued academic existence, given the superior status and appeal of scientific methodology in American academia.<sup>14</sup> Although radical criminology does not engage in scientific socialism's utter contempt for the lumpenproletariat, it does hold its criminological conclusions to be scientifically derived from Marx's statements about crime. According to Quinney, "neo-Marxist social science" is the most dynamic and significant movement in the social sciences today.<sup>15</sup> However, this author

suggests that the dynamism and significance of Marx's statements about crime are clearly repressive, and that it is other libertarian features in the Marxist paradigm that compels radical criminologists to assert that what they are doing is Marxist social science. The libertarian features of the Marxist paradigm cannot be imprisoned by the theory and praxis of economic reductionism---- if these features are to remain liberative. Moreover, these libertarian features have a metaphysical and prophetic component that has transcended the dead corpus of Marxist orthodoxy. It is thus this prophetic component of the Marxist paradigm not, nineteenth century Marxist scientism, that has called forth the heresy of the New Left. The myth of scientific-socialism may therefore best be understood as a justification. A justification that radical criminologists strain under because the prophetic connotations of their heretical Marxism maybe a bit much for an academia concerned with science (and not religion) to absorb.

## ✓ II. The Fetishism of Radical Criminology

✓ Given the non-adaptability of orthodox Marxism as a scientific explanation of crime, the reasons why radical criminologists self-identify their theories with Marxism is open to question.

Quinney has said that "Marxism is the one philosophy of our time that takes as its focus the oppression produced by capitalist society."<sup>17</sup>

✓ Yet Quinney and other criminologists disregarded heterodox traditions such as anarchism, syndicalism, and council communism in their search for the left paradigm best suited to deal with capitalist oppression. A second reason for this self-identification may have to do with the ideological hegemony the orthodox Marxist paradigm has enjoyed until recently in left circles. Orthodox Marxism<sup>18</sup> "prevades left thought" in a way resembling the hegemony of bourgeois mentality in non-left areas of mental production. Until the New Left emerged in the 1960's American Marxist scholarship slavishly devoted itself to an orthodoxy that mystified and obscured social reality in a rote and mechanical fashion. It was an orthodoxy that Sartre accused<sup>19</sup> of no longer knowing anything. Other competing left ideologies were ridiculed as unscientific left-wing childishness (ala Lenin). It was in this circumstance of ideological dominance by orthodoxy that radical criminology emerged, thus its rather hurried acceptance of Marx is at least understandable.

✓ Probably the most important single reason

for the self-identification of radical criminology with Marxism lies in the concept of ideological fetishism. For radical criminologists the Marxist paradigm seemingly represents a body of holy dogma which, although its scientific validity is highly questionable, is the object of a profound reverence. Just as much of conventional criminology fetishizes the notion of law and order against the concrete reality of injustice and disorder in, capitalist society, some radical criminologists in turn, tend to worship (at the expense of other variables) the idol of class struggle, notwithstanding the fact that the reduction of all social intercourse to the categories of class is tantamount to the cancellation of the independent importance of other sources of social cooperation and/or conflict.

### III. Pejorative Connotations of Secular Anarchism

The academic and popular "image of anarchists has most often been gross caricature." <sup>20</sup> On the irrational side anarchism, as a political ideology, has been wrongly confused with "anarchy" or chaos (the complete absence of order and protection in society). Moreover anarchists have been viewed (sometimes legitimately) as: dangerous and violence prone: "foolish idealists"; assassins and terrorists and etc. Marx and Engels compared Bakuninism to

a fantastic "secular Society of Jesus" and successfully sought to expel the Bakuninist heresy from the International Working Men's Association

in 1873.<sup>21</sup> Lenin regarded the actions of his anarch-

istic opponents as "unscientific petty-bourgeois revolutionism" against which the Bolsheviks should

wage a grim struggle.<sup>22</sup> Rationally, both liberals

and orthodox Marxists have historically "vied with each other in denouncing the forces of anarchy."<sup>23</sup>

The juncture of reasoned polemics between secular anarchism and its liberal and orthodox Marxist antagonists is over questions of authority, the State, domination, justice, individualism and freedom. Anarchism has normally gone to extreme lengths in defense, especially, of the oppressed individual against a repressive majority interest and thereby has become subject to the wrath and fury of most established political ideologies no matter the particular place in the left-right political spectrum.

The historic villification of secular anarchism by bourgoise elements and orthodox Marxists may be understood as having two primary effects on the development of radical criminology. First, because secular anarchism has never been a "ruling ideology, it has failed to attract as much attention

from "scholars and historians"<sup>24</sup> as has liberal ideology and orthodox Marxism. The paucity of academic interest in and the apparent political impotency of secular anarchism may have served to steer radical criminologists away from a serious investigation of secular anarchism's historic (some 180 years) role in left thinking. Secondly, the libertarian orientation of emergent unorthodox Marxism is interpreted by radical criminologists as having originated in the "early" (and for them authentic) Marx. This interpretation is only partially true, at best. The "early" Marx shared a libertarian intellectual environment with other young German revolutionists whose "subjectivism, idealism and individualism" Marx and Engels only later criticized as anarchist immaturity on the part of the remaining group of Left-Hegelians. The "early" views of Marx may thus be more properly described as anarchistic and existentialist than as strictly Marxist. In confirmation of the fact that the "early" Marx was weaned on anarchist ideas, offician Soviet Marxism has recently declared that, "the writings of Marx and Engels show that scientific communism emerged and took shape...in criticism of and separation from the set of ideas which constituted the body of anarchistic views."<sup>25</sup> From

this it is obvious that radical criminologists in their haste to embrace Marx——a humanistic and libertarian "early" Marx——have at least misread their "sociology of early Marxism" and thereby have failed to grasp the clearly anarchistic nature of that initial period in Marx's career development which later resulted in the founding of scientific socialism or orthodox Marxism.

#### IV. Historic Kinship of Marxism and Secular Anarchism

Though orthodox Marxism and secular anarch-  
 ✓ ism remain frequently at odds, they do so as quar-  
 reling kinfolk rather than as diametrically opposed  
 strangers. In the kinship analogy orthodox Marxism  
 maybe likened to "Big Brother" who has gained and  
 exercised left-ideological hegemony over the little  
 brother or anarchism, only to find that little bro-  
 ✓ ther has recently been revived by the contemporary  
 ✓ circumstances of dominance in capitalist and social-  
 ✓ ist societies. Societies wherein orthodox Marxism,  
 ✓ in its sacramentalization of class struggle, had  
 ✓ long since abandoned a libertarian concern with  
 authoritarianism, hierarchial social organization,  
 state repression, participatory democracy, individ-  
 ual autonomy and etc. Anarchism's function in the  
 analogy is to repair the unequal kinship relations



by resort to criticism and struggle against "Big Brother's" orthodoxy so the whole kinship group can wage a relevant and successful campaign given the changed circumstances of contemporary oppression.

Hence the parting of company between Marxist orthodoxy and secular anarchism, as precipitated by the mutual recriminations exchanged between Marx and the anarchists Bakunin and Proudhon, in their struggle for control of world communism, has never been one of absolute estrangement; either in ideology or praxis. If radical criminologists were to sincerely investigate left history they would find that the interaction between anarchists and orthodoxy is one where the anarchists have usually functioned as the radical left within the perimeters of the socialist universe, such that:

- A. An objective interpretation of the theoretical criticisms levelled against anarchists by Marx, Engels and Lenin, would reveal that these "fathers of scientific socialism" most often left anarchism undistinguished, critically speaking, from reformism and revisionism. All of these strands were usually lumped together as similar petty bourgeoise, ultra-left devia-

tions from the orthodox line.<sup>26</sup>

- B. Also theoretically, such anarchists as Bakunin, Kropotkin and the contemporary anarchist historian Daniel Guerin have respectively described anarchism as: "revolutionary socialism;"<sup>27</sup> "anarchist communism"<sup>28</sup> and "libertarian socialism or communism."<sup>29</sup> Secular anarchism has consistently understood itself as the libertarian strand of socialism, (e.g., Bakunin has even been characterized as the most Marxist of the anarchists)<sup>30</sup> without which the socialist idea would grow authoritative, and centralist and become inhumane.
- C. In terms of praxis, anarchists and rightist socialists were active in the same international labor organizations until Lenin consolidated his orthodox hegemony over the left and forced heretical socialists to resign enmasse from the Communist International in 1921.<sup>31</sup> Even with this mass expulsion most secular anarchists maintained informal relations with Stalinism until the unsuccessful Spanish Revolution was crushed by Stalinist duplicity, thus depriving "anarchism of its only foothold"<sup>32</sup>

in the practical politics of the left. During the period between World War II and the May 1968 uprising in France, by the anarchistically inspired New Left, anarchism became philosophically reflexive. According to Guerin, anarchism, "without renouncing the fundamental principles of socialism,"<sup>32</sup> re-read classical anarchist theory and sought to rediscover "the too-little known libertarian areas of thinking in the works of Marx, and Lenin." This heretical process of "rediscovery" is exactly the same as that which first engaged Quinney in his Critique of Legal Order, from a perspective of a "rediscovered and recreated"<sup>35</sup> Marxism. The same process was also at work in the Schwendingers, "libertarian and civil-rights"<sup>35</sup> criminology, Tony Platt's "socialist, human rights definition of crime,"<sup>36</sup> and Taylor, et. al's diverse theory of deviance put forth as a defense against both capitalist and Marxist orthodoxy.<sup>37</sup>

- ✓ D. Lastly, the two variants of the anarchist position most closely associated with Marxism have historically been anarcho-syndicalism and anarcho-communism. Political philosophers

such as Robert Tucker and John P. Clark have noted that "leftist Marxism merges into anarcho-syndicalism."<sup>38</sup> Richard T.

DeGeorge in his review of anarchist thought found that "anarchist communists fall back on a Marxian type of analysis, though their views are repudiated by Marxists just as they were repudiated by Marx and Engels."<sup>39</sup>

Several commentators on the subject have claimed, along with Tucker, that "classical

✓ Marxism while embracing anarchism as a political philosophy, disagreed with anarchism as a socialist ideology."<sup>40</sup> The importance of these commentaries lies in the fact that the areas of agreement between left Marxism and those two variants of anarchism are many. Since this is the case even persons skilled in the techniques of political philosophy find it hard to make absolute distinctions.

✓ V. The Association of Anarchism with Technological Reversal

It is certainly true that some anarchists, most notably the religious and ethical anarchism of the Tolstoyan and/or the Thoreauist type, have advocated a dismantling of modern civilization and a

return to pre-modern technology. On the other hand, it can be legitimately argued that most theorists professing anarchism as a political creed have been concerned more with how technology could be used to liberate humanity from its own irrationality and destructiveness.<sup>41</sup> The late anarchist philosopher of beauty, Herbert Read has considered that:

...the more realistic anarchist of today has no desire to sacrifice the increased power over Nature which modern methods of production have developed. And actually he has now realized that the fullest possible development of these methods of production promises a greater degree of individual freedom than has hitherto been secured by mankind.<sup>42</sup>

Read wrote the above in the early 50's much in advance of today's environmental politics and without a proper sensitivity toward the destructiveness of nuclear power (e.g., Hiroshima preceeded his reflections by only a few years). Anarcho-pacifism and Christian anarchism will be discussed in this work's Epilogue, but for now the author notes that this concept of "power over nature" is something that liberalism, orthodox Marxism and certain types of anarchism have historically shared. It is a shared feature which radical criminology must become critical of, if it is to understand that within the domination of nature may lie the key to the domination of humanity. Towards this understand-

ding the unorthodox Marxism of Marcuse, Jurgen Habermas and William Leiss has understood that in a repressive society technology is used in a repressive way; and in such a society mastery of nature works "to perpetuate and intensify human domination and irrationality." What is essential is to articulate the specific objectives of mastery over nature in relation to human freedom rather than human power." <sup>43</sup>

Radical criminology should not only attack the emergent "technocratic solution to social order" <sup>44</sup> as manifested in the activities of agencies like LEAA, it should also understand with Marcuse that "technological progress can contribute to the fateful continuity between capitalism and authoritarian socialism unless deliberate steps are taken to counteract such a development." <sup>45</sup> Thus environmental destruction, as repressive society's supreme "power over nature", carries within itself the strong potential for total human (not merely class) destruction. And, as such, "power over nature" ought to be understood as representing the apex of modern criminal irrationality. Technological reversal of some kind or other may, then be interpreted as a contemporary statement of rationality on the part of criminological theorists concerned with the salvation of the whole

human race.

### What is Anarchist Theory?

So far the heresy of unorthodox Marxism has been interpreted as resembling an anarchist deviation; a deviation which has historically been repudiated by classical Marxist theorists. It was suggested that five (5) obstacles----i.e., myth of scientific socialism, the fetish of radical criminology, the villification of anarchism and the historic kinship of anarchism and Marxism and finally, technological reversal ----may have played a part in radical criminology's unconsciousness of its own fundamentally anarchist heresy.

Now the question of what, exactly, is anarchist theory must be addressed. In addressing this question a dual task shall be used. First, a brief overview of major classical and contemporary expressions in anarchist theorizing will be considered. Secondly, a variant of anarchist thinking, one which strongly resembles heretical Marxism will be defined, analyzed and designated for use in a later comparison with the major anarchist features of radical criminology.

#### I. Brief Overview of Major Classical and Contemporary Expressions of Anarchism

##### A. William Godwin (1760-1836)

Classical secular anarchism originated in the writings of the English non-conformist William Godwin. Godwin's most important work was his rationalist treatise, an Enquiry Concerning Political

Justice, in which he considered that inequality of property and political government were the prime reasons for the existence of social injustices and crime. Godwin felt that human nature is, by definition good, but that political and economic institutions have corrupted humanity. Hence, he argued for the "dissolution of political government" and cooperative economic arrangements.

In an early statement of importance to radical criminology (e.g. labelling theory) he advanced the notion that State "constraint, employed against delinquents...is calculated...to excite a still greater disapprobation." In place of the state and its punishment apparatus Godwin would substitute a reasoned public opinion to which a delinquent, under the transformed social conditions of an anarchistic society, would be expected to yield. However, if the delinquent did not yield to public reason he or she would not suffer "personal molestation" as is normal under political governments. As for positive law, Godwin noted that "general justice and mutual interest" are more binding than legislative "signatures and seals." Finally, Godwin was skeptical of political revolution which merely substituted one form of state tyranny and violence for another, thus, his moral



sentiments were with non-violent evolutionary  
46  
change.

B. Henry David Thoreau (1817-1862)

Thoreau's civil-libertarian position, based on an intense belief in individualism and a passion to actively resist state intrusions into social life, superbly qualifies him as a philosophical and practical anarchist. For him the only power which an individual has is "his integrity" of conscience. As a result of his arrest in 1846 for non-payment of a Baystate poll-tax, Thoreau wrote Civil Disobediance, a treatise which added to classical liberalism the anarchist motto that the best government was not that government which governed least, but rather "the best government was no government at all."

Of interest to radical criminology, besides Thoreau's voluntary renunciation of work and property obstacles to true self-development, is his criticism of state repression. The state forces obedience to law not conscience, hence obedience to such a state is dehumanizing because people tend to foreswear exercise of their judgement and their morality, rendering themselves to a level comparable "with wood, earth and stones." To counteract state repression Thoreau asserted the prior right of revolution. A "peaceable revolution" or non-violent

action in which the state's only alternatives are to either annihilate or imprison "all just men." Thus Thoreau, like Godwin, developed an anarchism based on the dictates of humanity's enlightened desire to liberate itself from state tyranny in social life. However, unlike Godwin, Thoreau's anarchism's was a theory of extreme individualism,<sup>47</sup> whereas Godwin's was a collectivist expression.

✓✓ C. Continental Secular Anarchism

The leading contributors to the development of European anarchism were: the anarcho-syndicalist, Pierre-Joseph Proudhon (1809-1865); the libertarian socialist revolutionary, Michael Bakunin (1814-1876); and the anarcho-communist, Peter Kropotkin (1842-1921). Another minor contributor was the Left-Hegelian, Max Stirner (1806-1856). Marx identified Stirner's extremely egoistic anarchism, combined with his Hegelian idealism, as the "common source"<sup>48</sup> of European philosophical anarchism and in turn Stirnerism may be the origin of the anarchist heresy that now informs radical criminology's heretical Marxism. Proudhon's, Bakunin's and Kropotkin's theories of anarchism are below analyzed together because of their historic condemnation of strict Marxism. While there are similarities, each, as will be shown is a unique theory of anarchism.<sup>49</sup>

## 1. Similarities

### ✓ a. Romanticism:

✓ Each theory contains an element of passion for and an emotional interest in the political and economic emancipation of the European working classes. Bakunin was the most romantic of the three and "the revolutionary passion that he displayed in his writings and career was his foremost contribution to the development of anarchism."<sup>50</sup> Kropotkin, as a scientist "placed high value on scientific validation of his social theories."<sup>51</sup> Yet he was not above a romantic concern for the establishment of a human environment where "communal solidarity and cooperation" would abound.

### ✓ b. Subjectivism and Idealism:

✓ By subjectivism and idealism this author makes reference to two features of classical anarchist epistemology. First classical anarchism placed a pronounced emphasis on the dictates of human reason and conscience in experience over and against an epistemology of realism which holds that externality exists independent from sense perception or mind. Secondly, that because of this emphasis on the superiority of reason and conscience in human interaction classical anarchism was united in an idealistic belief that the ordinary individual pos-

sessed the personal power to think and act in a way that required little external prodding. As Kropotkin wrote "rarely has appeal been made to the good instincts of the masses---only as a last resort, to save the sinking ship in times of revolution---but never has such an appeal been made in vain; the heroism, the self-devotion of the toiler has never failed."<sup>52</sup> Bakunin went so far as to advocate the spreading of sophisticated scientific knowledge among the masses.<sup>53</sup>

✓ c. Individualism and Voluntarism:

Given the elevation of human reason and ✓ conscience, the individual person, either in isolation or in a collectivity, is usually thought of as free to determine his or her choice of action. Human destiny does not depend on God (Bakunin) nor: "the inexorable working of social laws through history"<sup>54</sup> (as in philosophical determinism and fatalism). At the same time that classical anarchism elevates freedom of choice it is aware that external agencies, such as the state and existing economic arrangements, force individuals into restricted fields of choice. Thus human misery, ✓✓ immorality and criminality are attributed to external conditions that humanity is forced to live under. It is for this reason that most forms of

anarchism are opposed to social coercion (although here Bakuninist theory, especially in its emphasis on "propaganda by the deed" comes the closes to supporting revolutionary coercion).<sup>55</sup>

d. Antiauthoritarianism:

The term anarchy refers, in the sense of etymology to an absence of rule. Given that political rule is the most apparent form of rule, most of the advocates of classical secular anarchism interpreted the authority of political administration or government as that power in society which was most repressive to the freedom of European peasants and working classes. Moreover, to classical anarchism political rule in governments was unacceptable, not because of a particular kind of rule (e.g. monarchy, oligarchy, democracy, republicanism, and etc.) but "because they were governments."<sup>56</sup> Thus the state, as the concrete expression of political rule was a fundamental subject of classical secular anarchism's attack. Extensions of this criticism of the state were applied to other non-governmental, but coercive functions in society, such as custom, religion, philosophical dogmas, and repressive moral codes.<sup>57</sup> In this regard Bakunin passionately explained that, "if there is a state there is necessarily domination and consequently slavery. A

state without slavery, open or disguised, is inconceivable—that is why we are enemies of the state."<sup>58</sup>

e. Decentralization and egalitarianism:

Clearly classical secular anarchism did not deny (contrary to its bourgeoisie and orthodox Marxist critics) that an anarchist society must

- ✓ employ some kind of decision-making mechanism that would provide human intercourse with the minimum of coherence and orderliness. For Kropotkin human reason and instinct, if left uncoerced by external design, could create and maintain "a certain standard of public morals...in spite of judges, police-
- ✓ men and rural guards"<sup>59</sup> Kropotkin's anarchist commune would make decisions geared to influencing the social intercourse of its members. Bakunin admired
- ✓ American federalism and advocated a "universal world federation directed from the bottom up."<sup>60</sup>
- ✓ As has been shown, Proudhon pushed for voluntary trade unionists control of society. Thus, nothing in classical anarchism precludes "a minimum institutional presence at all levels of social organization."<sup>61</sup>

However, classical anarchism was opposed to centralization, hierarchy instrumentalism, compulsion and elitism in social organization. In

substitution for centralization and the "evils of bureaucracy" classical anarchism posited decentralized control by local "organic" institutions of a cooperate character.<sup>62</sup> For hierarchial stratification classical anarchism would substitute an egalitarian levelling; for political instrumentalism and formalism, natural spontaneity; for compulsion, either cooperation, moral persuasion or non-violent resistance; and finally for elitist decision-making, unanimty (if at all possible) and a populist belief in the decision-making abilities of the com-  
<sup>63</sup>com person.

f. Rational humanism:

✓ Proudhon and Bakunin exemplified classical secular anarchism's rational humanism, i.e., the rejection of all supernatural religious authority and its replacement with a profound faith in humanity. But there was another sense in which classical anarchism was a humanist credo. Perhaps borrowing from the Kantian ethical category of humanity and as "end-in-itself" classical anarchism never quite fell into what philosopher Alfred North Whitehead referred to as "the fallacy of misplaced concreteness" or the reification of class analysis. That is, although classical anarchism was critical of other classes and romanticized the working classes, its

analysis (unlike strict Marxism) did not advocate the dehumanization of these other classes in order to install the working class in power in the event of a successful revolution. Doubtlessly, this rational humanist feature of classical anarchism also resulted from its concern for the "dignity of man" (humanity) and its aversion to coercion and the historic despotism incident to political rule. Even the most violent and passionate of the three leading figures in classical anarchism could propound that "respect for man is the supreme law of Humanity and that the great, the real object of history, its only legitimate object, is the humanization and emancipation...of each individual living in society."<sup>65</sup>

✓ g. Utopianism:

Marx criticized classical anarchism for its adherence to the utopian doctrines of St. Simon,<sup>66</sup> Fourier and others. But among the great classical anarchist, Proudhon and Kropotkin's stand out as "pragmatic libertarians."<sup>67</sup> The distinctive characteristic of classical anarchism was its call for the immediate and eminently practical institutionalization of a movement in the direction of antiauthoritarianism and libertarian disestablishment;<sup>65</sup> not



its impracticality. In his Conquest of Bread, Kropotkin identified anarcho-communism as the synthesis of "two ideals that have been pursued [and incorporated into social existence; mine] throughout the ages---economic and political liberty." Proposing solutions to the great questions of economic and political liberation, from the bottom up (egalitarian) rather than from the top down (authoritarian), is what gave classical anarchism its reputation as an impractically naive doctrine.<sup>70</sup>

## 2. Differences

From the above discussion of similarities, the over-arching theme that seemed to unite the theme that seemed to unite the theories of classical

European anarchism was their emphasis on the "libertarian potential as the primary constituent of human nature." Following are some differences in referents and styles which made each theory unique.

### a. Conflict vs. Cooperation:

The anarcho-syndicalism of Proudhon takes the work place and the work ethic as its analytic point of departure. Because of this, anarcho-syndicalist, or "mutualist" are concerned with a heavy economic analysis (often undistinguishable from a strict Marxist class analysis). Concepts such as: the general strike, economic boycotts and

worker's self-management were of extreme import to the conflict perspective of anarcho-syndicalism.

\* ✓ In contrast the anarcho-communism of Kropotkin took the commune or total community as its primary point of departure. Although Kropotkin was not above a class analysis, his theory of mutual-aid was an organic conception of how greater human cooperation, as against human conflict, could be the methodology for achieving the new society. Anarcho-communism analyzes the total reality of living in communities and thus is not limited to any singularly defined methodology. Anarcho-syndicalism even today remains a theory of social conflict, while anarcho-<sup>72</sup>communism remains one of social cooperation. Both of these theories differ from Bakunin's emphasis on the nature of the lumpenproletariat and the use ✓ of revolutionary violence: they both advocated non-violent direct action.

b. Revolution and Lumpen Violence:

In Bakunin's theory there is a kind of Dionysian spirit to do violence upon the political oppressor. It was Bakunin's experience as a member of the lumpenproletariat (fifteen years in prison) that probably informed his theory of revolution. He was the archetypical man in revolt against all manner of authority. For him "the urge to destruction

is also a creative urge."<sup>73</sup> The lumpen class, being the most alienated and powerless class in society, was originally romanticized by him as the class most likely to be in the vanguard of insurgency. It was the bandits who were the "first rebels, the first revolutionaries," the first, therefore, to begin the Dionysian festival of socialist revolution.

## II. Contemporary Expressions of Anarchism

Contemporary anarchist theory is a continuation of the insights developed in the nineteenth-century classical anarchism. All of the original features of anarchism can be found in the works of contemporary writers. The philosophical idealism of anarchism had an eloquent spokesperson in the late Herbert Read. Murray Bookchin's "post-scarcity" theory of anarchism is a modern equivalent of Kropotkin's theory of mutual-aid. Noam Chomsky's and Daniel Guerin's anarcho-syndicalism echoes Proudhon. The libertarian influence of Thoreau upon those contemporary social activists employing a strategy of non-violent resistance is well known. Bakunin's revolutionary passion for the evolution of the most rejected elements in society has been represented in the theoretical conclusions of such left Marxists

as "Che" Guevara, Franz Fanon, Angela Davis and Huey P. Newton. In 1978 the prestigious American Society for Political and Legal Philosophy, under the chairpersonship of the anarchist legal philosopher Robert Paul Wolff, felt "by popular choice" the need to inquire into the nature of anarchism.<sup>74</sup> Thus anarchism has survived historical onslaughts from liberalism and orthodox Marxism and is now experiencing "one of its periodic waves of popularity." Below is a brief inquiry into contemporary libertarian notions of justice, the aim of which is to prepare the way for a favorable comparison between it and radical criminology.

### III. Contemporary Notions of Libertarian Justice

Five fundamental principles seem to inform contemporary anarchism's theory of the state in relation to its criminal justice system. These principles can be applied to both private capitalism and the state-capitalism of orthodox socialist economy.

- ✓ A. The authority and coerciveness inherent in the nature of state defined criminal law represents a radical departure from the human instincts of natural justice or equity.
- ✓ B. The state creates and uses criminal sanctions to protect the property interests

(either private or social property), of a ruling class against the egalitarian economic and political interests of subordinate classes.

- ✓C. State enforcement of unjust criminal laws produces a greater criminality on the part of courts, legislators, police and prisons than does that crime emanating from lumpen sources. Thus the state is deemed criminal and anti-libertarian.
- D. Since it is the state and its criminal sanctions which are criminally repressive to natural justice, the resort to rebellion by subordinate classes is a legitimate strategy in the overcoming of alienation and in the historic quest for liberty and human rights.
- ✓E. In the movement toward a communistic society the state and its criminal justice apparatus must be deliberately dismantled by a total cultural revolution; rather than being left to "whither away" by its own devices.

In support of the above principles and in the interest of brevity, the author, in footnote <sup>75</sup> cites the sources from which

the fundamental principles of libertarian justice were derived.

A Comparison of Secular Anarchism to the Major Theoretical Features of Radical Criminology

The theoretical foundations of secular anarchism has been described above. It is the contention of this section: that the unorthodox Marxism of radical criminology is, at least, an unconscious criminological statement of the anarchist heresy orthodox Marxism has historically repudiated.

✓ 1. Romanticism:

Radical criminology has not adequately responded to orthodox charges that it is a "romanticization of crime."<sup>76</sup> According to Taylor et al radical criminology incorporates both an "anti-utilitarian" and political focus.<sup>77</sup> This combination of anti-utilitarian romanticism and political advocacy of the non-utilitarian values of social groups places radical criminology in a position left of orthodox Marxism. Further, Taylor et al make the erroneous assumption that romanticism and politics are somehow mutually exclusive phenomena. As ✓ was shown above it is romanticism that may give pragmatic politics a vision and passion for the achievement of libertarian and humanist ends.

2. Subjectivism and Idealism:

Although, as was shown in Chapter III herein, radical criminology has recently developed a political-economy of crime, it yet retains a strong tendency toward subjectivism

and idealism. Quinney's employment of "a radically critical philosophy" (which is Left-Hegelian in origin) is in his words an attempt "to destroy the illusion of objectivism (of a reality apart from consciousness)".<sup>78</sup> Taylor et al's advocacy of a criminological fusion between the social interactionist philosophy of George Herbert Mead and a Marxist analysis of capitalist economy<sup>79</sup> is rather like the typical anarchist attempt to critically capture the libertarian dimensions in both liberalism and Marxism.<sup>80</sup>

The radical search for a political-economy of crime suggests to this author that radical criminologists are unaware of the subjective connotations of what it means to engage in political thinking. It is one's politics (not the dismal "science of economics") that depends on some specific metaphysical ideal. Political theory, unlike economics, is thus basically an art. Unorthodox Marxist, Wilson Carey Williams, a political theorist, has criticized political "science" as dangerous to development of left political thinking.<sup>81</sup> Ralph Miliband and Lucio Colletti, both unorthodox Marxist theorists have respectively noticed that there is no strictly Marxist tradition of political studies or if there is one it is based on the liberal political philosophy of J. J. Rousseau to which Marx merely added "the economic bases for the withering away of the state."<sup>82</sup> Yet Rousseau and Hegel shared the eighteenth century neo-Platonist emphasis on community and what they both "contributed to socialism,

utopian or other, was that all rights, including those of property, are rights within the community and not against it."<sup>83</sup>

✓ 3. Individualism and Voluntarism:

The Schwendingers proposed a criminology which would "make man, not institutions, the measure of all things."<sup>84</sup> Geoff Pearson expressed the point more forthrightly in asserting that his vision of "utopian criminology" would help people "to live as they choose."<sup>85</sup> Taylor et al argued against a strict Marxist determinism and for an unorthodox Marxian criminology which would allow for individual "purpose and integrity."<sup>86</sup> What all of these radical criminologists are suggesting is that criminal activity is not individually but socially pathological. It is the diseased social structure of late capitalism that is the great culprit in the production of criminality. The structural reaction to crime in terms of the capitalist state's repressiveness "threatens the ability of isolated individuals to pursue and realize interests."<sup>87</sup> Thus deviancy has become the normal method of expressing human diversity in a society which Taylor et al refer to as the "prison."<sup>88</sup>

✓ 4. Antiauthoritarianism:

Radical criminology rejects the authoritarian implications of orthodox Marxist methodology in several important ways. First, radical criminology insists upon the freedom to "choose" its constituencies and opposes orthodoxy's intol-



✓erance toward theoretical diversity.<sup>89</sup> In other words radical criminology is about something other than an analysis of the organized working class. Second, radical criminology when it uses a class analysis supplements or inflates its view of the working class by resort to a "surplus population"; a population which includes, not only unproductive labor, but students, state workers, welfare recipients, housewives and elite managers of multinational corporations.<sup>90</sup> Third, radical criminology addresses itself to the elevation of the lumpenproletariat, a class orthodoxy could not stomach.<sup>91</sup> Fourth, radical criminology rejects economic determinism, though it is unclear that it does because of its penchant for political-economy. Lastly, radical criminology, accepts, the conclusions of conventional criminology in so far as these can be reworked into a political-economy of crime. An example of this process of reworking to fit the radical mold is Taylor et al's reading of Durkheim in way that his theory, along with that of Marx's, could be equally associated with the "abolition of crime."

✓ 5. Decentralization and Egalitarianism:

According to the socialist Michael Harrington, whom Quinney quotes approvingly, "participatory socialism requires the elimination of bureaucracies and all hierarchial forms...and...entails a sense of egalitarian cooperation... and guarantees invididual rights...human rights and individ-<sup>92</sup>ual liberties." This participatory socialism is counter-

posed to state socialism and state capitalism and is  
 Quinney's vision of human liberation.<sup>93</sup> The concept of  
 ✓ egalitarianism also informs the work of the Schwendingers,<sup>94</sup>  
 Platt,<sup>95</sup> Taylor, et al<sup>96</sup> and most of the members of or con-  
 tributors to the radical journal Crime and Social Justice.

#### 6. Rational Humanism and Utopianism:

Radical criminology has repeatedly reported on  
 its association with the philosophical humanism of the "early"  
 Marx. Taylor et al make it abundantly clear that their new  
 criminology "stands or falls"<sup>97</sup> on Marxism humanism. Quinney  
 transfers the concept of alienation, which is central to  
 Marxist humanism, from the workplace and commodity exchange  
 to "all other areas of life."<sup>98</sup> The human rights criminology  
 of Platt and the Schwendingers testifies to the esteem and  
 vision of the man who called upon philosophers to change the  
 world and not merely interpret it. This rational humanism  
 is also the most anarchist tendency in radical criminology.  
 It is a tendency which forces radical criminology to critically  
 go beyond the scientific confines of conventional academic  
 criminology; it is a tendency that culminates in the precept  
 that "man is the supreme being for man"<sup>99</sup> and as such it gives  
 radical criminology a prophetic quality that can only be des-  
 cribed as at one with secular religion.<sup>100</sup>

Throughout this thesis the utopianism of radical  
 criminology has been described. One should merely note here,  
 along with Pearson: "[that a utopian]...criminology will

contribute to the construction of utopias, rather than  
 the confinement of dystopias."<sup>101</sup>

### 7. Conflict vs. Cooperation:

There are two levels in which the concepts of conflict and cooperation are operative in radical criminology. Theoretically, radical criminology employs the conflict vocabulary in its polemics directed against conventional social order paradigms in criminology.<sup>102</sup> Other reasons for radical criminology's use of such a vocabulary are: its disruptive perspective of social change; its interpretation of society as a contested struggle between opposing interests; its utopianism; its Marxist understanding of disalienation; its support of out-of-power social groups and, lastly its overt politicization of criminological theory by the development of a leftist praxis which requires a dual struggle both inside and outside of academia.<sup>103</sup> To date most American radical criminologists have remained non-violent exponents of direct action first against their own in-house repressors (e.g., Berkeley School of Criminology closing) and second in community struggles such as the Berkeley community control of police issue, prison struggles and other issues.

On the other hand, criminologists employ an obviously cooperative praxis in their dealings with one another, with students and with groups their theory supports. They have organized "anarchistic" collectives among themselves to pursue criminological "writing as a political practice";<sup>104</sup>

they have organized into national and regional groups to educate themselves and others about left ideology; developed a "people's pedagogy"<sup>105</sup> and etc. In true anarcho-utopian fashion they are now living the future that they aspire to. Compared to the politics and styles of Old-Left academics (e.g., hierarchial party organization, democratic centralism, Stalinist dogma, no communal living and purges) radical criminologists may be more libertarian and egalitarian.

#### 8. Revolution and Lumpen Violence:

Academic radical criminology at least tacitly supports lumpen violence as a strategy against state repression. This kind of strategy is termed, by Quinney, as "politically conscious acts of rebellion."<sup>106</sup> Conventional criminology and criminal law terms these acts as political crimes against which the state should move with all force.<sup>107</sup> On this question greater attention must be given to the works of non-academic "radical criminologists", for as Krisberg has noted the roots of radical criminology can be found in the "writings of participants in political struggles."<sup>108</sup> Two such participants were/are the revolutionaries Huey P. Newton and Angela Davis. Both were accused of politically violent crimes against the state and both were imprisoned as a result. Newton's debt to Bakunin is illustrated in his concept of "revolutionary suicide." Justifying revolutionary violence as a strategy for Third World liberation groups, Newton asserts:

Revolutionary suicide does not mean that I and my comrades have a death wish; it means just the opposite. We have such a strong desire to live with hope and human dignity that existence without them is impossible. When reactionary forces crush us, we must move against these forces even at the risk of death. We will have to be driven out with a stick. 109

For her part the unorthodox Marxist-Leninist Davis has been, since her release from prison the organizing genius in the development of the National Alliance Against Racist and Political Repression; a group composed of church, labor, professional, civic and revolutionary organizations and individuals. The Alliance's pronounced emphasis is on racism and repression of political prisoners (not class struggle), most of whom have been accused of violent political crimes by the state. In the Alliance there is a definite penchant towards "propaganda by the deed". For example, the current struggles for the release of Rev. Ben Chavis, David Rice and Poindexter, has been exalted (and I think legitimately) to an international cause ce'lebre. In asserting her relationship to the unorthodox "Marxism" of Bakunin, Davis noted that:

Too many Marxists [some of whom are presently members of the CPUSA: mine] have been inclined to over value the second part of Marx's observation---that the lumpenproletariat is capable of the basest banditry and the dirtiest corruption---while minimizing or indeed totally disregarding his first remark, applauding the lumpen for their heroic deeds and exalted sacrifices. 110

9. Libertarian Notions of Justice:

Most radical criminologists are unaware that their theories of justice are based on what the Schwendingers refer to as "modern libertarian standards."<sup>111</sup> While orthodox Marxism is contemptuous of the term "justice" because of its supposed juridical support of capitalist economy, unorthodox Marxism is concerned for a justice that, as Quinney holds, "satisfies the needs of the entire working class" (i.e., the whole surplus population which in Quinney's analysis, as stated above, includes almost everyone except outright capitalists). In other words unorthodox Marxism is a firm believer in that kind of justice which does not seek the legal justification of the capitalist class. Quinney has called this new understanding of justice "popular justice" or "socialist justice" and suggests that it is based on a new understanding of morality (another concept that orthodoxy ridicules). To this author's mind what all this confused double-talk of Quinney is really trying to describe is a ✓libertarian concern for justice for the broad masses of American people.

This assessment is based on Quinney's notion of the masses "natural desire for a complete unalienated politics,"<sup>113</sup> ✓ which slightly restated would mean a natural instinct for a popular justice. A justice without the state, and its ✓juridical features. Justice without the criminal justice system and an academy without criminology. The negation of the criminal justice system and its transcendence<sup>114</sup> is exactly

where Quinney's criminology is directed. In its direction Quinney's theory is libertarian because it is a vision of socialism that "affords to all individuals the freedom to exercise human rights and civil liberties that are not mere abstractions but have concrete day-to-day meaning."<sup>115</sup>

✓✓

### Towards A Deliberate Anarchist Criminology

With the above favorable comparison of present radical criminology to the anarchist position in mind, the task is to now indicate what the salient features of a deliberate anarchist criminology would be. The most important concern of this section is to show that radical criminology has, within its present formulations, the capacity to carry through a libertarian revolution in criminology. But that capacity must be consciously put in motion if radical criminology's development is not to regress into a new orthodoxy. Hence this section also speculatively explores ways in which an anarchist criminology must critically and continually distinguish itself from traditional Marxist methods of analysis, if those methods are theoretically repressive and lead away from a criminology with libertarian ends.

#### I. Libertarianism vs. Correctionalism

Taylor et al in their New Criminology have cautioned that any approach to radical criminology must meet three essential criteria:

- A. The radical approach must avoid correctionalism or "the identification of

deviance with pathology."<sup>116</sup>

B. The radical approach must be a political-<sup>117</sup>  
economy of the state crime.

C. The radical approach must be committed to  
the abolition of crime and by virtue of  
this commitment critically advocate the  
creation of a new society in which "the  
facts of human diversity...are not sub-<sup>118</sup>  
ject to the power to criminalize."

On the basis of Taylor's first criterion,  
most radical criminologists have thus far avoided  
correctionalism; yet on the strength of their con-  
tinued confused identification with traditional  
Marxist analysis, one can, with certainty predict,  
that if the authoritarian Marxist variety of social-  
ism were to take power in American, correctionalism  
would be the "new criminology's" primary pursuit.

Historical events have demonstrated conclusively  
that authoritarian Marxist socialism requires a  
bureaucratic and ideological apparatus (criminal  
justice system and criminology to centralize the  
social response to and increase its hegemony over  
all kinds of deviancy). However, even prior to  
the capturing of state power orthodox Marxist theory  
contains the seeds of a correctionalist perspective  
on crime, as shown in this work of Bonger and Marx's



contempt for the lumpenproletariat.

It is submitted that the reason radical criminology has thus far avoided correctionalism is because of its emphasis on unrestricted liberty in "heteropraxis." The coercive implications of correctionalism sparks an instinctual, if not rational, reaction in all who are anarchistically inclined. Thus, Taylor's anti-correctionist criteria is best understood as an anarchist posture. However a caveat must be enjoined on this point: in order to not defeat its revolutionary ideals, radical criminology must maintain the anti-correctionist perspective. That is, if the opportunity for fundamental social change is realized the radical approach must remain faithful to a non-coercive credo unlike established Marxism which has become repressive. This caveat being settled the first feature of an anarchist criminology would be its libertarian anti-correctionalism.

✓ II. Metaphysical Dialectics vs. Strict Political-Economy

Radical criminology has recently begun to meet the second criterion by fashioning a sort of political-economy of crime. It is here that authentic Marxism might have had the greatest relevance for the investigations of criminology for the Marxist

model is capable of analyzing capitalism as an historically specific class-determined social formation. Viewed as the "early" Marx himself prophetically viewed it radical political-economy is properly the dialectical critique of "everything existing"<sup>120</sup> and thus not merely capitalist social relations. Yet Marx himself in his scientific socialism and many of those who call themselves "Marxists" restrict the universal implications of that dictum by limiting political-economy to a critique of capitalism's historic development, liberal politics, social order, i.e., "various theories of politics, sociology and finally conventional economics."<sup>121</sup> Of course, radical criminology employs the concept to criticize crime and deviancy in capitalist society. By a dialectical critique of "everything existing" this author understands it to include: religion, metaphysics, aesthetics, organic and inorganic matter, and of course authoritarian Marxism among other infinitely possible topics for criticism. It is understood that it may be absurd for radical criminology to consider studying everything before it offers conclusions on anything about that which it is uniquely situated to study, i.e., crime and deviancy. But moving "criminology out of its own imprisonment

in artificially segregated specifics"<sup>122</sup> is what the emergent radical paradigm is supposedly about anyway. What is irrational and absurd to one ideology may be the height of rationality to another. Thus requesting that present radical analysis move beyond its narrow investigation of crime vis-a-vis capitalism to broader analysis would not be absurd.

The foregoing request is all the more urgent because, as has been shown in Chapter III of this thesis, the Marxist dialectic does not operate dialectically with respect to crime. Radical criminologists have had to forge a fiction or leap of faith to create a "Marxist" political-economy of crime. In the process they have shown that it is not the "scientificity" of dialectical criticism or political-economy that attracts but rather the mystique of the device of political-economy. In spite of C. Wright Mill's criticism below this author does not feel that the dialectical method or an analysis of political-economy<sup>123</sup> is so elastic that it is meaningless, on the contrary its meaning is in its esoteric materialist mysteries which only the faithful need understand in order to bring the faith to those willing to hear:

We may also understand that if not for Marx, for many "Marxists" mere reference to "dialectical" serves to let one out of the

determinist trap. But for self-appointed "insiders" it is all too often an intellectually cheap way to mysterious insights, a substitute for the hard work of learning. Perhaps their insistence upon this language is due mainly to their having become disciples before having read much else. For us, the "dialectical method" is either a mess of platitudes, a way of double talk, a pretentious obscurantism---or all three. The essential error of the "dialectician" is the know-it-all confusion of logic with metaphysics; if the rules of dialectics were "the most general laws of motion: all physical scientists would use them every day. [Maybe not if the conclusions about scientific revolutions in Thomas Kuhn's works are correct: mine]. On the other hand, if dialectics is the "science of thinking", then we are dealing with the subject matter of psychology, and not with logic or method at all. As guide to thinking, "dialectics" can be more burdensome than helpful, for if everything is connected, dialectically, with everything else, then you must know "everything" in order to know anything, and causal sequences become difficult to trace.<sup>124</sup>

There is little need to tarry long over Mill's criticism for all social theories have an ontological element (metaphysical view of ultimate reality) and all social theories, as ideologies, are relativistic,<sup>125</sup> even the unorthodox-Marxism of Mills. Construct-

ively, Mills has indicated the mysterious qualities of dialectical criticism and what is important is that radical political-economy, either in its usual or in its mystical sense, ought to be extended beyond its captivity of being merely a critique of capitalism to:

✓ A. Critically compare capitalist social rela-

tions with all existing socialist social relations in order to determine how crime is produced, handled and how it could be abolished in a manner that is liberative rather than repressive.

- B. Incorporate concepts derived from: ecology; ethology; sexology; philosophical humanism; aesthetics; occultism; <sup>126</sup> theology and anthropology.
- C. Apply dialectical criticism to the "production of radical criminology" itself (e.g. Quinney).
- D. Improve present radical analysis by better scholarship. <sup>127</sup> These proposals for an extension of radical methodology to cover most of human existence and experience are presented in the awareness that crime and deviancy are universal social phenomena which require so much more speculation than the poverty of a naked "class analysis." Conventional criminology with its many political and economic drawbacks has been receptive to ideas from multiple sources. Radical analysis must not short-change itself by a narrowing of its scope to the restrictive mysteries of class. If it is to remain critical and revolutionary even the words

"political-economy" may have to, from time-to-time re-emerge, as say, anthro-sexology, racial ecology and etc., ----- anarchist criminology would require as much. As the secular anarchist philosopher of science, Paul K. Feyerabend has put it:

There is no idea, however ancient and absurd that is not capable of improving our knowledge. The whole history of thought is absorbed into science and used for improving every single theory. Nor is political interference rejected. It maybe needed to overcome the chauvinism of science that resists alternatives to the status-quo.<sup>128</sup>

Therefore the second essential feature of  
 ✓ an anarchist criminology would be methodological freedom and flexibility.

### III. Utopianism and Philosophical Idealism as the Basis of Praxis

A close restatement of the New Criminology's third essential criterion for a radical criminology results in the advocacy of a new society where individual and social variegation are not to be selected out as criminal activity by some powerful social agency(s). Simply, what this criterion envisions is a new social order where: a) human freedom prevails over dominance and where crime is no more, b) the former social power to control freedom is drastically short-circuited if not completely abol-

ished. As a general statement of a desired aspect of the future this utopian vision presents this author with no particular difficulty. However, there are difficulties that come with the notion of praxis or the actual means to achieve such an end; it is with praxis that critical scrutiny must be brought to bare.

On the question of praxis (i.e., the unification of theory and practice) there are two competing Marxian views: the orthodox and authentic one fashioned by Marx and the other a Hegelian philosophic construct introduced by Georg Lukas and elaborated upon by Antonio Gramsci and more recently by Herbert Marcuse. Briefly, for Marx, ✓ it was the industrial proletariat, and not alienated intellectuals or the non-productive lumpenproletariat, that "embodies the unity of theory and practice," such that the historical development and revolutionary potential of this class,

...cannot be treated adequately from the theoretical side alone, as a question that some general theoretical or philosophical scheme might definitively resolve, but must be viewed also from the side of practice, taking account of the changes in theory that may be required by the development of social life in new forms, and by giving due importance to empirical investigation of praxis itself, that is of the socially and historically situated interconnection of theory and practice. 129

In contrast to Marx, Lukacs developed a conception of praxis in which truth was not to be arrived at by mere resort to the activities of the working-class, because this class is "not predominantly revolutionary" in the Marxist sense of history, rather truth is known through "rational insight and thereby is the work of intellectuals, of Marxist thinkers."<sup>130</sup> It was this same anarchistic "Marxist" who held that all of Marx's social theories could be banished but Marxian dialectics would survive the onslaught.<sup>131</sup> Gramsci's main point was to banish Marxist sociology and replace it with a neo-Hegelian/Marxist philosophy which from time-to-time could employ "social statistics" for illumination.<sup>132</sup> Marcuse, and the Frankfurt School of critical philosophy, in association with the left existentialism of Sartre, extended the idea of the critical thinker as the fashioner of and judge of the "irrationality of existing society"<sup>133</sup> and constructed a philosophy of praxis based on individual spontaneity,<sup>134</sup> which is in fact anarchist in pedigree (though the "early" Marx himself opened up dialectics to the potential of transcending orthodox Marxism).

New Left radical criminology, springing ✓  
from the lumpenproletariat (i.e., black revolu-



tionaries of the sixties) and not the working classes, specially not the false working class of Quinney (i.e., the elite managers of multi-nationals), and from the minds of alienated intellectuals, necessarily conceives of praxis in terms decidedly different than Marx. For example, Quinney in his confused notion of what constitutes the working class, goes well beyond the "positivistic" proletariat based praxis by his opposition to the liberal policy sciences which "provide a social engineering model of change"<sup>135</sup>; but Quinney says nothing of the present social engineering features of socialist criminology as in say East Germany.<sup>136</sup> Yet, again Quinney in his confusion apparently wants a socialist praxis which is sometimes (but other times not) aimed at state-socialism which to date, like the capitalist state, has only forced its dominion over nature, general humanity, and particularly the working class.<sup>137</sup>

Therefore, the third essential feature of an anarchist criminology is that its praxis should be decided by individuals in isolation or in groups, and thus the praxis should be voluntary or spontaneous and not contrived by resort to the specious interests of particular classes in society. With this in mind segments of anarchistic criminology

may voluntarily decide to push exclusively for libertarian interests of certain classes in present capitalist society or no class interests at all. In a new society anarchist criminology would cease to exist from want of a subject field of study. Extending Quinney somewhat, "to move beyond criminal justice is to move beyond"<sup>138</sup> (both capitalism and authoritarian socialism), by right now employing the kind of social praxis which allows for such a utopian and idealist move.

#### IV. Romanticization of the Lumpenproletariat

It occurs to this author that the orthodox Marxist criticism of the lumpenproletariat as "the dangerous class" can be as well applied to the working and capitalists classes. For example, to the ethnic minority lumpenproletariat imprisoned in America's ghettos, the white working-class police represents an immediate danger to Black political liberty.<sup>139</sup> Obviously the capitalist class has a dangerousness about it that threatens the criminal destruction of the entire planet.<sup>140</sup> As the least powerful and dangerous of all classes in society, orthodox Marxism's contempt for this class borders on "scientific" insanity. It is for this overarching reason that a truly anarchist criminology would do well to extend the now hesitant romantic

association of radical criminology to lumpen  
<sup>141</sup>  
 elements in society.

Above it was noted that anarchist crim-  
 ✓ inology is not mandated to necessarily engage in  
 a class analysis. Here it is suggested that moral  
 ✓ credibility would rationally persuade anarchist  
 criminologists to do so. Besides an obvious rele-  
 vance to normal criminological interest, the lumpen-  
 ✓ class is the most rejected and repressed class in  
 American society. The prisons and jails of America  
 are full of the members of this class as are the  
 racially isolated urban and rural slums. Moreover,  
 the accelerated incidence of crime among non-minority  
 sectors has served to enlarge the contemporary ranks  
<sup>142</sup>  
 of this class. The social unorthodoxy and dev-  
 iancy of counter-cultural groups, can be the radicalized  
 sectors of labor, feminist, homosexual and other  
 counter-cultural groups expected to enlarge this  
<sup>143</sup>  
 class even more. Capitalist state repression  
 ✓ is, via the criminal justice apparatus, primarily  
 focused on the social elimination of this class.  
 Internationally, the U. S. is continuing its expor-  
 tation of repressive techniques to "authoritarian  
 regimes abroad"; these techniques are right now  
 ✓ being used to subdue and demoralize lumpen-elements

in their struggles for national liberation.

✓ It is not economic reductionism but human morality and decency that ought to fire the anarchist imagination to aggressively advocate the lumpen cause.

Thus anarchist criminology must in no way  
 ✓ be sensitive to conventional criminological and Marxist criticisms of its romanticism. In a positive sense romanticism denotes the imaginative, emotive and visionary exaltation of freedom for the common person,  
 145 the downtrodden, or the "wretched of the earth" as the unorthodox Marxist theoretician Franz Fanon phrased it. Even to view the lumpenproletariat as heroic is not an act of New Left immaturity but rather a strategic device in ideological polemics. In this regard one wonders (knowingly) why, when the liberals exalt the utilitarian and instrumentalist values of the bourgeoisie or when orthodox Marxism exalts the manifest destiny of the proletariat, these exaltations are considered as the zenith of "realism." Yet when anarchists engage in the same process it is villified as romanticism. Rejecting this criticism the fourth essential feature of an anarchist criminology would be its deliberate romanticization of the lumpenproletariat.

Four Questions Concerning Ultimate Human Realities:  
An Anarchist Criminological Response

Though a general idea of the praxis of anarchist criminology has been derived from the immediate discussion one feels obligated to explore this question in more depth. On the way to concluding this chapter the four ultimate questions about human realities set forth in the introduction to this thesis can now be of assistance in a final delineation of the horizons between an orthodox Marxist and anarchist approach to a new crime free society.

✓ I. What is the Most Rational Approach to a  
Crime Free Society, Given the Human Tendency  
Toward Dominance and Power Over Others?

✓ From what has been shown herein, one of the strengths of secular anarchism is that its rational humanism holds nature and humanity in high regard. To anarchism the domination of nature is the prerequisite for the domination of man and woman. It is not that anarchism is not concerned with the using of nature for constructive human purposes but instead it posits an ecologically (e.g., Bookchin) balanced view of humanity's interrelatedness to nature, unlike advanced capitalism and existing socialism. Anarchist theory is in accord with the evidences of ethology, paleontology and anthropology in their respective conclusions that human-kind are not innately given to intra-species dominance;

destructive aggression; predation; or hierarch-  
 ially institutionalized warfare.<sup>146</sup> The human  
 tendency toward dominance over others is a social  
 convention, just as much as is the same tendency  
 to destroy nature guides most modern societies  
 rather than preservation and orthodox balance.

✓ Given the innateness of cooperation and mutual-aid  
 in human affairs it cannot be maintained, as is  
 the custom of authentic Marxism, that economic  
 scarcity sets the stage for class struggle in  
 primitive communistic society and thus all history  
 is more or less class struggle.<sup>147</sup>

The most rational approach to a crime  
 free society would have to be based on the premises  
 ✓ of life-affirming values,<sup>148</sup> and thus a social  
 praxis which, prior to the completed revolution,  
 "renounces methods of punishing, hating or killing  
 any fellow human being."<sup>149</sup> The most rational  
 criminology would conform with most of Miller's  
 extreme left positions outlined in Chapter II of  
 this thesis. The exceptions to conformity with  
 Miller left idealizations would revolve around the  
 issue of violence vs. non-violence. An imminently  
 rational criminology may not include the sanction  
 of armed revolution, "elimination of members of the  
 oppressor police force,"<sup>150</sup> or the theoretical just-

ification of common criminal brutality and coercion no matter how ideologically understandable such criminality may be. Yet the most reasonable approach must not hold the lumpenproletariat in historic and everyday contempt as does authentic Marxism. Again this approach must not particularize crime as the activity of only the ruling classes in society, rather it should view crime as a manifestation (sometimes destructive, often times constructive) general to all classes. Finally, the most reasonable approach should not wed itself "to a perspective of economic oppression solely,"<sup>151</sup> but instead perceive of dominance and the exercise of superior power in social organization as non-essential and non-innate phenomena which can be changed (change is not necessarily inevitable as in orthodox Marxism) if the "will to power" is supplanted by the "will to justice" in human affairs. In sum, a rational criminology must employ a new kind of revolutionary praxis if it is to realize its ends.

II. Can Individual and Social Alienation, the Basic Foundations for the Existence of Crime Ever be Overcome?

Quinney, as does Taylor et al, has considered that the course of capitalist development sig-

nifies an increased occurrence of alienation which, in consequence, gives rise to various psycho-social disorders including the bulk of criminal activity.<sup>152</sup>

Crime is one result of or a social reaction to the alienating conditions of capitalist production.

An overcoming of alienation heralds the simultaneous overcoming of crime, hence radical criminology's advocacy of socialism to replace capitalist modes of production: "a Marxist analysis of crime...assumes

that there is a social order in which crime is not inevitable."<sup>153</sup> However, contradicting the idea

of crime's non-avoidability, Quinney inconsistently views both the transition to socialism and later to communism as not the culmination of alienation or crime because "the transformation of human nature and social order never ceases."<sup>154</sup> Here one may

✓ inquire that if alienation, and in turn crime, may never cease even under communism, why should radical criminology advocate a new socialist arrange-

ment of society in the first place? If even communism holds "the danger of retrogression to capitalist relations,"<sup>155</sup>

✓ what is the ultimate reason for assuming that a new social order can be crime free.

Unlike Marx, Quinney, confusedly and contradicting himself grossly, apparently does not see the post-socialist transition to communism as one in which



the question of social estrangement (the ground for crime's existence) will finally be resolved. On the other hand neither he or other unorthodox Marxist criminologists show an awareness of alienation and crime as antecedent to capitalism because to "...understand crime we must understand the development of the political-economy of capitalist society"<sup>156</sup> ; as if capitalist society invented alienation and crime.

In the libertarian works of the "early" Marx, as in those of Hegel and the classical anarchists, the concept of alienation is philosophically<sup>157</sup> the disjunction between existence and essence, or the awareness that the actual state of human existence is not what it ought to be for humanity lives estranged from its essential nature. The reasons for this state of ontological separation may vary, but most left radicals believe that humanity's existence can be reconciled with its essence. This belief in eventual reconciliation may be described as prophetic hope. In prophetic Marxism the origin of alienation is found in the primitive division of labor and the emergence of private property. Rather than labor being an expression of the labourer's creativity, labor and its products develop, especially under capitalism, an

existence which came to be alien from the labourer. Not only does this labor, now appropriated by the capitalist in his or her greed to control surplus value, come to separate itself from the labourer, it assumes a dominance over the labourer rendering the labourer a slave to his or her labor. Moreover, the labourer becomes alienated from other labourers and finally alienated from his or her essential self.

Since Marx defined alienation as concretely connected with economic interaction, to overcome such alienation meant to advocate communism as "the definitive resolution of the antagonism between man and nature and between man and man. It is the true solution of the conflict between existence and essence."<sup>158</sup> Thus to Marx, in contrast to Quinney's confusion and contradiction, alienation can be overcome in the final transition to communism. Further, Marx understood that alienation and its "false-consciousness" pre-dated capitalism and he maintained that the division of labor (which socialism does not negate and which can happen under any economic arrangement) has as much bearing on the presence of alienation as does the institution of private property.<sup>159</sup> Finally, ultimate disalienation for Marx is located in the abolition of labor,

✓ the wage-system and money, these to be replaced by freely willed (voluntary creative activity) where an individual's labor becomes akin to what anarchists have termed art and/or play.<sup>160</sup>

✓ If the Marxian prophecy of alienation's demise under communism resembles the anarchist position it is because Marx and the anarcho-communists share the same utopian perception of communism. Both view communism as the ideal arena where the potential for human perfectability and freedom can be realized. Anarchism in its guise of, what Bakunin called, revolutionary socialism or Lenin referred to as left-wing communism necessarily shares the Marxian prophecy of a new social order liberated from alienation. However, it must be remembered that Marxism, as a prophetic or utopianist system, because of Marx's own denial, is not to be understood in the same light as scientific socialism; the former being heretodox and the latter orthodox Marxism.

✓✓ Therefore, notwithstanding Quinney's confusion, radical criminology by following unorthodox Marxism is anarchistic with respect to its vision of transcending alienation the basic foundation for the existence of crime.

### III. Are Injustice and Inequality, in the Forms

of Class Antagonisms, Racism, Sexism or  
Plain-Old Socially Differentiated Political  
Domination Essential or Unnecessary Features  
of Human Existence?

From the immediately above it has been suggested that: 1) alienation is a non-essential rather than an inherent feature of human existence, 2) alienation has its origin in economic factors and 3) alienation understood as dominated labour can be overcome by the abolition of labor which results from the establishment of communism. Radical criminology presently assents to this prophetic Marxian view with the addition that crime, as a product of alienated class interaction, can also be overcome by the transition to communism. Nevertheless alienation understood only as a class related phenomena remains problematic. To restrict alienation to class antagonisms is to exclude other kinds of injustices and inequalities which result from differing forms of alienation. Such restriction implies that these other forms of alienation such as racism, sexism and political domination will somehow disappear along with class divisions just because of a change in economic arrangements from private to social property.

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While racism, sexism and political domin-

ation are, like class antagonisms, non-essential characteristics of social intercourse (i.e., they can be overcome by a change in social relations as envisioned in communism) an anarchist approach to criminology would hold that without a strict attention to their specific elimination crime and deviancy will remain. The eradication of these forms of alienation requires a commitment to revolutionary transformation at least comparable to, if not greater than the commitment to overcome economic exploitation. An anarchist criminology would agree with Herman and Julie Schwendinger in their suggestion that radical criminology should proceed on the basis of "modern libertarian standards" and define crime in terms of "the abrogation of human rights which include, not only economic inequality, but racism, sexism, imperialism among other great social injuries inflicted on heretofore powerless people."<sup>162</sup>

Key)

#### A. Racism

That racism, in the sense of white domination of blacks, was originally "generated by capitalism,"<sup>163</sup> or was first caused by a fifteenth century European psychological reaction to biblical color imagery"<sup>164</sup> are the viewpoints of Marxism and liberalism respectively. Both viewpoints are

historically inaccurate. European racism may have developed along with capitalist expansion in the fifteenth century and it may have had a theological mystification but the ideology of white supremacy is much older than its late European version. Even earlier than the white Islamic invasion of black Africa (Makuria) in 643 A.D.,<sup>165</sup> white Semitic hordes from the West Orient began to migrate, settle, inter-marry with and eventually dominate black Africa (parts of the present Sudan, Ethiopia, and Egypt) as early as 2000 B.C., or some nine hundred years after the "Golden Age" of black civilization begun by "the Ethiopian leader, Menes in 3100 B.C."<sup>166</sup> Thus the ideology of racial supremacy preceeded "biblical color imagery" and was obviously prior to the rise of European capitalism; indeed black Egyptian racism, according to African historian Cheikh-Anta Diop, set the stage for Hebrew slavery which in turn gave rise to the development of the Hebrew Bible's negative racial assessment of blacks.<sup>167</sup>

Certainly the Marxian view of racism as epiphenomenally related to class exploitation "points a sure finger at one of the factors involved in prejudice, viz, rationalized self-interest of

the capitalist class." <sup>168</sup> However, American racism has historically been more a matter of irrational tendencies toward racial and cultural superiority than it has economic self-interestedness. For example, "slavery was not exclusively an economic institution," rather it was an institution that meant a whole way of life for the aristocratic (not capitalist or bourgeois) Southern ruling elite; even when it became apparent that economic progress meant a transformation from slaveocracy to capitalism. <sup>169</sup>

Nor is the racism of today an "integral part of capitalism" (as Quinney erringly suggests) <sup>170</sup> for the advances in the technology of late capitalism threaten blacks, not with economic exploitation, but more desperately, with social annihilation if the thesis of the unorthodox Marxist economist Sidney Willhelm has any validity. <sup>171</sup> Moreover, the Marxian view of racism seemingly absolves the white-working class of racism while putting the blame on white capitalists; yet white working class attitudes of racial superiority result from the realization that blacks of all classes occupy a lower social status. <sup>172</sup> Finally, it is this same white proletariat that acts as defenders of racial superiority by virtue of its role as policepersons, guards

and enforcers of contemporary racism.

### B. Sexism

Sexual injustices and stratification are related to the sexual division of labor (sexual inequality), and like racial antagonisms, did not begin with capitalist relations of production. On the contrary, the bio-social concept of male supremacy or patriarchy preceeded private property arrangements and evolved through primitive, slave and feudal economic organization and is even now pre-<sup>173</sup>dominate in socialist societies. Yet the labour division of the sexes did not lead directly to patriarchial domination for matriarchy in the form of the maternal clan preceeded the father-family; "women then were not simply the procreators of new life, the biological mothers; they were the prime producers of the necessities of life, the "social<sup>174</sup>mothers."

From this awareness Marx's notion that economic production is "the driving force of history" must take on the addition of sexual interaction as a comparable if not greater driving force. Thus radical criminology ought to view liberation from alienating sexual activity as at least equally important for a revolution aimed at the establishment of communism. Communism could then be defined



as not only the utopian arena where labour is abolished, but more a society where inter-racial comradeship and a liberated eros serve as replacements for sexual repression. <sup>175</sup>

### C. Political Domination

Quinney restricts the concept of political domination to mean class animosities under capitalism. The capitalist class, by influencing the state's crime control apparatus, commits crimes of political domination. Whereas, the working class, "in the realization of the alienation suffered under capitalism" either accomodates itself to capitalist domination or engages in criminal (political) resistance against such domination. <sup>176</sup> Thus in his scheme Quinney interprets political activity and crime as being determined by the course of economic exploitation in capitalist society.

In assessing Quinney's position on political domination one cannot deny that capitalism (or any other form of economic exploitation) has a dehumanizing or alienating effect on the less-powerful classes in society, although with the prophetic Marx capitalist relations also dehumanize the more powerful capitalist class as well. Nor can one reason that there is no interdependence between economics and politics. Thus one could

have agreed with Quinney if his scheme proposed crime as sometimes an economic and sometimes a political reaction by all classes to the alienation produced by either political or economic domination on the part of some ruling segment(s) in society: economic power and political power may interact, sometimes in a manner difficult of distinction. However, an interdependence of economics and politics is not Quinney's proposal. What he proposes is a conception of political dominance which is linearly dependent upon economic dominance and it is here that his scheme must be rejected by an anarchistic model of criminology.

The rejection is concerned that Quinney confusedly views politics as but an appendage of economics when the reverse is more nearly the case, even though as political scientist Robert Dahl notes in ordinary conversation "the distinction between the two concepts is often blurred."<sup>177</sup> Though complimentary as "arts necessary to efficient human action"<sup>178</sup> politics in theory and praxis always precedes (logically and temporally) economic activity. The subjective or objective decision to act with or against the desires, interests or needs (these can be singularities or combinations of ecological, economic, artistic, military, psychological, sexual

or spiritual interests) of others is first and fundamentally a political decision with political consequences if actually carried through. Decision-making and the power to act are thus not limited to naked economic expression, although they can be, and will often exhibit levels of economic motivation among other kinds of motivations. <sup>179</sup>

On this basis the decision to act in criminal or deviant manner should be interpreted first as a political reaction to the political dominance such as found in the administrations, rules, sanctions, proscriptions and brute force embodied in corporate liberalism's "rule of law" or in state communism's "dictatorship of the proletariat." In this view lumpenproletariat crime is political since it is first a response to political dominance and only economic when it becomes conscious of economic alienation as produced by ruling segments of any given society. The person(s) of any class who become involved in criminal infractions first decides to and actually does act against a set of political sanctions created by the state. The ends of such an act may be economic (theft), sexual (rape) or even political (espionage) but the decision and action is first political and arouses political consequences as determined by the state which in

turn may be concerned with the securing of not only economic interests but others as well. Whatever interests the state determines as in jeopardy, the action of the state is aimed at the denial of the political liberty of those involved in criminal activity. The denial may entail economic deprivation, physical abuse, psychological repression, status change and death, or it may be nothing more than police harrassment, an economic fine or censorship. These possible state actions against the criminal and deviant are a priori political and ought not be restrively construed as necessitated by economic exploitation.

Furthermore, though criminal action and state reaction are relational---in the sense that all political action is a correspondence between entities A and B-----the relation is one of inherent inequality and coercion. The criminal is subordinated to the superordinate political dominance of coercive state power even though most criminal action is not coercive. State action by virtue of its coercive nature exhibits the most alienating kind of dominating power-----coercion and influence----was fatal, as it is now to economic elites in parts of Africa and South America who find, often to their destruction, that they may not

determine the actions of military regimes who hold state coercive power.

Thus the simple Marxian view that economics determines politics is misleading. As C. Wright Mills has explained "such a simple view of economic determinism must be elaborated by political determinism and military determinism; that the higher agents of each of these three domains now often have a noticeable degree of autonomy; and that only in the often intricate ways of coalition do they make up and carry through the most important decisions."<sup>180</sup>

#### IV. The "Withering Away of the State"

Normally the commentators on the subject have assumed that the greatest distinction between anarchism and orthodox Marxism revolves around Engel's concept of the gradual elimination of or the "withering away of the state." According to Lenin its not the state itself but the kind of state that is in debate he suggests:

Marxism differs from anarchism in that it recognized the need for a state for the purpose of the transition to socialism but not a state of the type of the usual parliamentary bourgeois-democratic republic but a state like the Paris Commune of 1871 and the Soviets of Workers Deputies of 1905 and 1917. 181

But subsequent history and Marxist-Leninism, "plus Stalinism" have shown that the anarchist crit-

icism of the state was well founded. As Bakunin predicted a modern "workers" state that consolidates all power in the name of the people would be as evil as the capitalist state.<sup>182</sup>

Even Lenin's comparison of the Paris Commune with a hypothetical state was erroneous because the Commune never established itself as a state, but rather as an economic cooperative; moreover, the government of France at that time did not accept its status as a sovereign entity into itself.<sup>183</sup>

Above it was asserted that political domination is prior to economic influence. Here the author asserts that political domination is more entrenched although the modern state and its criminal justice apparatus can be overcome by a total cultural revolution using the cooperative model of anarcho-communism (Kropotkin) rather than the conflict model of anarcho-syndicalism (Proudhon) and traditional Marxism. The assertion is based on the fundamental awareness that planetary survival is at stake and not merely the survival of the oppressed. We are at a period in human evolution where the wrong set of moves by either the oppressing or oppressed classes of the earth can end in sure human and maybe even biological destruction.

First it must be understood that the state and thus its formal juridical relations are relatively recent developments in European<sup>184</sup> history. Thus the state is not a necessary feature for human survival. Secondly, utopian proposals for new communities and life-styles saturate the literature and the most promising of these need to be acted upon. Thirdly, some sort of technological reversal is in order if humanity is to reassume power over itself. Fourthly, an economic theory of "enough"<sup>185</sup> in contrast to the political-economies of capitalism and orthodox socialism is in order. Quinney's suggestion of popular justice ought to be acted upon as long as it is modified by the deliberate anarcho-communist idea that disallows coercive punishment in any form. Lastly utilitarianist, instrumentalist and elitist social values should be countered with the idea of mutual-aid.

Only if, we as a species begin now to move, as some of us are, toward these kinds of ends can humanity have a possibility for survival. It is in this spirit of hope against hope that the main part of the thesis closes.

EPILOGUE: CHRISTIAN ANARCHISM IN  
RELATION TO RADICAL CRIMINOLOGY

This concluding section of the thesis proposes a unique argument. It is concerned to show that much of American radical criminology is, in reality, an unconscious secular statement of Christian anarchist political theology. The argument is based on two major assumptions that will be explored in detail. First it will be shown that the centuries old Christian libertarian ideal of a "world without law" has had a profound influence on left-wing social thinking in general and it now informs the work of leading American radical criminologists the exploration will show how the libertarian ideal in Christianity originated and developed up until the movement toward modern secularization began in the Enlightenment.

Second the argument assumes, on good authority, that some portion of the American social sciences, specifically sociology and criminology, have historically promoted rational humanism or "the religion of humanity" as the secular equivalent for the "transcendent" insights of theology. It shall be argued that this secular "religion of humanity" has its own orthodox and heterodox divisions over dogma and authority; these divisions are also politically distinguishable as left vs. right ideological manifestations. Conventional criminology can be seen as synonymous with right-wing humanist orthodoxy, while radical criminology



would be synonomous with left wing humanist heterodoxy,

Radical feminist theologian Rosemary R. Reuther, in her notice that theologians are now becoming the generalist par excellence by investigating the whole range of the human sciences in order to "address the human situation in its existence 'up 'til now'," has offered the following insight as to the paradox of secularization in the social sciences that today seems to be as "religious" as traditional theology was yesterday:

If the "sacral," as an interpretation of the sphere of theology, abstracted the transcendent horizon of human life into a special "religious" world where it lost its real human context, so the "secular" was merely the reverse of this one-sidedness, in the removal of a transcendent dimension of human life and the reduction of life to the purely imminent and one-dimensional...today we find a criticism of this secularist viewpoint among those who reflect on a variety of human activities. With the formation of an avante garde in various fields; i.e., "radical historians," "radical sociologists," "radical psychiatrists," "radical educators," "radical economists," and even "radical technologists," we are beginning to see the sciences of all human activities starting to recover a sense of their own transcendent horizon and the need to pose prophetic and iconoclastic questions about the normative status of the status quo. Theology today then integrates itself with this transcendent and prophetic horizon of all the sciences and modes of reflection upon human existence. <sup>1</sup>

A Conventional Criticism of the Religious Dimension of Radical Criminology

Earlier this year conventional criminologist Carl B. Klocars, writing in the staid journal Criminology criticized

American radical criminology (as represented in the works of Chambliss, Quinney, Platt and the Schwendingers) for having the "character of religious prophesy" and as such illegitimate as an academic endeavor.<sup>2</sup> The grounds for radical criminology's dismissal as religious prophecy had to do with what Klocars determined to be radical theory's "untrustworthiness" in comparing its conclusions to the actual conditions of crime in extant socialist societies; its monotonous habit of attributing all manner of crime to the organization of capitalist society; its scholarly irresponsibility in taking leaps of faith where the evidence suggests (at least to Klocars) a "liberally pragmatic" attitude to theory construction; the elevation of Marx to the status of sainthood; passionately moralizing from "moral grounds" far removed from extant social reality; having the audacity to attempt the conversion of academic "nonbelievers" who, being "disenchanted" are free from the realm of religious illusion.

The present author is inclined to agree with Klocar's criticism of radical criminology, especially since in Chapter IV above it was asserted that radical criminology is a heresy in relation to Marxist orthodoxy and that radical theory relies instead on secular anarchist formulations that incorporate an attitude that can best be described as religious and thus prophetic.

Toward a Positive Assessment of Radical Criminology's Religious Dimension

Here the objective is to offer, in contrast to Klocar's negative criticism, a positive and detailed examination of the religious facet of radical criminology from the standpoint of a political theology of Christian anarchism. In marking out the terrain for such an examination the author is not unmindful of three difficulties; 1) the unpopular and minority status of religious thinking in secular institutions such as American academia, 2) the tendency of some theologians and religionists to proselytize such "nonbelievers" as Klocars, to the nonbelievers chagrin, 3) the like tendency of the religiously inclined to rationalize the professed atheism or agnosticism of revolutionary theorists like say Marx or Bakunin, into the category of "anonymous Christianity";<sup>3</sup> i.e., the athiest theorist was an unidentified or anonymous Christian after all. To difficulties two and three the author will shy away from, not because of a lack of wanting to convert, but because that is not presently the purpose at hand.

Specifically what will be examined is the concretely religious facet of secular anarchism in radical criminological theory. The examination's purpose is to first explain how this religious facet originated and developed, mainly from heterodox Christian anarchist traditions, and then was transformed almost in toto to the secular political theory of anarchism. Second, the examination will offer a sympathetic apology (e.g., defense) for the religious dimension in

radical criminology. Third, the author will attempt to uncover the religious dimension in conventional criminology in order to lay the religio-philosophical ground for a dialogue and possible reconciliation between radical and conventional versions of criminology.

Lack of Historical and Theological Inquiry into  
the Nature of Christian Anarchism

Anarchist tendencies within Christianity have received little attention from either religious historians or theologians.<sup>4</sup> Even left-political and liberationist theologians in their reviews of historical Christianity have often left anarchist tendencies undistinguished from other kinds of left Christian radicalism.<sup>5</sup> Understandingly most secular anarchists, as atheists, were/are probably loathe to describe their theories as having been derived, in large measure, from theistic insights developed in the two thousand year history of Christian anarchism. Yet in their own secular religiousness secular anarchists have been the equals of Christian anarchists, such that one can only surmise that the ultimate separation of secular anarchism from Christian anarchism revolves around the question of: who will be God, humanity or the supernatural Christian deity? Christian anarchism's historic struggle with a more potent Christian orthodoxy may also have served to steer revolutionary social thinkers (concerned as these thinkers were/are with social issues that transcend in-house religious squabbles) away from a critical distinct-

ion of the two variants of Christianity. Finally, for their part acknowledged nineteenth century Christian anarchist theorists such as Leo Tolstoy and the Americans William Ellery Channing, William Lloyd Garrison and Adin Ballou seem to have failed to properly assess historical church documents that were uniquely anarchist in nature.

The lack of historical and/or theological inquiry into the roots and subject matter of Christian anarchism has had the net effect of rupturing the intellectual continuity of a stream of anarchist thought that first emerged in the Sayings of Jesus and gospel of grace of New Testament apocalypticism. From this starting point a left-wing Christian frame of reference applied radical thinking to the Pauline Epistles; <sup>6</sup> suffered untold persecution and martyrdom at the hands of Roman power; appeared in the Patristic Age in the anarchist polemics of Tertullian and Lactantius; <sup>7</sup> became variously heterodox, monastic and grotesquely mystical (lumpen gnosticism) under Constantianian inspired orthodox imperialism; <sup>8</sup> grew revolutionary as the anti-authoritarian heresy of the "Free Spirit" in the twelfth century <sup>9</sup> became a revolutionary schism in the Taborite anarcho-communism of 1419; <sup>10</sup> struggled against the Lutheran Reformation's new Protestant orthodoxy and the power of the German Princes, e.g., the violence of Thomas Munster and nonviolence of other Anabaptists; <sup>11</sup> was instrumental in the founding of the "peace sects" (e.g., Quakers, Shakers, Mennonites, Bretheran and etc.) <sup>12</sup> and was

given an Enlightenment form that helped spark the French Revolution by the priest Jean Meslier in his Testament<sup>13</sup> for oppressed French peasants.

The religious activities of the "peace sects" made significant contributions to the religious and civil libertarian tradition in America. It was the efforts of Christian anarchists (along with those equal efforts of like minded non-Christian radicals) that contributed to: the ending of slavery;<sup>14</sup> the political emancipation of women;<sup>15</sup> the non-violent strategies of the labor<sup>16</sup> and civil rights movements;<sup>17</sup> the recent anti-war movement;<sup>18</sup> the present anti-nuclear struggle,<sup>19</sup> and lastly the human rights struggle for the abolition of prisons and freedom for political prisoners<sup>20</sup> in America .

It should be clear, that far from Klocar's negative criticism, religious prophecy has been all but an "illusion"; and if radical criminology has an anarchist derived religious dimension, that that dimension is not only a "leap of faith" but a way of actual existence as effective as any other way of being.

#### Historical and Thematic Overview of Christian Anarchism

This section explores some major themes in the development of Christian anarchism. Its purposes are to compare the anarchist tendencies in historical Christianity to the more orthodox expressions of that faith, and by such a comparison attempt an assessment of how this heterodox form of

Christianity may hold within itself an explanation for the presence of a religious dimension in radical criminology. The reader is cautioned on two counts; first the present author will be exploring a tendency in leftist Christian radicalism which few religious historians or theologians have bothered to distinguish as anarchism; second, as the exploration develops no claim is being made that anarchist Christianity is "authentic" in relation to orthodoxy, nor that anarchist Christianity has never been repressive, or always been separated out from orthodox Christianity.

The authoritative sources of support for the argument of this section are varied but consists of information culled from the recent works of declared Christian-Marxist theologians, New Left theologians, Jewish and Pan-Africanist theologians and philologists, feminist theologians, church and occult historians, a Jewish anthropologist, and works on the history of pacifism and non-violence.

Some of the themes of Christian anarchism, those which have in one way or another informed generation after generation of left-wing Christians, may have originated in the sayings of Jesus or the New Testament period and are as follows:

I. Ethical Radicalism and Charismatic Itinerancy:21

This theme is manifested in "ethos of

homelessness" in the call to disciple-ship (praxis); the breakup of family relationships by the abolition of the family; criticism of wealth and denunciation of private property holding. The charismatic itineracy of early followers of Jesus emerged from their socio-economic condition of poverty and their eschatological expectation that the end was near. Thus only itinerate preaching about the coming end held determinative importance in relation to fixed locations, family and property.

## II. Lumpen Religion of Liberation to the Oppressed Masses:

This theme is repeatedly emphasized in Jesus' affirmation of the alienated, poor, infirm, prisoners and the generally oppressed in "their acceptability before God."<sup>22</sup> For these lumpen elements at the bottom of Palestinian society "the good news" was the news that their liberation from socio-economic, political and spiritual oppression was at hand. On the other hand to the rich the good news was that cataclysmic<sup>23</sup> "economic reversal" was coming and that spiritual preparation for such a reversal meant a renunciation of property and/or of sharing wealth with the rejected masses in society.



### III. Non-Violent Praxis:

Pacifism, an abhorrence of coercion, and non-violence as the methods of dealing with human evil, (i.e., oppressive political power and social force), were most often given preference over revolutionary violence<sup>24</sup>, although revolutionary violence was frequently justified in later eras. Martyrdom and other forms of invited repression and suffering were early exalted as the epitomy of social action against evil<sup>25</sup> (e.g., a sort of reversed "propaganda by the deed" where the will to martyrdom often evoked a comparative will to violence on the part of oppressors).

### IV. Faith in God's Judgement over Existing Systems of Punitive Justice:

Closely allied with the prevalence of non-violence as the ground for social praxis was the understanding that "Divine methods of justice"<sup>26</sup> are to be practiced by the diety not humanity. Social oppression is to be overcome with acts of love and goodness even towards one's enemies. This did not mean cooperation with or support of social evil; it meant to struggle passionately against evils in the hope of establishing love of others rather than power over others as the operative principle in human intercourse.<sup>27</sup> It meant that God

reserves the right to punish for crimes against humanity, not Christians, and especially not Christians attached to existing systems of punitive justice. The kind of love advocated was agape or self-sacrificial and hopefully redemptive love.

V. Conception of Law, State Coercion and Natural Rights:

Because primitive Christian eschatology interpreted social praxis in terms of the coming climax of history and because of the social marginality and alienation of the great masses to which primitive Christianity was especially aimed at, the legal claims of Caesar (e.g., the state) were originally considered at most secondary to the claims of God. That is in the final analysis God must be obeyed rather than man-made positive law.<sup>29</sup> Such obedience was grounded in the primitive Christian concern for the freedom of religious conscience, both as a "human and natural right"<sup>30</sup> and as obligated by a deity which promised end-of-history justice. Freedom from legal coercion was desirable in order for the congregant to be free to worship and live the Way; "liberty was a condition for access to and practice of religious truth."<sup>31</sup> All attempts at reconciliation through religious agen-

cies were required before one had a ground for  
 32  
 recourse to the state.

Thus an absolute rejection of positive law and the state did not emerge. The Sayings of Jesus did recognize legal processes as strictly a last resort but not in matters uniquely spir-  
 33  
 itual. Some institutional presence was admitted as having validity. It is against this non-absolutist understanding that the Pauline apology for civil government, subjection to higher powers and etc., must be reckoned with. Of course, Paul may have had a conception of law much more extensive than that which emerged from the Sayings of Jesus. Radical theologian Jose Miranda suggested that "by law Paul understands not only the whole of law as law but also law as the normative quintessence of the entire cultural and social structure which we call human civilization and Paul  
 34  
 calls aiōn or kosmos". Accordingly, Paul divided history into two parts: the old age of law and the new (Christian) age of faith, and thereby,

Paul wants a world without law [as the case in a clear anarchist view: mine]. Exegesis which avoids this fact makes an understanding of the Pauline message impossible. Neither Kropotkin nor Bakunin nor Marx nor Engels made assertions against the law more powerful and subversive than those which Paul makes. 35

## VI. Apocalyptic Eschatology:

Here feminist theologian Rosemary Ruether offers a definition of eschatology to which this author assents as that radicalism closely corresponding to the Sayings Tradition:

The apocalyptic view of redemption is basically social and outer-directed. One does not look inward to the salvation of some personal essence; one looks outwards at history and society, at injustice, oppression...It is historical realm that is to be grappled with and radically reversed...Salvation can only come when the present situation is totally overthrown and a new order is founded on opposite principles of life...There must be a great cosmic showdown between God and the powers and principalities of "this world", an overthrow once and for all and the creation of a new order in which God's justice and righteousness will be vindicated and prevail. 36

One would only add that social struggle in a non-violent fashion is implicit in this view, thus social and personal withdrawal and escape from changing the world is ruled out here.

## VII. Utopian Withdrawal and the Possibility of a New Order in the Now:

Left-wing Christianity, when it began to realize that the revolutionary overthrow of the existing order may have had a heavenly postponement, turned inward toward metaphysical rather than historical redemption. It did this by withdrawing from active social struggle and repaired to the deserts to build ideal communal alternatives to the evils

manifested in "fallen and antiodivine"<sup>37</sup> social and political structures. Obviously, this was done in actuality after the Sayings Tradition but it may have been influenced by Qumran or Essenic communism<sup>38</sup> and/or the acts of Old Testament prophets like Elijah (e.g., back to the Sinai desert, the source of Israel's faith).<sup>39</sup> Material denial and a profound mysticism were characteristic traits of this kind of inward Christian radicalism. In brief, then anarchist Christian withdrawal was "counter-cultural"<sup>40</sup> and, though a negation of the existing social order, was instrumental in offering out ideal models of how faith could be immediately lived if faith was left to its own devices out of the range of normal social control.

#### VIII. Antinomianism Relative to Authority, and Equality

The Pauline division of history into law superceded by faith in God's justice and/or gift of grace provided left-wing Christianity with the awareness that law, of whatever variety, is of no use or obligation because grace is the only necessary condition for salvation from evil. Such an awareness is properly termed antinomianism and makes reference to an inward experience of truth, communicated directly by spirit; thus experiences

of truth mediated by agents like priests or clerics was considered unnecessary and were thus an obstacle in truth's way.<sup>41</sup> Salvation was by faith alone. Outward acts were neutral for salvation purposes, because grace was free and unconditional. Therefore the antinomian position perceived "that law and salvation have nothing in common; the law condemns but the gospel saves."<sup>42</sup>

The antinomian position is "a romantic view of Christian life"<sup>43</sup> in contrast to an orthodox Christian realism that theoretically posits a dialectic between law and faith but ends up by practically subjecting faith to the sovereignty of law, in the process cancelling the dialectic. Ideally antinomianism attached itself to no such dialectic but remained absolute, being free to pursue faith wherever it lead. Often faith, but not necessarily praxis, lead antinomianism to the following:

#### A. Antiauthoritarianism

Though there is no necessary cause-effect relationship that makes Christian anarchism's gospel of grace alone an enemy of authority, the notions of antinomianism and antiauthoritarianism do seem (to this author) to be related throughout left-wing Christian history. It may be that direct illumin-

ation by the spirit can be positively associated with "a challenging of the final revelation through Christ, at least as this had become monopolized by the institutional (orthodox: mine) Church."<sup>44</sup> Christian orthodoxy, dogma and hierarchy were attacked as new legalisms which were obstacles in the path of the reception of free grace.

This anarchist challenging of orthodox authority in spiritual matters did lead to early schisms such as the heresy of Montanism, in which the illumined Montanus thought himself the incarnate "Spirit of Truth" revealed in the Fourth Gospel.<sup>45</sup> One probably result of the Montanist heresy was that orthodoxy, around A.D. 150, moved to deprive the Christian apocalypses of canonical authority, except for the Book of Revelation and that only because of a mistake as to who its author was.<sup>46</sup> Christian left-wing history from the primitive era-----up through the Patristic Age, Medieval Era, the Reformation, Enlightenment, right up to and including the Puritan seige of America (e.g., the antinomian heresy, 1636-1638, that pitted the libertine Anne Hutchinson against the orthodox legalist John Cotton)-----exhibits heterodox movements that prominently featured a struggle against not only the authority of Christian ortho-

doxy but also that of the state and its laws.

B. Egalitarianism:

47

The Sayings of Jesus and Greek Stoicism coupled with the gospel of free grace lent left-wing Christianity its "class reading" of the message for the new age. Grace was for the dispossessed many, not merely a propertied few. Grace was for all who hungered and thirsted for knowledge; thus wealth and social class often acted to keep such an appetite from developing. Hence, Christian anarchism initially developed an attention to the libertarian aspirations of the powerless classes, although ruling classes were invited to come join and reverse themselves economically by being spiritually reborn.<sup>48</sup> Comparatively the "interclass-<sup>49</sup>ism" that serves as a theoretical principle of orthodoxy has often practically identified itself with the wealth, power and appetite of ruling classes. Especially since the merger of church and state power under Constantine, orthodoxy (even in the more modern period of disestablishment) has remained closely allied with the ruling elements in society.<sup>50</sup> In contrast, radical religious egalitarianism, premised on a pre-existent perfect State of Nature mythology, is well illustrated below in a sermon delivered during the English



## Peasant Revolt of 1381:

And if we are all descended from...Adam and Eve, how can the lords say or prove that they are more lords than we are - save that they make us dig and till the ground so that they can squander what we produce? ...They have beautiful residences and manors, while we have the trouble and the work, always in the fields under rain and snow. But it is from us and our labor that everything comes with which they maintain their pomp.

Good folk, things cannot go well in England nor ever shall until all things are in common and there is neither villain nor noble, but all of us are of one condition.<sup>51</sup>

IX. Anti-Semitism, Orthodox Imperialism and Heterodox Libertarianism

Orthodox Christian doctrine promulgated by the Church Universal and subsequently reaffirmed by various Protestant movements has, since the Constantinian establishment of the state church in been mainly intolerable toward religious differences both externally and internally.

As to external intolerance, Christian anti-Semitism did not begin in New Testament period as is often assumed.<sup>52</sup> On the contrary, primitive Christianity was an apocalyptic and unorthodox Judiac sect composed initially of Palestinian Jews known as Nazarenes.<sup>53</sup> As a Jewish sect early Christianity enjoyed the privileges and obligations of Jewish law. Jewish law during this early period made no distinction between religious, social or political rights

and obligations. Relationships among the Nazarenes and other Jewish sects were on balance quite amiable until, according to Jewish historian Solomon Grayzel, three developments happened that may have been instrumental in the later emergence of Christian anti-Semitism: 1) Hellenist Jews from diaspora began to outnumber Palestinian Jews as adherents to the Nazarene understanding of Judaism, 2) Hellenist Jews being for the most part more financially secure, urban and more educated than their Palestinian counterparts behaved arrogantly and insulting with respect to Temple custom and ritual and were viciously forced out of Jerusalem by orthodox elements within the Temple leadership; one notes here the tradition of Stephen and his stoning, 3) Paul, himself a Hellenist Jew, advocated an extremely extended view of the Nazarene understanding of Judaism, wherein Palestinian Jews were to observe Judaic laws plus Nazarene-Christian ideals and where, in contrast, non-Palestinian Jews (now deprived of the legal right to Temple relations) were only to observe Nazarene-Christian ideals such as baptism, love of one another and etc.

This Pauline bifurcation of the Jewish Christians was, upon a positive interpretation,

not anti-Palestinian Christian Jewry, although his criticisms and ideological struggles with orthodox Judaism may be classified as an excellent example of the tradition of rabbinic criticism and imaginative exegesis.<sup>56</sup> The bifurcation was pro-Palestinian Christian Jewry because Paul used money and supplies secured from upper-class Hellenist Jewish-Christians to organize a "poverty program" for Jewish-Christians in Palestine.<sup>57</sup> The bifurcation was positively strategic also in the sense that the Christian freedom from Jewish law enjoyed by Hellenist Jews was parlayed into an inticement that could attract pagans who admired Judaism but were loathe to observe strict Jewish law.

Probably against the original intent of the Pauline bifurcation, the vast increase of pagan-Christians brought on a movement toward an outright Christian heresy in relation to orthodox Judaism that culminated in an event which pressed the "exclusion of all Christians from Jewish life in general."<sup>58</sup> The event was the Bar Kochba Revolt in the period AD 132-135. Jewish-Christians conspired with Roman power in crushing the revolution and the banning of all Christians was the result. However, from the early days of primitive Christianity up to this schismatic event Christian

idealism had been primarily informed by two divergent streams of consciousness. First Jewish Wisdom-based morality<sup>59</sup> and an apocalypticism not radically different from the morality and apocalypticism of other sects of Judiasm. Secondly, Greek Stoicism, Neo-Platonist rationalism and Gnostic mysticism, all three of these Hellenist thought patterns being radically distinct from Palestinian Jewish mentality (though Hellenist Jews obviously incorporated both, as the Sybilline Books revealed<sup>60</sup> this may be due to the influence of Philo). The class and political basis of both streams of consciousness were respectively lumpen-revolutionary,<sup>61</sup> and bourgeois/status-quo; although in subsequent Christian history the streams tended to merge and part again in an uneven and erratic manner. By the time of Constantine a profoundly Hellenist Christianity had emerged as the orthodoxy in comparison to a Jewish derived apocalypticism, and in its official imperial establishment became that orthodox Church Universal among whose first official acts was to initiate a deliberate policy of anti-Semitism, i.e., "everything possible was to be done to bring about the humiliation, if not the<sup>62</sup> destruction of Judiasm."

Moreover, Hellenist Christian imperialism, having already deprived apocalyptic writing of its canonical authority (A.D. 150), now moved beyond its policy of anti-Semitism toward orthodox Judaism and consolidated its position against a still formidable Judaic-Christian apocalypticism. In this struggle of a relatively poor and apocalyptic "Church of Martyrs" against a wealthy and rationalist "Church of Bishops" the apocalyptic stream became heterodox/dissenting and struggled for left-wing religious libertarianism in a religious environment soon to be almost completely imprisoned by right-wing orthodoxy. The left-wing stream, was allowed to continue but in a significantly different form and was even elevated as the "highest of Christian goals"<sup>63</sup> (outside the goals of real power, wealth and status). The new form for left-wing radicalism was medieval monasticism and asceticism as the prophetic way of life; it was in this form that prophetic Christianity would basically remain until the "newly awakened" mass consciousness of the eleventh century began gathering to here the gospel of grace from itinerant lay preachers rather than officially authorized priests. The first grand result of the new lay consciousness was the series of left-wing Anabaptist Revolts and

only later the more orthodox Lutheran Reformation, from there the modern formal diversity of Christianity became a reality.<sup>65</sup>

#### X. Sexism and Christian Cosmological Dualism

The Sayings of Jesus and "Peter and Paul taught, in a mutually complimentary way that all Christians together, each according to the grace he or she has received is responsible for building up the church."<sup>66</sup> The Sayings Tradition illustrate that Jesus' attitude toward women was one where he put into praxis a gospel of grace that was pro-female equality and anti-male domination, while it exalted the essential humanity of all. Jesus as an unorthodox rabbi taught against the female blood taboo;<sup>67</sup> held conversations with Palestinian and even hated foreign women;<sup>68</sup> called for female students or disciple-ship;<sup>69</sup> rejected the Pharisaic view of women as "evil sexual creatures";<sup>70</sup> demonstrated the intellectual capacity of women by teaching them religious truth, social philosophy and Torah (law);<sup>71</sup> respected women's humanity and faculty for grace by singling them out for public praise and social deference while reproaching orthodox Jewish leaders for not following suit; and lastly by an anthro-morphism "projected God in the image of woman."<sup>72</sup>

Thus the Sayings and social praxis of Jesus broke with orthodox Jewish views that were paternalistic and pro-female subordination. In a critical review of such orthodox Jewish views, covering the Torah, Mishnah and Talmud, Jewish feminist theologian Judith Hauptman presented the following daily rabbinic prayer as a summation of orthodox Jewish paternalism: "Blessed be God, King of the universe, for not making me a woman."<sup>73</sup>

On the other hand Jesus' teaching on the divine liberation of women, via the gospel of grace, may hark back to an ancient stream of popular Israelite religion, one that Jewish anthropologist Raphael Patai associates with lumpen class Judiasm's historic (prior to Jesus) "undercurrent of female divinity answering the need for mother, lover, queen; intercessor----even for a divine family."<sup>74</sup>

God in the popular Israelite mind was often thought of as woman and was manifested in such Hebrew she-Gods as Asherah, Astarte, the Ivory Cherubims, Skekhina, Lilith and "wisdom personified as a feminine being".<sup>75</sup>

Paul employed a tri-level approach to the "woman question." First he continued the orthodox rabbinical attitude toward women, although he tempered it with the apocalyptic gospel of grace for

both sexes on an equal basis. Second, as a skilled organizer and because of his concern for the survivability of the new faith, he advocated the kind of church structure that would be most compatible with traditional patriarchic social attitudes about woman's proper sphere in relation to man.<sup>76</sup> Third, his probable familiarity with the works of the Jewish Neo-Platonist Philo, coupled with an education gained in Hellenist diaspora gives his view of woman an abstractness which borders on the dictum of women having "equality in the abstract only",<sup>77</sup> i.e., in Christ "there is neither male nor female."<sup>78</sup> The question Paul failed to adequately answer was: what about the concrete rather than spiritual inequality of females? It is those objectionable passages against women in either the deutero-Pauline or authentic Pauline writings that have been used for two-thousand years to subject women to an unequal role both within the Christian and non-Christian communities.<sup>79</sup>

Late first century Christian gnosticism (from the Greek gnosis meaning knowledge) reinforced and radically extended the dualism already present in Paul's thinking with respect to the spiritual equality of women on one hand, and the concrete social subordination of women on the other.



In gnostic cosmology man was viewed as a fully "rational spirit" whereas woman was a sensual creature, dependent upon man for leadership in all matters pertaining to the development of gno-<sup>80</sup>sis. To become fully spiritual women must become transformed into men,<sup>81</sup> thus redemption for women came to mean a denial of their bodily forms and natural sexual functions. In an extensive analysis of the effects of Christian gnosticism on male and female spiritual symbolism Reuther has explained that in Christian gnosticism,

The male alone was made in the image of God, modeled in his inward being after the intellectual Logos or mind of God (which was also the theological identity of Christ). The female was said to lack this full image of God in herself, and to possess it only when taken together with the male "who is her head"...women were seen, literally as "sexual objects," either to be used instrumentally, as a "baby making body" or else to be shunned as the incarnation of tempting, debasing "sensuality." 82

This Christian gnostic soul-body, rationality-sensuality, spirit matter and male-female dualism came to be the "moral, epistemological and ontological"<sup>83</sup> basis of subsequent orthodox Christianity. The first term in the dualistic equation was often symbolic of superiority, i.e., male over female or spirit over matter. Further the first term in the equation almost invariably made reference

to a freedom from or overcoming of that which restricts, i.e., rational males should be free from female irrationality, just as much as spirit has always strived to free itself from matter's imprisonment. Lastly, this Christian gnostic dualism, given positive reinforcement by Cartesian epistemology, presently seems to reappear as the dicotomous and unequal existence of religion in relation to science in modern culture. That is, as the feminine principle, religion (or its equivalencies: faith, moral sentiment, romanticism, utopianism, politics, subjectivity and irrationality) is subordinated to the masculine principle of science (or its equivalencies: experimental datum positive law, pragmatism, realism, value-<sup>84</sup> neutrality, objectivity and rationality).

In Anglo-America history the drive to overcome a dualistic Christian orthodoxy with respect to women received its greatest initial thrust in the feminist works of left-wing religious sectarians like the Englishwoman Mary Wollstonecraft Godwin (wife of William Godwin, the founder of secular anarchism and himself an ex-Calvinist minister), Sarah and Angelina Grimke both Quakers, Lucretia Mott a Quaker and Elizabeth Cady Stanton, author of the Seneca Falls Declaration of Sentiments

(1848) and the first Woman's Bible, the Quaker feminist leader Susan B. Anthony and finally, the black Baptist feminist-abolitionist Sojourner Truth. 85

#### XI. Racism and the Institution of Slavery

In the early acts of primitive Christianity, Phillip's baptism of the black ambassador from Ethiopia illustrated that the gospel of grace was to transcend racial divisions and that grace was a gift that could be enjoyed equally by all. Either Matthew, Thomas or Frumentius carried the gospel to Axum (Ethiopia) and established Christianity there. <sup>86</sup> Paul carried the gospel to Europe and his thought that "there cannot be Greek and Jew, circumcised and uncircumcised, barbarian, Scythian, slave, freeman, but in Christ is all, and in all <sup>87</sup> conveyed the same message that grace, at least theoretically, was trans-racial. According to classical philologist Frank M. Snowden, Jr., an Ethiopian-Scythian formula informed Greco-Roman thought on the "race question" and the essential unity of mankind, such that Paul and other early Christian thinkers were familiar with the poetical works of the Greek Menander and the Roman Simylus. <sup>88</sup>

On the surface, the Ethiopian-Scythian formula of racial equality was not strictly a doctrine of white racial superiority, for it did focus

classical Christian color symbolism in a direction toward spiritual equality for all. However, as was the case with the "woman question," classical Christian color symbolism moved in a direction toward spiritual equality for all. However, as was the case with the woman question, classical Christianity employed a dualistic cosmology on questions of race: ultimately whiteness was good and blackness bad, thus blackness must be overcome by a transformation to spiritual purity or whiteness. Blackness as a disease or handicap that Christianity could alleviate came to be a paternalistic and subtle way of maintaining racist attitudes in early church practice. For example, one early tradition has it that "Thomas through baptism whitens<sup>89</sup> Ethiopians." For their part the church Fathers interpreted "sin as blackness that must be washed away"<sup>90</sup> (Jerome); "Christ came into the world to make blacks radiantly white"<sup>91</sup> (Gregory). Perhaps Origen's comments on Solomon's "black but comely" concubine will better highlight the confused racial paternalism of the early church:

Moreover we ask in what way is she black and in what way fair without whiteness. She has repented of her sins; conversion has bestowed beauty upon her head and hence she is sung beautiful. But because she is not yet cleansed of all the uncleanness of her

sins nor washed unto salvation. She is said to be black but she does not remain in her black color---she becomes white...if, moreover, you do not repent take heed lest your soul be called "black" and disgraceful and lest you be stained by a double foulness---- "black" on account of your past sins; disgraceful because you continue the same faults. 91

The institution of slavery must be understood against the background of social customs in antiquity. Orthodox Judaism had affirmed human bondage although the Israelites themselves had first emerged as God's chosen people or liberated slaves from Egyptian domination. Under the Torah Jewish slaves held by Jewish masters could not become permanent slaves, but were to be freed upon payment of the debt for which he or she was sold; in the seventh year of Jubilee all Jewish slaves were to be freed irregardless of the debt repayment schedule.<sup>93</sup> Non-Jewish slaves held by Jewish masters did not come under Torah except that they like Jewish slaves were to be treated kindly;<sup>94</sup> thus the liberation of non-Jewish slaves was dependent upon the master's will and moral sensitivity. Grecian justification of and practice of slavery is well known and receives excellent appraisal in Plato's Laws and Aristotle's second book of Politics and in his Nicomachaen Ethics; while, slavery in the Roman Republic and Empire was regarded as an

"economic necessity" by the Roman ruling classes.

In comparison to orthodox Judaism and Greco-Roman thought, the Saying of Jesus, in especially his call for "the release of captives" (Luke 4:18 RSV) was a radical departure from the laws and conventional thinking of his time. Yet neither Jesus "nor any of the apostles directly attacked the institution of slavery as such."<sup>96</sup> If the teaching of Jesus on the release of captives, like those on women, had been maintained the very roots of racism and slavery would have been "decisively undercut."<sup>97</sup> As it was later generations of orthodox Christians hardly felt obliged to denounce the institution of slavery. It was not until the emergence of New World slavery in the Americas that anti-slavery as a politico-religious program emerged in the works and activity of the thirteenth century Franciscan Bartolomé de Las Casas.<sup>98</sup> In North American left-wing Christianity, though theoretically opposed to slavery on grounds that human property holding was a form of violence, actually practiced slaveholding until a group of Pennsylvania "Mennonites who had become Quakers "addressed a protest against slavery to the London Yearly Meeting in 1688."<sup>99</sup> After this address some of the Friends began to advocate that slavery was not only a form of violence,

but "wrong in itself as an abrogation of human rights,"<sup>100</sup> and by 1780 no Quakers in the United States held slaves. It was left-wing Christianity in the United States that played a primary role in setting up such early secular abolitionist organizations as the New England Non-Resistance Society (1838) and the League of Universal Brotherhood (1846). It was also the anti-slavery activities of such radical leaders as the Christian anarchists Adin Ballou, William Lloyd Garrison and the early Fredrick Douglass that helped cause the great denominational splits over slavery issue just prior to the Civil War.<sup>101</sup>

#### The Political Reality of Christian Anarchism

From the above historical and thematic discussion of Christian anarchism exploration should now move toward an explanation of the political reality of Christian anarchism. In pursuing such an explanation some of the insights of political theology will be employed. The reasons for using the approach of political theology are: 1) if left unorganized the mass of information about the historic anarchist tendencies in Christianity would remain on the level of religious discourse without apparent relation to the "concrete" world of anarchist experience, 2) for the purpose of an illustration of the relationship between Christian anarchism and

and the religious dimension of radical American criminology (i.e., between anarchist religion and anarchist criminology respectively), one would do best to use the mediating agency of politics. That is, anarchist/theist Christianity shares a common radical political environment with a secular and anarchist/atheist criminology. Specifically both share a radical environment with respect to the essential unity of humanity, criticism of the State, law, and punishment, an elevation of oppressed segments of society, criticism of the existing social order and the transformation of society by way of a libertarian revolution. In short, both points of view spring from basically the same ideological terrain with regard to the existing social order and both are concerned with the theoretical pre-conditions for the existence of a "new heavens (anarchist religion) and new earth" (anarchist religion and anarchist criminology).

#### I. What is a Political Theology of Anarchism?

First the question as to the meaning of the term political theology must be dealt with. Recent usage of the term in New Left religious thinking refers to a hermeneutic conception or understanding of the unity of "kerygma and praxis", (e.g., in non-theological terms theory and practice), where the gospel of grace is understood as a spiritual and political message of salvation. As such it is not to be confused with traditional and



orthodox theologies which have normally been employed to defend existing political and social orders. For example, Clement of Alexandria's convenient defense of wealth and property in his second century The Rich Man's Salvation<sup>102</sup> is not political theology in the sense of left theological thinking. Nor should political theology be confused with Luther's "two kingdoms" theory<sup>103</sup> (derived from Augustine) that radically split the temporal and spiritual dimensions of social existence and ended in a dualistic theological justification of German Princes in their programs against Jews<sup>104</sup> and heretical Christians. Nor is political theology the all too typical theologies of glory, triumphalism or religious imperialism based on theological "delusions of grandeur" in a world already full of theological and non-religious ideological delusions.<sup>105</sup>

Moreover, in agreement with libertarian socialist theologian Dorothee Soelle, "there are no specifically Christian solutions to world problems for which a political theology would have to develop the theory."<sup>106</sup> Thus as Soelle continues, "political does not mean that theology should now exchange its content for that of political science."<sup>107</sup>

Positively, New Left theological thinking

in reference to political theology is about the rescue of "kerygma and praxis" from the private and individual interior world that orthodox Christianity has constructed over the centuries.<sup>108</sup> Primitive Christianity advocated a gospel of grace that was "deprivitized"; became public through the charismatic apocalypticism of itinerate preachers; and was made political in its habit of taking sides with the oppressed lumpen elements in society over and against the oppressiveness of bourgeois elements.<sup>109</sup> In this sense the gospel of grace was a political gospel first directed toward the wholistic liberation of the oppressed masses (i.e., spiritual and political liberation). Yet simultaneously, and on par with lumpen liberation, the gospel of grace via its ideal of human reconciliation with other humans, and only then with God, directed itself toward the ultimate liberation of all.<sup>110</sup> For ultimately all were viewed as oppressed and alienated in terms of being estranged from an authentic personhood and God. Strategically, the liberation of the "least of these" pointed the way toward the salvation of the great, if the great would become as "suffering servants"<sup>111</sup> and reverse themselves in normal economic and political terms. Hence, the gospel of grace had a class

basis but was simultaneously a gospel which ultimately aimed at the transcendence of class (not unlike Marxism and secular anarchism which claims the same transcendence for communism).

Here one is not unmindful of the differences between current European or Western political theologies which although radical are not thoroughly grounded in a lumpen class theological analysis as are some liberation theologies of the Third World.  
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The present author opts for a middle ground in this intrafamily theological argument. That is, a dialectic must be maintained between the vision of the liberation of all and the liberation of the many of the lumpen class. To fail to maintain such a dialectic ends in a certain paranoia about who is evil and who is perfect; a self-righteousness that re-enslaves rather than liberates critical consciousness. As Reuther notes in this regard "liberation, ...cannot be divorced from a sense of self-judgement and an identification with the community which is judged."  
113  
Those who are oppressed cannot seek to overcome their oppression by oppressing others, or as Reuther put it, "one cannot dehumanize the oppressors without ultimately dehumanizing

oneself, and aborting the possibilities of the liberation movement into an exchange of roles of oppressor and oppressed.<sup>114</sup>

## II. Specifics of a Political Theology of Anarchism

The following four points are an explanation of what, in a positive political theology of anarchism would be about. It would be kind of left theological thinking that is:

- A. Teleologically concerned with projecting the libertarian ideals of Christianity to horizons unlimited. Unlimited because the physical and immaterial reality of existence seem unlimited to human comprehension though at the same moment the limits to human consciousness suggest a certain mystery that also cannot be comprehended. One believes, for example that black holes in space have a beyondness about them that is at once finite (the descriptive outline of the black hole itself) but unlimited once one understands that beyond black holes may be more black holes. The same can be said of God; beyond God there lies God, but the human impression is that God acts upon the religious and thus finite consciousness. Accor-

ding to Sir Julian Huxley, Father Teilhard's "point Omega" has at least had the effect of making scientists, and theologians think in teleological terms about the unity of spirit and matter. <sup>115</sup> Both have qualities <sup>116</sup> which often defies comprehension. A

political theology of anarchism is called to move in the direction of the unlimited even though finiteness shares in the determination of each evolutionary step. Quinney seconds this kind of thinking in his belief that "even with the eventual transition to communism the transformation of human nature and social order never ceases."

- B. Theologically aware that even the judgement of God is a God, not a human act. The task of human activity, from an anarchist theological viewpoint, is one of faith in the ability of agape to point the way toward that which is freedom and steer a course away from unfreedom. Reinhold Niebuhr, himself an advocate of neo-orthodoxy and a staunch opponent of anarcho-pacifism has insisted upon "the relevance of this ideal of love to the moral experience of mankind on every conceivable level...it is not

magically superimposed upon life by a revelation which has no relation to total human experience."<sup>117</sup>

Yet agape is an abnormal and puzzling kind of love if compared to the sensual dynamism of eros; it moves down instead of up. It finds the best in the least, wisdom in that which is foolish and power in the powerless. According to Max Scheler's scheme for the sociology of knowledge, agape has the character of enough not more, deficiency rather than sufficiency, suffering and denial, instead of power and plentitude. It reverses the order of things in such a puzzling manner that the "nobler stoops to the vulgar, the healthy to the sick, rich to poor... the good and saintly to the bad and common, the Messiah to the sinners and publicans."<sup>118</sup> Kropotkin's communistic notion of "mutual-aid" is a form of agape in the sense that this system departs from benevolence, altruism and paternalism, but rather demanded a feeling of mutuality which would smooth out and repair social brokenness without resort to coercion.

In its puzzling journey agape negates "the official religion of the officially optimistic society,"<sup>119</sup> just as much as it negates all kinds of realism. It is a theology of the cross that "lightens our darkness" by its abnormality.

- C. Politically concerned with the unlimited extension of human freedom while critically conscious of the finite social obstacles to such freedom. Christian anarchism would insist that social relations exhibit a lively movement toward freedom from domination and coercion in human affairs. The particular nomenclature of domination does not matter thus religious, intellectual, racial, sexual, economic, scientific and political domination must be ruled out in favor of human freedom in practice.

Furthermore, since agape points the way toward freedom, the gospel of grace holds that "if we aim at love we shall establish justice by the way."<sup>120</sup> Justice here is understood as a "by-product" of love in that justice depends on mutual confidence and cooperation. Retribution does not est-

abolish justice, nor does a benevolent or paternalistic rehabilitation ideal. One does not legally kill to establish justice, nor does one imprison another for the same purpose. Revolutions which seek to establish justice by brute force become reactionary and must take steps to maintain the power won by reliance upon further force. Another way of putting this is that the powerless in order to establish justice, must avoid becoming the powerful. It is the powerful who must reverse themselves via agape and become full of love rather than full of power if liberation is to become a reality.

Thus existing states and their criminal justice apparatuses must be replaced with the kind of libertarian social system that incorporates a "will to justice"<sup>121</sup> and not a "will to power."<sup>122</sup> To do this means to employ the kinds of strategy which "resists evil" by resorting to love. It may be that Gandhi's program of Satyagraha (clinging to truth) has validity after all. Satyagraha is the politics of moral suasion that invites



suffering upon oneself the motive of which is to convert the opponent by making the opponent a friend. The program can take on a myriad of forms from direct non-violent resistance to a form of non-cooperation which is geared to defeat an evil deed but not the good in the person who does such a deed, for the Satyagrahi cooperates with the evil-doer in what<sup>123</sup> is good.

- D. Distinctively, a political theology of anarchism would be that kind of New Left theological thinking that would be preeminently concerned with questions of political authority, domination, the State and its overthrow, law and social justice. In contrast to Christian-Marxist theologies, Christian anarchism would not ground itself in a strict Marxian economic analysis of history which pits the oppressed working class against the oppressive capitalist class, although it could use a class analysis when that is appropriate. A "small is beautiful", Buddhist economics might be more appropriate especially in this age of planetary depletion of natural resources.

Moreover, Christian anarchism would not relegate the woman's question or the question of minorities to some vague category of secondary importance. Again it would not view classes other than the lumpen proletariat as evil; nor would it view the lumpen proletariat as dangerous or in fact evil with respect to the prospects for human liberation. Christian anarchism would not be about a normal struggle for power in order to use the power won in liberation struggles to destroy others. It would, lastly, reject the ideological pretensions of other theologies while remaining critical of its own alienated existence.

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With the above insights in mind a political theology of anarchism would have little more that could be thought of as a unique contribution to such secular anarchist theories as anarcho-communism. Chapter IV detailed out the differences in classical anarchist thought, here it is felt that Kropotkin's anarcho-communism comes very close to Christian anarchism's ideal of a libertarian revolution to be brought into

being through mutuality and non-violence. The next step is to ascertain how it was that the Christian libertarian ideal came to be secularized.

### The Religious Reality of Secular Anarchism

That secular anarchism has many of its antecedents in the centuries old libertarian ideal of Christianity is considered below. The consideration ought not be construed as assuming a rigidly linear causality between Christian and secular anarchism. To assume such would be dishonest and deny contradictory evidence which suggests that the libertarian ideal has been part of Western political philosophy and praxis at least since Socrates as against Plato.<sup>125</sup> The uniqueness of the Christian contribution to libertarian thinking and praxis has been the left-wing Christian concern to reject power, domination, privilege and violence while advocating the liberty of humanity in individual and social terms. Grecian libertarian ideals were based on the primacy and privilege of elite community elements over and against individual and social anarchy.<sup>126</sup>

The aim then is to interpret the libertarian ideal of Christianity as highly influential though not necessary determinative, in the development of secular anarchist theory and practice.

I. Secularization of the Libertarian Ideal of Christianity

Strictly put the secularization of Christian ideals, in the sense of a rejection of Christianity per se, but a reincorporation of valued Christian ideals into religio-secular systems may have begun in the New Testament period. Indeed the movement of Christian heterodoxy has always come perilously close to a rejection of Christianity per se, though heterodoxy has always managed to retain its religiousness. Here secularization is taken to mean that antiecclesiastical process of desacralization and dechristianization which was begun in the Enlightenment.<sup>127</sup> It was in this post-Christendom period of the eighteenth century that left-wing radicalism rejected Christianity per se and yet retained Christian apocalypticism.<sup>128</sup> Atheism and rational humanism emerged as the secular equivalent to a now superceded theism and irrational supernaturalism in secular left-wing thinking. Christian apocalypticism reappeared as a mystical faith in the imminent workings of the forces of history. The Kingdom of God was transformed into the concretized doctrine of human progress toward perfectability.<sup>129</sup> The "inward journey" of Christian mysticism, aesticism and voluntary social isolationism returned in movements

toward communalistic utopianism. Revolutionary activity lost its "otherworldly" character, while transferring heavenly spiritual goals to earthly "rational" objectives. Finally, the Christian ideal of liberty from political authority and domination was given new birth by the ex-Calvinist pastor Godwin and later given a formal secular name by Proudhon. The reborn libertarian ideal of ancient Christianity was, in this author's estimation, secular anarchism.

One strain of secular anarchism, that of anarchists like Kropotkin and the later Emma Goldman (who as a result of visits with Tolstoy became convinced that non-violence was the best methodology for revolution), elevated non-violence to an equal position with the revolutionary violence advocated by Bakunin and his disciples. At least this was the case with European anarchism. On the other hand, Anglo-American secular anarchism from the most part accepted Godwin's and Thoreau's views on the need for non-violence as the best revolutionary strategy: Also in the American social milieu secular anarchism was given a big send-off by the activities of pre-Civil War Christian anarchists who were instrumental in organizing various secular peace, feminist, labor (I.W.W.) and abolitionist associations.

A clear evaluation of the above process of secularization suggests that secularism has been the flip-side of orthodox Christianity. Sort of like Marx turning Hegel's heavenly system upside down or "right-side up". The secularist and atheist exist mainly in relation to the ecclesiastic (clergyman or woman) and theist. What is interesting about that relation is that the religious element has not vanished from left-radical secularity but merely taken on a character outside the domain of orthodox Christian reference. The religious element was secularized as the transcendent movement of history (i.e., the spirit of historical progress). Mysteriously, history is inevitably calling humanity to move forward to a state of perfection. Reuther has even proposed that liberal and conservative secularism "gave rise to an ideological viewpoint and ideological sciences that denied the existence of a transcendent horizon of life whereby the oppressive status-quo could be judged and transcended."<sup>130</sup> But though her suggestion is well-intended it forgets that secular left-radicalism maintained that transcendent element and used it to prophetically criticize both religious and secular ideology. Moreover secular anarchism went one step farther than strict Marxist secularism and employed prophecy (judgement in its criticism of Marxist duplicity with regard to the question of human liberty.

## II. Left-Radicalism as Secularized Religious Activity

### A. Marxism

As is well known Marx repudiated religion on three major grounds. First following the Left-Hegelian Ludwig Feuerbach he viewed the God thesis as a fantastic mental projection of humanity alienated from itself.<sup>131</sup> Second he ascertained religion to be reactionary to the progress of proletarian revolution. That is, religion was "the opium of the people" a phenomena of false consciousness. Third religion was a class tool employed by ruling classes to check the advance of progressive forces. Thus for Marx, "the criticism of religion is...the premise of all criticism."<sup>132</sup>

What is not well known is that Marx, Engels and latter Marxists such as Edward Bernstein, Karl Klausky and Ernest Bloch regarded Christian radicalism, as historically represented in the Anabaptist and the Cromwellian (radical sectarisms) revolutions,<sup>133</sup> as esteemed "forerunners" of Marxism. It is interesting that these Marxists would "appreciately" seek their origin in Christianity. So interesting that one is convinced that Marx's criticism of religion was directed at a Christian orthodoxy which in fact was historically used as a class weapon in sup-

port of the economic and political status-quo.

More importantly though orthodox in-power Marxism as the flip-side of orthodox Christianity has all the trappings necessary for religious fulfillment; and although the orthodox Marxist will not admit it "Marxism is a creed to be clung to when the intellect questions and rejects."<sup>134</sup> Bertram Wolfe, a leading left-liberal critic of orthodox Marxism has isolated some of the cultic practices of in-power Marxism; he writes:

It is a deeply emotional faith, with true believers, orthodoxy, dogma and its inevitable show of heresy, dedication, confession, schism, anathema, ex-communication, even imprisonment and execution and erasure of one's name, where the faith and the secular arm are one. 135

In discussing the religious essence of Marxism philosopher Robert C. Tucker has isolated six major structural characteristics of Marxist theory that can be favorably related to Christianity:<sup>136</sup>

- 1) the atheism of Marxist theory signified "only a negation of the transmundane God" which was superceeded by humanity as "the supreme being",
- 2) Marxism's all-inclusive view of reality" that attempts to provide an answer for everything existing whether animate or inanimate,
- 3) its material-



ist conception of history moves from primitive communism (paradise) lost to future communism (paradise) regained, and even has an apocalyptic "closing chapter of the prehistoric stage of human society", (i.e., judgement day brought on by the final revolution, 4) its concept of redemption of humanity through a program of revolutionary regeneration, 5) its unity of theory and practice, which calls for the believer to participate in a prophetic implementation of the faith. Faith divorced from works are dead to the Marxist system, 6) its moralistic zeal which demands "this worldly" punishment for social oppressors. To Tucker's inventory one should note that Marxism may have more affinity with Jewish apocalypticism and messianism than it does with Judiac-Christian apocalypticism. The fatal difference being that Jewish apocalypticism as practiced by first century Zealots included hate for one's oppressors and a will to power and violence that was contrary to the anarcho-pacifist element in New Testament Judiac-Christian apocalypticism.

#### B. Secular Anarchism

As has been asserted throughout this thesis anarchism is unorthodox in relation to

orthodox Marxism. It is left-communism when it identifies itself as Marxism and when orthodox Marxism criticizes it as such. When viewed as a secular religion it retains the same unorthodox and left position vis-a-vis Marxist orthodoxy. Thus the six structural points that Tucker used to criticize Marxism as religion may be applied in toto to anarchism. However, Wolfe's criticism's of in-power Marxism's cultic practices cannot be applied to anarchism for the simple fact that anarchism or left-communism has yet to be institutionalized, just as Christian anarchism has not been institutionalized. Further, the power hungry anarchism of the Bakuninist variety may, like in-power Marxism, be more influenced by Jewish apocalypticism and Grecian libertarianism.

Peculiarly, anarchism by its nature must always remain a heresy with respect to religious domination or domination of any kind. It is this libertarian nature of anarchism that has given it the bad reputation it has had at least since the times of Jesus. The practice of anarchism seems so impractical and outlandishly simplistic that it just does not seem

to make sense to ears in need of elaborate analyses and minds geared to conquer the world. One is reminded here of a face to face criticism Lenin levelled at Kropotkin, upon Lenin's consolidation of power in the Soviet Union. Said Lenin, "you can't make a revolution wearing white gloves...we have made mistakes...But we have preferred to make mistakes and thus to act." Of Kropotkin's cooperative method of revolution. Lenin said, "these are children's playthings, idle chatter, having no realist soil underneath, no force, no means..." Kropotkin's probably response was that "the choice of such means perverts and dooms the ends."<sup>137</sup> Thus secular anarchism as religion just may be that kind of radical religious talk "which can be understood by children,"<sup>138</sup> but not by hard-headed realists.

#### Religious Dimension of Radical Criminology

The discussion following is divided into two parts. First American radical criminology's critique of the religious foundations of legal order will be interpreted as a religio-secular attack on Christian orthodoxy's traditional support of State power by virtue of its moralisms with regard to deviancy and criminality. Second the religious dimension of radical criminology will be interpreted as a criminological version

of the left-wing "religion of humanity" and will be understood as being in anarchist opposition to orthodox versions of precisely the same kind of religion of man, whether liberal or Marxist.

I. Orthodox Christian Foundations of American Legal Order

It is interesting that radical criminology's criticism's of the Christian underpinnings of legal order is directed against the orthodox Christian habit of pressing for the State's application of Old Testament morality and legalism to deviant and criminal social conduct. For example, Quinney notes that "our contemporary reaction to crime has been shaped by the Puritan concept of crime."<sup>139</sup> Moreover, Quinney asserts that from the beginning of the American experience

The legal authority of the state was religiously supported. The implications for the further development of American law were that law (and government in general) existed to regulate imperfect man, that the welfare of the whole is more important than that of the individual. For the Puritans crime was an act against God...The criminal, following Puritan theological doctrine, belonged to a category to oppose society. 140

Adding to Quinney's assessment, religious historian George Lee Haskins has shown that most provisions in the Puritan code were annotated by chapter and verse from the Old Testament.<sup>141</sup> Even

English common law was based on Old Testament legality "because of the tendency of Protestant theologians to equate natural law with Mosaic law."

Radical criminology's critical assessment of the American penal system is also directed against orthodox Christian notions of punishment. According to criminologist David J. Rothman Christian values contributed greatly to the "invention of the penitentiary" in America; an indigenous invention that has not drastically changed since the antebellum debate between advocates of the Auburn (New York) and Pennsylvania models of penal organization and discipline.<sup>142</sup> The values of "separation, obedience, and labor became the trinity around which officials organized the penitentiary."<sup>143</sup> If prisoners were to repent and be saved from their "evil ways", they must be exposed to a reborn monastic (reform) discipline that separated them from a sinful environment. The new penitentiary methodology was geared to save Christianity and the American republic from demonic human forces. Rothman quotes prison chaplain and advocate of the new penal methodology, the Reverend James B. Finley, who obviously felt that the question of penal organization was an issue of "the triumph of good over evil, of order over

chaos,"

Could we all be put on prison fare, for the space of two or three generations, the world would ultimately be better for it. Indeed should society change places with the prisoners, so far as habits are concerned, taking to itself the [Christian values] regularity, and temperance, and sobriety of a good prison...then the goals of peace, right and Christianity would be furthered...As it is taking this world and the next together... the prisoner has the advantage. 143

Thus radical criminology has understood the influential relation that orthodox Christianity has had on the development of American legal order. However, radical criminology has not, to date, become aware that just as much as Christian orthodoxy has supported legal order, unorthodox Christianity has traditionally set itself against legal order. Puritanism also incorporated the libertarian ideals of first religious toleration, then civil liberties and later the prison abolition movement, as the example of Roger Williams and others well illustrate. Williams held a rather limited anarchist <sup>145</sup> view of legal order. He felt that Puritan magistrates "had no right to enforce any of the first four commandments"; moreover, his reading of the Bible, by "a dangerously metaphorical method of typology" enabled him to emphasize the New Testament gospel <sup>146</sup> of grace over the legalisms of the Old Testament.

It was the same "dangerously metaphorical"

reading of the Bible that spawned Anne Hutchinson's Puritan heresy of insisting "upon the priority of person conscience as something that super-ceeds the law."<sup>147</sup> Such a reading led William Lloyd Garrison to conclude in his Declaration of Sentiments (1838) that, "we cannot sue any man at law to compel him by force to restore anything which he may have wrongfully taken from us or others; but if he had seized our coat, we shall surrender our cloak rather than subject him to punishment."<sup>148</sup> Again at the first (1870) meeting of the Congress of the American Prison Association, radical sectarian voices led by Judge Carter of Ohio protested that "any system of imprisonment or punishment was degradation, and could not reform a man"; these early prison abolitionists (in contrast to reformers) wanted to "abolish all prison walls and release all confined within them."<sup>149</sup>

By analogy radical criminology's libertarian stance toward crime and punishment was not influenced by orthodox Christianity's support of American legal order. On the contrary, left-wing Christianity, beginning with William's and Hutchinson's heretical Puritanism, may have shaped radical criminology's contemporary concept of crime (ala Quinney, above). If this holds up then radical theorizing about crime

is a dechristianized secular restatement of unorthodox Christianity's historic rejection of legal order. Radical criminology as the criminological manifestation of the "religion of humanity" may then be interpreted as a left religio-secular critique of orthodox Christianity's influence on the development of American criminal law and penology.

## II. The Radical Criminological Version of the Religion of Humanity

Unorthodox Marxist sociologist Alvin Gouldner in his massive The Coming Crisis of Western Sociology attacks the Christian "piety" of Parsonian functionalism and in so doing admitted quite openly that Marxist sociology in America is "a religion of man."<sup>150</sup> He contrasted this religion of man with Talcott Parson's structural-functionalism and concluded that Parsonian sociology, for several years the leading liberal brand of sociology, was pietistic "religion of society" that was conformist and supportive of the established social order. Admitting the "scientific demerits" of Marxist sociology Gouldner lashed out in profound anger at liberal social thinkers "who profess to a respect for religion (but then) should act so triumphant when they uncover a religious side to Marxism."

Radical criminology as a sub-field of soc-



iology and in its guise as left-wing Marxism carries a religious zeal for the liberation of humanity. In its epistemology and cosmology there is "little difference between human nature and the devine."<sup>151</sup> "God is man" to quote Engels.<sup>152</sup> In confirmation of this fact Quinney in late article has held that "our criminology (radical type: mine) is a cultural production. It is part of the structure that shares the function of such productions as philosophy, religion and art."<sup>153</sup> To affirm the religious character of his cultural criminology Quinney quotes the libertarian socialist theologian Paul Tillich who calls forth our "liberative memories" and witnesses thus

The most intimate motions within the depths of our souls are not completely our own. For they belong also to our friends, to mankind, to the universe, and to the Ground of all being, the aim of our life. 154

It is a pity that Quinney did not continue the line of thought he touched upon in his cultural criminology. As it was he theorized that "art as a way of seeing, feeling and perceiving is prophetic in its form and content."<sup>155</sup> If he would have read Tillich a little farther he would have found that the theologian used aesthetics to give meaning to the idea of God as the Unconditional. Specifically in art, the theologian found that, religion

is the highest cultural value.<sup>156</sup> It is religion even more so than art that sees, feels and perceives in a prophetic way.

As a secular and academic system of prophecy radical criminology must be expected to take uncertain "leaps of faith." S. K. Kierkegaard did and it resulted in a new and distinctively Protestant synthesis that was set in opposition to the established Lutheran Church and the Christian state of his day.<sup>157</sup> Given radical criminology's all but admitted religiousness, Klocar's criticism of it as academic prophecy is a redundant though potent way of gaining academic "brownie points" with his fellow "liberally pragmatic" criminologists. His criticism is a kind of intellectual posturing that attunes itself to a surface "discovery" of an issue that has been debated in academic departments of religion and philosophy at least since Ernest Bloch's atheistic de-theology. Moreover, his negative criticism of religion in sociology/criminology suggests that he is unconscious of the religious quality of conventional criminology, as will be shown in the next section of this thesis.

What remains here is to remember (Chapter IV) that radical criminology as left Marxism is in anarchist opposition to all kinds of Marxist

orthodoxy. Radical criminology may be thought of as the secular embodiment of the libertarian ideals of Christianity. Like anarchist Christianity in relation to Christian orthodoxy, radical criminology goes orthodox Marxism one step further by faithfully following the spirit of that which was anarchist in Marx's thought. Also like anarchist Christianity in relation to orthodox theology, radical criminology is dead to the laws and dogmas of Marxist orthodoxy. Its religion of humanity has the prophetic potential to go beyond the repressive categories of class struggle to the higher "ground of all being" (ala Tillich, above). Its next step just maybe a de-theology of criminology, if Quinney's work on art and culture is a valid lead.

158

Sociological Criminology as the Liberal and Orthodox Religion of Humanity

The history of sociological criminology in America suggests that religious feeling and prophecy is not foreign to a liberal reading. Sociological criminology became "centered in the United States" in the first two decades of the twentieth century. Social thinkers of the liberal stripe were looking for the social causes of crime in an urbanized and industrialized America which had overcome its backwardness and "come of age." Radzinowicz felt that attempts to explain

the social causation of crime mixed well with sociology because sociology "accords with the fundamentally optimistic American outlook on life in general, into which the thesis that crime is a product of remedial social forces would fit more naturally than insistence on the part played by endogenous forces."<sup>160</sup> The upshot of this was that in the officially optimistic society crime had to be viewed as an individual problem that could be corrected by benevolent social forces, if properly investigated by method of sociology.

The doctrine of optimism, (i.e., the American social experience was the best possible arrangement of human society) was triumphalistic but not complete because of the lingering existence of crime and other social evils. Liberal social philosophy of the period provided the new social investigation of crime with a set of operative values such as: "pragmatism, institutionalism, behaviorism, legal realism,<sup>161</sup> economic and historical determinism." Nor was the new sociological criminology above social moralism (social homilectics) as one of its early academic advocates, C. R. Henderson, made clear thusly, "in the new social science, the investigation of evil brings us nearer to an understanding of the good and helps us on the path upward."<sup>162</sup>

Regressing somewhat to nineteenth century European sociology one finds the French father of liberal sociology, Auguste Comte, advocating in extremely zealous terms the positive religion of humanity as replacement for the waning

moral authority of Christian orthodoxy. To Comte and his followers sociology was such a positive religion and in all respects, except the theistic-atheistic nexus, and was the secular equivalent of Roman Catholicism.<sup>163</sup> In discussing the "normative doctrine" of Comte's sociology, Lewis A. Coser explains that Comte

...elaborated a complex blue print of the good positive society of the future, a society directed by the spiritual power of priests of the new positive religion and leaders of banking and industry. These scientific sociological-priests...would be the moral guides and censors of the community, using the force of their superior knowledge to recall men to their duties and obligations...The scientific priests of the religion of humanity, having acquired positive knowledge of what is good and evil, would...help suppress any subversive ideas...The things to be administered were in fact human individuals. 163

Emile Durkheim's religion of humanity was concerned to explain "the forces that created within individuals a sense of moral obligation to adhere to society's demands."<sup>165</sup> In a less zealous fashion than Comte his sociology sought to answer the question of how social order could be maintained since "God is dead." A secular religion of society was his answer; "society is the father of us all; therefore, it is to society we owe that profound debt of gratitude heretofore paid to the gods."<sup>166</sup> Society as God for Durkheim,

...was not at all the illogical or a-logical, incoherent and fantastic being which has too often been considered. Quite the contrary the collective consciousness is the highest form of psychic life, since it is the consciousness of consciousness...it sees things only in their permanent and essential aspects. At the same

time that it sees from above, it sees farther;  
at every moment of time it embraces all known  
reality... 167

Max Weber in his Protestant Ethic and the Spirit of Capitalism explained that a "spiritualistic causal interpretation of culture and history" is on par with a materialistic interpretation of the same thing.<sup>168</sup> Moreover, he argued for Verstehen or a hermeneutics of sociology that could penetrate to the subjective realm of individual meaning and action. His reason for employing this hermeneutical procedure was based in his concern that, "There is no absolutely objective scientific analysis of culture, or of social phenomena independent of special and one-sided viewpoints according to which----expressly or tacitly, consciously or unconsciously----they are selected, analyzed, and organized for expository purposes."<sup>169</sup> Thus values, be they political, religious or whatever cannot be isolated from the sociological investigation of crime because as Coser notes, "every man must follow his own demon, his own moral stance."<sup>170</sup>

As Gouldner has laboriously written in his critical review of Parsonian functionalism the whole of American liberal sociology, including criminology, is bound up with the question of "good and evil."<sup>171</sup> Talcott Parsons, as a secular theologian, boldly put it this way

There can be little doubt that the main outcome of (modern social progress) has been a shift in social conditions more in accord with the general pattern of Christian ethics than was medieval society...The millennium definitely has not arrived

(but in a whole variety of respects modern society is more in accord with Christian values than its forebears have been. 172

It was thus from orthodox Christianity that liberal sociology derived its penchant for authority and order in a world seemingly full of evil and chaos. If Parsons failed to attribute everything in liberal sociology to orthodox Christianity, (he did not include Christianity's anarchist and socialistic impulses) he did understand that orthodox Christianity "has been the central source of the order, the unity and the progress of Western society" as much as it has been "the most important single root of modern democracy" and etc., ad infinitum.

Liberal sociological criminology's emphasis on a science of crime, one that can explain, predict and recommend courses of action to prevent, reduce or eliminate crime may be a secular religious way of apprehending sin and evil. The reasoning here is based on the understanding that every methodological rule is associated with some cosmological (i.e. metaphysical) assumption that often goes unstated. Since this is the case liberal criminology has a relation to transcendence and myth in the same sense that scientific socialism's dialectical materialism is grounded in some kind of cosmology. Moreover in the realm of praxis both liberalism and orthodox Marxism are by nature engaged in apologetics for their particular definitions of social order. Both politically support state power and their respective criminal justice

apparatuses, just as Christian orthodoxy has traditionally done through its fine maze of authoritarian rationalizations. Both in point of fact have often been repressive and frequently "one-dimensional" justifications for the continued existence of power over humanity. Recently the philosopher of physical science Paul K. Feyerabend has acknowledged in this regard that sciences itself (no matter the political label)

...is much closer to myth than a scientific philosophy is prepared to admit. It is one of the many forms of thought that have been developed by man, and not necessarily the best. It is conspicuous, noisy, and impudent but it is inherently superior only for those who have already decided in favour of a certain ideology, or who have accepted it without ever having examined its advantages and its limits. And as the accepting and rejecting of ideologies would be left to the individual it follows that the separation of state and church must be complemented by the separation of state and science, that most recent, most aggressive, and most dogmatic religious institution. Such a separation may be our only chance to achieve a humanity we are capable of, but have never fully realized. 174

From all of the above one can only note that the liberal criminological critique of radical criminology as an "academic prophesy" is itself a secular religious polemic; a polemic between religious orthodoxy and religious heterodoxy in secular guise. As it stands this author prefers religious heterodoxy because it has historically been more faithful to the libertarian ideals of primitive Christianity, even though in its orthodox Marxist and Bakuninist anarchist form that ideal has been disgraced when one would have expected its exaltation.



Is Reconciliation Possible for Liberal and Radical Variants of American Criminology?

On the face of it reconciliation at least in the short run seems impossible. However, the recent dialogue between left-wing Christianity and left-Marxism. <sup>176</sup> in addition to detente' between liberal American policy-makers and post-Stalinist policy-makers in the Soviet Union may prove a good lead for the academic reconciliation of liberal and radical criminologies. What is needed is a secular ecumenism that would allow for the diversity of secular ideas while at the same time approaches to what is commonly held can be maximized.

Yet a proposal for reconciliation would be dishonest if it did not understand that radical criminology by virtue of its prophetic quality necessarily stands in judgement of liberal criminology. Radical criminology has a rational for existence because of the political and religious bias of liberal criminology. Thus in order for reconciliation to be realized both approaches must change by moving from self-righteous sufficiency to humble deficiency. Radical criminology must become self-critical and understand its own estrangement. Liberal criminology must become aware of its habit of supporting social injustices and oppression (in the name of order) and must discontinue such support. Both approaches should be aware that they will pay a price, i.e., suffer for such a move. To rephrase Frederick Douglass slightly, "social power concedes nothing without a struggle."

In a sense the greatest price will have to be paid by liberal criminology. This is because it has the most to lose---such as: its conception of itself as science; its status and close relationship to the power centers of the criminal justice system; its job security in academia; in sum its power, wealth and prestige. On the other hand radical criminology, as of yet, does not have all of the trappings of social acceptance that liberal criminology has. However, radical criminology must lose its desire for power as "power over others" and take on a multi-sum approach to the question of power. Both will have to lose the "ivory tower" mentality that sets them apart from the everyday world of complexity, strife, love and natural truth. Both must overcome the philosophical dualism that separates off different segments of humanity and often ends in racism, sexism, elitism, and classism, a few of those old irrational forces that creep into both theories. One could go on with a litany of things each could do for reconciliation but that would be counter productive.

The essential quality for reconciliation must in the last analysis be a willingness to connect the core of that which is liberative in each theory. To this author's estimation such a connection requires a different kind of love.

## NOTES

INTRODUCTION

1

For a poorly done anarchist perspective on crime see: Harold E. Pedinsky. "Communist Anarchism as an Alternative to the Rule of Law," Contemporary Crisis, vol. II (1978), 317-334. Examples of orthodox Marxist criticisms are: Paul Q. Hirst, "Marx and Engels on Law, Crime and Morality," in Critical Criminology, ed. by Ian Taylor et al. (London: Routledge and Kegan Paul Ltd., 1975), pp. 203-232; Heinz Steiner, "Can Socialism Be Advanced By Sloppy Data? Some remarks on Richard Quinney's latest output," Contemporary Crisis, vol. II (1978), 302-309; Milton Mankoff, "On the Responsibility of Marxist Criminologists: A Reply to Quinney," Contemporary Crisis vol. II (1978), 293-301; Stephen K. Mugford, "Marxism and Criminology," The Sociological Quarterly, vol. XV (Autumn, 1974), 591-596. For two excellent conventional criticisms see: Francis A. Allen, The Crimes of Politics: Political Dimensions of Criminal Justice (Cambridge: Harvard University Press, 1974), pp. 1-23; Don C. Gibbons and Gerald F. Blake, "Perspectives in Criminology and Criminal Justice: The Implications for Higher Education Programs." (Paper presented at the conference on Key Issues in Criminal Justice Doctoral Education, University of Nebraska at Omaha, NE, October, 1975), pp. 1-28.

2

Robert Hoffman, "Introduction," in Anarchism, ed. by Robert Hoffman (New York: Atherton Press, 1970), pp. 1-15.

Of course there is such a thing as right-wing anarchism, all political ideologies having left-to-right variations. Right-wing anarchists agree with the left that the state is problematic for human liberty but the right usually is a firm believer in capitalist property accumulation. Right-wing anarchism is usually described as "individualist anarchism" and "laissez-faire individualism," thus the right opposes state intervention in economic affairs. Yet the right is also opposed to governmental centralization, for two reviews of right-wing anarchism see: Roger L. MacBride, A New Dawn for America: The Libertarian Challenge (Illinois: Green Hill Publishers, Inc., 1976) and Eunice M. Schuster Native American Anarchism: A Study of Left-Wing American Individualism (New York: AMS Press, 1970), especially the preface wherein the distinction between left and right anarchism is made.

3  
Karl Marx, Frederick Engels and V. I. Lenin, Anarchism and Anarcho-Syndicalism: Selected Writings, (New York: International Publishers, 1974), p. 24.

4  
Ibid., p. 181.

5  
Ibid., p. 304-315.

6  
Sidney Hook, Revolution, Reform and Social Justice, (New York: New York University Press, 1975), p. 55.

7  
Terrence Ball, "Marxism, Revisionism, and the State," Studies in Marxism: Marxism and New Left Ideology, no. 1 (Minneapolis: Marxist Educational Press, 1976), pp. 44-45.

8  
Carl B. Kocars, "The Contemporary Crises of Marxist Criminology," Criminology, vol. 16, no. 4 (February, 1979), pp. 477-515.

9  
Karl Marx, "Contribution to the Critique of Hegel's Philosophy of Right," in The Marx-Engels Reader, ed. by Robert C. Tucker (New York: W. W. Norton and Company, Inc., 1972), p. 11.

10  
Ibid., p. 12.

11  
Richard Quinney The Problem of Crime (New York: Dodd, Mead and Company, 1970), p. 164 says "our contemporary reaction to crime has been shaped by the Puritan concept of crime." One should add here that our contemporary morality is still being shaped by Puritan standards, both by Puritan orthodoxy (repressive laws) and Puritan heterodoxy (the libertarian tradition of individual liberty from the law). See also: William Chambliss "Functional and Conflict Theories of Crime: The Heritage of Emile Durkheim and Karl Marx," in Whose Law, What Order: A Conflict Approach to Criminology, ed. by William Chambliss and Milton Mankoff, (New York: John Wiley and Sons, Inc., 1976), pp. 11-15; Cushing Strout, The New Heavens and New Earth: Political Religion in America (New York: Harper and Rowe, 1974), especially his chapter on "The Puritan Paradox".

12

Tertullian, the second century leader of Christianity in North Africa was an anarchist and "superb political journalist" who took a dim view of the state, its law and the early Christian orthodoxy that suggested support of the Caesars. He was the father of Donatism and the great ancestor of all Christian nonconformity. In his Despectatus 25 he notes that, "It is therefore against...the institutions of our elders, against the authority of tradition, the laws of the masters of this world, against the past, against custom and necessity and [the rule of law], that have fortified this bastard divinity...that our business lies." Moreover, he continued "nothing is more foreign to us than the state. One state we know of which we are all citizens—the universe." Tertullian also preached and practiced against wealth and pacifism; see W. H. C. Frend, Matrydom and Persecution in the Early Church: A Study of Conflict From the Maccabees to Donatus (New York: Doubleday and Company, Inc., 1967), p. 272.

13

See: Joseph Petulla, Christian Political Theology: A Marxian Guide, (New York: Orbis Books Maryknoll, 1972), p. 13-21.

14

Reference is made here to the concept of orthopraxis i.e., "to do the truth". The term is key in Latin America liberation theology and arose to "balance" Christian doctrine with Christian practice. The problem with the term is that orthodox Christian doctrine already had a two-thousand year old praxis which was not liberationist. Heterodox doctrine calls for a heteropraxis to be consistent with its libertarian intent. Moreover, the "balance" sought between doctrine and practice often over emphasizes practice or sees practice as primary. Thus Christian-Marxist orthopraxis may be in danger of losing the sought after dialectic between faith, ideological and action. See: Gustavo Gutierrez, A Theology of Liberation: History, Politics and Salvation, (New York: Orbis Books, Maryknoll, 1973), p. 9, Alfredo Fierro suggests that at the point of the dogma of historical materialism, "theology cannot identify itself with Marxism, except under pain of losing its own identity," this author suggests that an identity loss will occur in left theology at this point where Marxist orthodoxy dogma and authority is accepted as a matter of faith; see Fierro's The Militant Gospel: A Critical Introduction to Political Theologies (New York: Orbis Books, Maryknoll, 1975), p. 115. Unorthodox Marxism not Marxist orthodoxy has a relevance for a heterodox practice of faith. Yet even heteropraxis "does not mean possessing final truth," contrary to Juan Luis Segundo, for the grasp of final truth is beyond human and thus the relative situation we find ourselves in; see Segundo's The Liberation of Theology, (New York: Orbis Books, Maryknoll, 1976), p. 32.

15

Robert Tucker, Philosophy and Myth in Karl Marx (Cambridge: University Press, 1971), p. 22.

16

Glenn Tinder, Political Thinking: The Perennial Questions (Boston: Little, Brown and Company, 1970). The "perennial questions of political inquiry are: 1) estrangement and vanity, 2) inequality and equality, 3) nature and meaning of history, 4) the idea of human uncertainty. All political philosophies and theologies must deal with these core questions of political inquiry. Radical criminology has begun to incorporate questions 1-5 in its inquiry, but because of its faith in the truth value of the proletariat's progress has not successfully understood that human knowledge is limited and relative. Tinder, commenting on the question of "how it is possible for an intelligent person to take with assurance a philosophical position which he knows is not certain," notes that it is faith not certainty that moves people to choose one political philosophy over another and as such it "is a mysterious spiritual event," (p. 133). Thus there is a spiritual connection between political philosophy and political theology in that both are systems of belief wherein certainty is assured through faith either in humanity, history, nature or God.

17

Richard Quinney, Critique of Legal Order: Crime Control in Capitalist Society, (Boston: Little, Brown and Company, 1973), p. 159. Yet Quinney's call for "true democratic socialism" is not orthodox Marxian and is aimed at the elimination of hierarchy and bureaucratic arrangements. The question remains, however, of what will a democratic majority do with a minority opposition?

18

Ibid. p. 188.

19

Eunice Minette Schuster, Native American Anarchism, pp. 7-12; also see: Jose Miranda, Marx and the Bible: A Critique of the Philosophy of Oppression (New York: Orbis Books, Maryknoll, 1974), p. 187; Robert Cooney and Helen Michalowski The Power of the People: Active Non-Violence in the United States (San Francisco: Agape Foundation and Institute for the Study of Non-Violence, 1977), pp. 24-26; and Lyof N. Tolstoy, Essays, Letters, Miscellanies, vol. I and II (New York: Charles Scribner's Sons, 1904), especially "Patriotism and Christianity" in vol. I, pp. 1-62.

20

See: George H. Sabine A History of Political Theory (New York: Holt, Riehart and Winston, 1961) where he reviews the social contract theory of government which may have begun in the thought of Thrasymachus, "justice is only the interest of the stronger (p. 31) and moves over the centuries to Rousseau who reversed Thrasymachus' dictum to read: "might does not make right" and yet ended paradoxically advocating that the general will of the community as manifested in the state is always right (p. 591).

21

Alfredo Fierro, The Militant Gospel, pp. 114-120.

22

W. H. C. Frend, Matyrdom and Prosecution in the Early Church, p. 21.

23

Lyof Tolstoi, Essays, Letters, Miscellanies, vol. II, pp. 57-73, his "Letter to the Liberals."

24

Gustavo Gutierrez, "Freedom and Salvation: A Political Problem," in Liberation and Change, ed. by Ronald R. Stone (Atlanta: John Knox Press, 1977), pp. 8-16. Also see: Douglas John Hall, The Reality of the Gospels and the Unreality of the Churches (Philadelphia: Westminster Press, 1975), pp. 157-161.

25

Michael Bakunin, "God and the State," in The Essential Works of Anarchism, ed. by Marshall S. Shatz, (Illinois: Bantam Books, Inc., 1971), pp. 124-154.

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Thomas Gilby, The Political Thought of Thomas Aquinas, (Chicago: The University of Chicago Press, 1958), pp. 183-185.

27

Martin Luther, The Christian in Society II, vol. XLV in Luther's Works, ed. by Walter I. Brandt (Philadelphia: Fortress Press, 1975) pp. 245-310.

28

John Fred Bell, A History of Economic Thought, (New York: The Ronald Press Company, 1967), pp. 377-384.

## NOTES

## CHAPTER I

The Ideological Character of Recent Criminology

1

Walter B. Miller, "Ideology and Criminal Justice Policy: Some Current Issues", The Criminologist: Crime and the Criminal, ed. by Charles E. Reasons (Pacific Palisades: Goodyear Publishing Company, Inc., 1974), pp. 20-50.

2

Barry Krisberg, Crime and Privilege: Toward a New Criminology, (New Jersey: Prentice Hall, Inc., 1975), pp. 1-2.

3

Don C. Gibbons and Peter Garabedian, "Conservative, Liberal and Radical Criminology: Some Trends and Observations," The Criminologist: Crime and the Criminal, ed. by Charles E. Reasons, (Pacific Palisades: Goodyear Publishing Company, Inc., 1974), p. 50.

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Richard Quinney, Critique of Legal Order: Crime Control in Capitalist Society, (Boston: Little, Brown and Company, 1974), pp. 149-155.

5

Miller, "Ideology and Criminal Justice Policy, The Criminologist: Crime and the Criminal, pp. 28-30.

6

Gunter W. Remmling, Road to Suspicion: A Study of Modern Mentality and the Sociology of Knowledge, (New York: Meredith Publishing Co., 1967), p. 110.

7

John Horton, "Order and Conflict Theories in Sociology", Theories and Paradigms in Contemporary Sociology, ed. by R. Serge Denisoff, Orel Callahan and Mark Levine, (Illinois: F. E. Peacock Publisher, Inc., 1974), p. 54.

8

Sir Leon Radzinowicz, "Ideologies and Crime: Crime and Justice, vol. III: The Criminal Under Restraint, ed. Sir Leon Radzinowicz and Marvin E. Wolfgang, (New York: Basic Books, Inc., 1977), p. 432.



9

Francis A. Allen, The Crimes of Politics: Political Dimensions of Criminal Justice, (Cambridge, Mass: Harvard University Press, 1974), pp. 9-11.

10

Michael Hannigan and Richard Schauffler, "Criminology at Berkeley: Resisting Academic Repression, Part II," Crime and Social Justice, vol. 2, (Fall-Winter, 1974), pp. 42-48.

11

Allen, The Crimes of Politics: Political Dimensions of Criminal Justice, p. 7.

12

Ibid., p. 11.

13

"Thus, whether viewed from the perspective of its origins, its functions, or its consequences, the system of criminal justice appears to be a natural, even inevitable subject for political analysis... Yet a political interpretation of criminal justice was slow to develop in the immediate post-war era, despite the political orientation of intellectual currents, in general," Francis A. Allen, The Crimes of Politics: Political Dimensions of Criminal Justice, pp. 4-5.

For an authoritative introduction to liberal political science, see Issues in Politics and Government, ed. David V. J. Bell, Karl W. Deutsch and Seymour Martin Lipset (Boston: Houghton Mifflin Company, 1970); for contrasting radical view of political science, see, Power and Community: Dissenting Essays in Political Science, ed. Phillip Green and Sanford Levinson (New York: Random House, 1970). An outstanding example of liberal political sociology is Ralf Dahrendorf's Society and Democracy in Germany, (New York: Doubleday and Company, 1967); for an unorthodox Marxist version of political sociology, see C. Wright Mills, The Power Elite (New York: Oxford University Press, 1956), and for an orthodox Marxist view of the same thing, see Ralph Miliband, Marxism and Politics, (New York: Oxford University Press, 1977). For an authoritative history of political philosophy from a liberal perspective, see George H. Sabine, A History of Political Theory, (New York: Holt, Rinehart and Winston, 1961), an excellence unorthodox Marxist view of political philosophy is Herbert Marcuse, Reason and Revolution: Hegel and the Rise of Social Theory, (New York: Humanities Press, 1954), and an orthodox Marxist version of same is Maurice Conforth, Communism and Human Values, (New York: International Publishers, 1972). Finally on political theology see the

liberal and neo-orthodox Reinhold Niebuhr, Faith and Politics, (New York: George Braziller, 1968) and the differing left views of political theology, see Dorothee Soelle, Political Theology, (Philadelphia: Fortress Press, 1974); Gustavo Gutierrez, A Theology of Liberation, (New York: Maryknoll-Orbis Books, 1973); Mary Daly, Beyond God the Father: Toward a Philosophy of Women's Liberation, (Boston: Beacon Press, 1973) and James H. Cone, God of the Oppressed, (New York: Seabury Press, 1975).

14

Ibid., p. 11.

15

"If every social theory is thus a tacit theory of politics, every theory is also a personal theory, inevitably expressing, coping and infused with the personal experience of the individuals who author it. Every social theory has both political and personal relevance, which, according to the technical canons of social theory, it is not supposed to have," Alvin W. Gouldner, The Coming Crisis of Western Sociology, (New York: Basic Books, Inc. 1970), pp. 40-41.

16

John H. Schaar, "Legitimacy in the Modern State," Power and Community: Dissenting Essays in Political Science, ed. Philip Green and Sanford Levinson, (New York: Random House, 1970), p. 278.

17

Miller, "Ideology and Criminal Justice Policy," The Criminologist: Crime and the Criminal, pp. 20-50.

18

Don C. Gibbons and Gerald F. Blake, "Perspectives in Criminology and Criminal Justice: The Implications for Higher Education: (Paper presented at the Conference on Key Issues in Criminal Justice Doctoral Education, University of Nebraska at Omaha, Omaha, NE., October 1975), pp. 1-28.

19

Don C. Gibbons and Peter Garabedian, "Conservative, Liberal and Radical Criminology: Some Trends and Observations," The Criminologist: Crime and the Criminal, ed. Charles E. Reasons, 1974, pp. 51-65.

20

Sir Leon Radzinowics, "Ideologies and Crime," Crime and Justice, vol. III: The Criminal Under Restraint, pp. 432-449.

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Richard Quinney, Critique of Legal Order, 1974, pp. 137-140.
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Anthony Platt, "Prospects for a Radical Criminology in the United States," Crime and Social Justice, vol. (Spring-Summer, 1974), 2-10.
- 23  
Ian Taylor, Paul Walton and Jock Young, Critical Criminology, (London: Routledge and Kegan Paul, Ltd., 1975), pp. 6-28.
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Barry Krisberg, Crime and Privilege, 1975, pp. 3-5.
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Frank Pearce, Crimes of the Powerful: Marxism, Crime and Deviance, (London: Pluto Press, 1976), pp. 61-67.
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Erich Buchholz, et al, Socialist Criminology: Theoretical and Methodical Foundations, trans. by Eswald Osers, (Berlin: Staatsverdag der DDR, 1974), p. 110.
- 27  
Helmut R. Wagner, "Types of Sociological Theory," Theories and Paradigms, in Contemporary Sociology, 1974, p. 47.
- 28  
Achilles G. and George A. Theodorson, Modern Dictionary of Sociology: The Concepts and Terminology of Sociology and Related Disciplines, (New York: Thomas Y. Crowell Company, 1969), p. 195.
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Miller, "Ideology and Criminal Justice Policy," The Criminologist: Crime and the Criminal, above.
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Richard Quinney, Critique of Legal Order, 1974, p. 55
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Ibid., pp. 32-42.
- 32  
Lewis A. Coser, Masters of Sociological Thought: Ideas in Historical and Social Context, (New York: Harcourt, Brace and Jovanovich, Inc., 1971), p. 436.

33

Ibid., p. 431.

34

On the question of relativism as a necessary feature in social beliefs and theory see: Robert K. Merton, Social Theory and Social Structure, (Illinois: The Free Press, Third Printing, 1959), pp. 502-507; William E. Connolly, Political Science and Ideology, (New York: Atherton Press, 1967), pp. 70-74; M. H. Briggs, Handbook of Philosophy (New York: Philosophical Library, 1959), p. 179; R. Josephy Monsen, Jr. and Mark W. Cannon, The Makers of Public Policy: American Power Groups and Their Ideologies, (New York: McGraw Hill Book Company, 1965), pp. 19-22; Fred A. Westphal, The Activity of Philosophy, (New Jersey: Prentice-Hall, Inc., 1969), pp. 166-167. On cultural and moral relativism, see: Theodorson and Theodorson above, Modern Dictionary of Sociology, 1969, pp. 94-134. On ideological relativism in the legal and theological activity: Glendon Schubert, "Judicial Policy-Making," Sociology of Law, ed. Vilhelm Aubert, (England: Penguin Books, 1969), pp. 213-227; and James H. Cone, God of the Oppressed (New York: Seabury Press, 1975), pp. 39-44. Finally, see Paul K. Feyerabend's attack on the "ideological fairy-tale of scientific chauvinism," Against Method, (London: NLB, Ltd., 1975), pp. 300-309 and Don Martindale, Sociological Theory and the Problem of Values, (Ohio: Charles E. Merrill and Company, 1974), pp. 13-25.

35

Connolly, Political Science and Ideology, 1967, p. 137.

36

Miller, "Ideology and Criminal Justice Policy," The Criminologist, p. 35.

37

See Theodore Caplow's and Reece J. McGee's discussion on the question of inequitable treatment and political activity in academia in their Academic Marketplace, (New York: Anchor Books, 1965), pp. 192-196. Their discussion maybe dated in some respects; however, the problem for political activity of the New Left remains if the closing of the School of Criminology at Berkeley is a valid indicator. See also: M. Cherif Bassouni's discussion on the class relationship between campus authority and civil authority in dealing with university disorders, The Law of Dissent and Riots, (Illinois: Charles C. Thomas Publisher, 1971), pp. 486-494.

38

The issue of radical criminology's equality of opportunity, but not equality in reality is similar to the social myth of equal opportunity for racial minorities and women. The equality talked about is an abstraction which the radical economic historian Sidney M. Wilhelm refers to as "delusions of equal opportunity without equal justice." until radical criminology is actually on par with conventional criminology, equality in fact, rather than in fiction, is impossible. See Wilhelm's Who Needs the Negro?, (New York: Anchor Books 1971), pp. 235-240. For an outstanding male feminist summary of equal opportunity as a fiction, see Leo Kanowitz, Women and the Law: The Unfinished Revolution, (Albuquerque: University of New Mexico Press, 1974).

39

That radical criminology now employs a non-violent revolutionary praxis is evidenced first in the issue of the community control of police, see Anthony Platt, et. al., The Iron Fist and the Velvet Glove: An Analysis of the U. S. Police, (Berkeley: Center for Research on Criminal Justice, 1975), pp. 189-190 and 197. Radical criminology has called for participation in electoral politics, legal reforms, and education of the electorate, it has not resorted to the use of illegal methods or revolutionary violence. For instance, the political struggles attendant to the closing of the Berkely School of Criminology were legal and non-violent in nature. The strategy and tactics used by the radicals "were developed according to what was possible, and what was possible was governed largely by the University calendar," R. Schaufller and M. Hannigan, "Criminology at Berkeley," Crime and Social Justice, vol. II, (Fall-Winter) 1974, p. 44.

As a matter of rhetoric the later New Left in America (say 1974 to present) has prided itself on not being content with mere constitutional opposition as the Old Left has been forced to do, see Arthur Lothstein, All We Are Saying: The Philosophy of the New Left, (New York: G. P. Putnam's Sons, 1970) p. 13. Yet the New Left in general, nor New Left radical criminology, has often practiced revolutionary violence. A resort to revolutionary violence would mark radical criminologists as criminals and require them to cease academic production.

The difference between a violent revolutionary and non-violent revolutionary praxis revolve around the use of violence against oppressors. Orthodox Marxism, relying on proletarian revolution, views the use of violence as necessary in countering the violence of the established state. On the other hand, non-violent revolutionary socialism sometimes called left-

wing or evolutionary socialism understands that in countries like America, where the workers have gained from political democracy and legal rights, the socialist revolution can begin and be won by constitutional non-violent means (see, G. D. H. Cole, The Meaning of Marxism, (Michigan: Ann Arbor Paperbacks for the Study of Communism and Marxism, 1948), pp. 201-205; and Toward Peace, Freedom and Socialism, Main Political Resolution, 21st National Convention, Communist Party, U. S. A., June 26-29, 1975, (New York: New Outlook Publishers), pp. 107-131.

Lastly the differences between the two kinds of revolutionary praxis, i.e., violence and non-violence are a matter of faith and dogma for both camps, see The Lenin Reader: the Outstanding Works of V. I. Lenin, ed. Stefan T. Possony (Chicago: Henry Regnery Company, 1969), especially p. 498 where Lenin defends revolutionary violence as "the main thesis of dialectics." Also see Mao Tse-Tung section on the "people's war" in Quotations from Chairman Mao-Tse-Tung, (Peking: Foreign Languages Press, 1966), pp. 88-98. On non-violent theory strategies for revolution the best work is anarchist theoretician Gene Sharp's massive three part The Politics of Non-Violent Action, (Boston: Extending Horizon's Books, 1973).

40

Bassouni, The Law of Dissent and Riots, 1971, p. 48.

41

Richard T. DeGeorge, The New Marxism: Soviet and East European Marxism Since 1956, (New York: Pegasus, 1968), pp. 151-154.

## NOTES

## CHAPTER II

A Thematic Analysis of Ideology  
in Conventional Criminology

1

James Q. Wilson, Thinking About Crime (New York: Basic Books, Inc., 1975).

2

Ramsey Clark, Crime in America: Observations on its Nature, Causes, Prevention and Control (New York: Simon and Schuster, 1970).

3

Walter B. Miller, "Ideology and Criminal Justice Policy: Some Current Issues," The Criminologist: Crime and the Criminal, ed. by Charles E. Reasons (Pacific Palisades: Goodyear Publishing Company, Inc., 1974) pp. 20-50.

Also see William J. Chambliss "Functional and Conflict Theories of Crime: The Heritage of Emile Durkheim and Karl Marx" Whose Law, What Order: A Conflict Approach to Criminology, ed. by William J. Chambliss and Milton Mankoff (New York: John Wiley and Sons, Inc., 1976), pp. 1-28. Besides Chambliss' discussion on the heresy of Anne Hutchinson and the persecution of Quakers in Puritan America (which he describes as class conflict without noticing that Hutchinson was of the same economic class that Puritan leader John Cotton was), Chambliss compares and contrasts the functionalist and conflict hypotheses in three areas: the content and operation of the law; consequences of crime for society; the etiology of criminal behavior. His work differs from Miller's in that Miller has more depth and has directly touched the question of ideology, whereas Chambliss, using Thomas Kuhn's theory of paradigmatic change, does not strictly broach the question of ideology. Thus the present author chose the liberal Miller's rather than the radical Chambliss work to use in this chapter.

4

For a description of conservative and neo-conservative criminology, especially with reference to Wilson, see Don C. Gibbons and Gerald F. Blake, "Perspectives in Criminology and Criminal Justice: The Implications for Higher Education." (Paper presented at the Conference on Key Issues in Criminal Justice Doctoral Education, University of Nebraska at Omaha, Omaha, NE, October, 1975), pp. 7-8 and 12-14.

5

That former Attorney General Ramsey Clark is politically liberal and not revolutionary ought to be obvious. Of course, his liberalism is often a daring departure from the run-of-the-mill kind of academic liberalism one associates with criminological liberalism. That is, Clark has often went out on a limb to support civil-libertarian causes such as his attempt to offer a defense of the Chicago Seven in 1969 and his subsequent support of the release of political prisoners, including Nebraskans David Rice and Ed Poindexter. These actions qualify him as a left liberal, yet other actions he took while Attorney General exclude him from being described as a revolutionary (e.g., his authorization of wire-taps against war protestors and black nationalists and his vigorous prosecution of Dr. Spock and Rev. William Sloan Coffin in their anti-war activities).

6

Ontology is that branch of metaphysics that deals with essence, being, or existence. In as far as conventional criminology seeks to ground itself in logical positivism it is a form of "scientism" which restricts reality to appearances and thus attempts to rule out ontological discussion. However, an ontological dimension of conventional criminology cannot be ruled out so easily because logical positivism itself has its own ontological assumptions (which usually go unstated). Wilson and Clark, however do make their ontological view of human nature or essence explicit. In support of the ontological basis of logical positivism the socialist Paul Tillich, theologian, has written

the question is whether the elimination of almost all traditional philosophical problems by logical positivism is a successful escape from ontology. One's first reaction is the feeling that such an attitude pays too high a price, namely, the price of making philosophy irrelevant. But, beyond this impression, the following argument can be put forward. If the restriction of philosophy to the logic of the sciences is a matter of taste, it need not be taken seriously. If it is based on an analysis of human knowledge, it is based like every epistemology, on ontological assumptions (emphasis: mine). There is always at least one problem about which logical positivism... must make a decision. What is the relation of signs, symbols or logical operations to reality? Every answer to this question says something about the structure of being. It is ontological.



Tillich's above conclusion was quoted from David Elton Trueblood's Philosophy of Religion (New York: Harper and Brothers, 1957), p. 201. Ian Taylor et al in The New Criminology (New York: Harper and Rowe, 1973) critically trace the "appeal of positivism" in conventional criminology and note that the positivist conception of science "denies meaning to any action taken outside the consensus and thereby the established social order itself (p. 61)."

7

Miller, "Ideology and Criminal Justice Policy," The Criminologist: Crime and the Criminal, p. 24.

8

Ibid., p. 25, "Not included in these tables is a theoretically possible centrist position."

9

On the general issue of technological repression from a New Left philosophical-sociological perspective, see Jurgen Habermas Toward A Rational Society: Student Protest, Science and Politics (Boston: Beacon Press, 1970). Technological repression in the criminal justice system, especially that employed by police agencies is best illustrated in Anthony Platt et al's The Iron Fist and Velvet Glove: An Analysis of the U. S. Police (Berkeley: Center for Research on Criminal Justice, 1977), pp. 82-92. The often bloody and fearful outcomes of such repression is well documented in Cointel Pro: The F. B. I.'s Secret War on Political Freedom, (New York: Monad Press, 1975), ed. by Cathy Perkus.

10

Clark's concern that criminals care little for the "systems and standards of society" is balanced by Chambliss' retort of "whose law, what order?" Chambliss restated could ask whose systems and standards of society?

11

Chambliss, Whose Law, What Order?: A Conflict Approach to Criminology, above.

12

Actually according to Hobbes the state of nature is the "time men live without a common power to keep them all in aw, they are in that condition which is called Warre; and such Warre, as is of every man, against every man..." Thus Hobbes as a monarchist justified the state power of the king, the great Léviathan, because man is an animal motivated by only two concerns: fear and self interest.

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Wilson's idea of crime as a calculated risk taking venture fits the Hobbseian scheme to a neo-conservative tee. For the source of the foregoing quote of Hobbes, see W. T. Jones "Thomas Hobbes," Political Philosophy, vol. II: Masters of Political Thought: Machiavelli to Bentham, ed. by Edward McChesney Sait (Boston: Houghton Mifflin Company, 1968) p. 99.

In contrast to Hobbes, John Locke, the father of liberalism, generally held that humanity even in a primitive state of nature rationally adhered to moral or natural law and could even be altruistic. Hocke's social contract was the medium of passage from an "uncivilized" state of nature to a politically organized and thus "civilized" society. Such a society promised a greater degree of security (for one's property and person), convenience and happiness than the primitive state of nature. Yet one did not enter society without giving something up in return for society's protection. The primary individual power given up was the individual authority of decision and action with regard to punishing for criminal infractions. This authority was to be exchanged for regulation by laws made by the state for the "common interests of all." As Locke theorized,

The power of punishing he wholly gives up, and engages his natural force, (which he might before employ in the execution of the law of nature, by his own single authority, as he thought fit) to assist the executive power of the society, as the law thereof shall require. For being now in a new state, wherein he is to enjoy manyconvenience, from the labour, assistance and society of others in the same community, as well as protection from its whole strength; he is also to part with as much of his natural liberty in providing for himself... since the other members of the society do the like.

The above quotation is, like the quote of Hobbes, taken from W. T. Jones, "John Locke's, Political Philosophy" Masters of Political Thought, p. 183.

13

Early twentieth century economist American Thorstein Veblen charged the capitalist class of his era with "the predatory seizure of goods without work," according to the contemporary economic theoretician Robert L. Heilbroner in his The Worldly Philosophers: The Lives, Times and Ideas of The Great Economic Thinkers (New York: Simon and Schuster, 1967), p. 210. Moreover, Hielbroner notes that official economics of the period was "apologist and unperceptive" of the fraud, staggering dishonesty, blackmail, kidnapping, property distruction and intra class violence among the

"Robber barons" themselves, not to mention the capitalist conflict with labor. The idea of corporate social responsibility was laughed off by J. P. Morgan in his classic statement, "I owe the public nothing" (p. 196). Yet the activities of these kind of people were exalted by official economics of the period and winked at by the criminal law and its prosecutors while labor militants were jailed and persecuted.

Today's criminal assault on the planet's environment by corporate capitalism (i.e. chemical spillage and waste, nuclear pollutants and, etc.) is not entirely undifferent from the capitalist attitudes held at the turn of the century. Presently, greater profit, productivity and exponential growth are the key values of such modern barons as David Rockefeller who puts social responsibility low on his list of priorities in his belief that "unrealistic pollution abatement costs on industry" will mean that the U. S. will price itself out of world markets and that jobs will suffer"...it seems clear that we will be forced to step up our productivity through ever improved technology," quoted in Richard J. Barnet and Ronald E. Muller Global Reach: The Power of The Multinational Corporations (New York: Simon and Schuster, 1974), p. 343.

Given this historical attitude of American capitalism toward social responsibility one would have to agree with Edwin H. Sutherland's description of much business activity as "socially injurious" and disagree with Paul W. Tappan in his assertion that Sutherland's and other views that broadly define upper-class crime outside of legal definitions are "not social science;" see White-Collar Criminal: The Offender in Business and the Professions, ed. by Gilbert Geis (New York: Atherton Press, 1968), pp. 369-370.

14

Webster's New Collegiate Dictionary (Springfield, Mass: G and C Merriam Company, 1974), p. 656 defines the left as "those professing views usually characterized by a desire to reform or overthrow the established order especially in politics." This dictionary also defines reform as synonymous with the act of correcting (p. 971). Thus reform would be to correct the abuses and/or defects in the established order to make it work better. On the other hand, this dictionary defines overthrow to mean a bringing down or defeat of something (p. 819). Hence, there is a difference between reforming the established order and desiring to defeat or overthrow that order. Left liberalism may call for reform but the true left, in a radical sense is about the revolutionary defeat of what left liberals are about reforming.

15

Ibid., p. 997. One notes here that the right can and does advocate change reform and even revolution but in the opposite direction from the left. Wilson's neo-conservatism would have to be considered reformist in the sense that he is proposing changes to meet his philosophy of how the criminal justice system should function. For an excellent overview of conservative political philosophy in contrast to liberalism, see Peter Viereck Conservatism: From John Adams to Churchill (New York: Van Nostrand Reinhold Company, 1956). The best studies of right-wing radicalism in America may be Seymour Martin Lipset and Earl Raab The Politics of Unreason: Right-Wing Extremism in America, 1790-1970 (New York: Harper and Rowe, 1970) or Benjamin R. Epstein and Arnold Forster, The Radical Right: Report on The John Birch Society and Its Allies (New York: Vintage Books, 1967).

16

That the courts and lawyers are mostly not of the left should be clear from a reading of Law Against the People: Essays to Demystify Law, Order and the Courts, ed. by Robert Lefcourt (New York: Vintage Books, 1971), especially Lefcourt's "Introduction," (p. 3-17) and David N. Rockwell's "The Education of the Capitalist Lawyer," (p. 90-104). Also see, Abraham S. Blumberg Criminal Justice (Chicago: Quadrangle Books, 1974), p. 32-35 where Blumberg analyzes "the role of ideology," (i.e. due process and the ameliorative-therapeutic models of the court) in the legal adversary system.

17

On the contrary the radical argument is that social science is conservative by virtue of its support of the established order; a support that seemingly takes pains to not be critical. See, Alvin Gouldner The Coming Crisis of Western Sociology (New York: Basic Books, 1970), especially his analysis of functionalist conservatism, (p. 331-337).

18

Wilson, Thinking About Crime, p. 63. Wilson's argument here depends on how close different criminologists are willing to align themselves with conventional notions of what criminology is about. Presuppositions are not generated from inside the discipline but from the political environment one chooses to attach oneself to. Moreover, most of these presuppositions (e.g. order, control, liberty and etc.) are found in political philosophy and have been debated in the west since Plato and the Stoics.

19

William Kunstler "In Defense of the Movement," Law Against the People, p. 271.

20

"The tendency to solve social ills with technical means...is a consequence of trying to reduce certain social ills to manageable dimensions in order that precise solutions might be applied...what is overlooked, however, is the possibility that (technical) solutions to social ills are themselves an intimate part of the problem," "The Triple Revolution Emerging: Social Problems in Depth" ed. by Robert Perrucci and Marl Pilisuk (Boston: Little, Brown and Company, 1971), p. 158. What is required is total structural change not shoring up of defective institutions, by resort to mere techniques, this would mean a move away from viewing criminals as a product of social pathology to a radical political view of crime and deviancy; see Ian Taylor, et al, The New Criminology: For a Social Theory of Social Deviance (New York: Harper and Rowe, 1973), pp. 268-282.

21

Wilson, Thinking About Crime, p. 198.

22

George Kateb, "Utopia and the Good Life," Utopia and Utopian Thought: A Timely Appraisal, ed. by Frank E. Manuel (Boston: Beacon Press, 1966), p. 240.

23

Judith Shklar, "Political Theory of Utopia," Utopias and Utopian Thought, pp. 103-105.

24

Crane Brinton, "Utopia and Democracy," Utopias and Utopian Thought, pp. 55-56.

25

See, Friedrich Engels criticism of utopian socialism and his advocacy of a scientific socialism which would give nineteenth century socialism "a real basis" in contrast to the metaphysical basis of utopian socialist thought in his "Socialism: Utopian and Scientific," The Marx-Engels Reader, ed. by Robert C. Tucker (New York: W. W. Norton and Company, 1972), pp. 605-649. That scientific socialism is sympathetic to the ideology of social Darwinism (i.e. survival of the fittest in struggle) is explained in Richard Hofstadter, Social Darwinism in American Thought (Boston: Beacon Press, 1955), pp. 115-117. If Hofstadter's view is correct the scientificity of Marxism is actually a left statement of nineteenth century scientism.

26

For conservatism is not a policy; nor is it a program to solve economic or political problems. It is hardly more than an instinctive belief that today's society is built on several thousand years and that in those years men have found things they should fasten to. Out of this grows not opposition to change in political institutions or in economic methods but an awareness that in too hasty a flight from the old we can flee to evils we know not of...The instinct to conserve, we think, never left the American people.

The above quote is from a 1955 Wall Street Journal article and is in Peter Viereck, Conservatism, above, p. 186. This is a complimentary reading, but conservative in America has had its ugly side which has included "political extremism" that has historically repressed minorities, women, social deviants, the radical left, ethnic Americans such as Jews, non-Protestants and etc. On the future of political conservatism see Seymour Martin Lipset and Earl Raab, The Politics of Unreason, above, pp. 484-515.

27

Mircea Eliade, "Paradise and Utopia," Utopias and Utopian Thought, p. 262.

28

Frederik G. Polak, "Utopia and Cultural Renewal," Utopias and Utopian Thought, p. 286. Exploring Plato's thoughts on the function of "divine madness" in human thinking Polak relates such madness to the utopianist's "images of the future" and classified this visionary madness as being socially practiced by: "(1) prophets and seers, (2) the poetically bemused, (3) those pre-elected for ritual and religious derangement, (4) those exalted by erotic madness, and (5) those chosen for inspiration or naturally endowed with an affinity for God-sent dreams of therapeutic and predictive significance," (p. 284). Thus to hold a utopianist vision of how society is to be organized with respect to crime and deviancy is to be prophetic; radical criminology has this prophetic role within the discipline of criminology, at least this is the present author's thesis (see Chapter IV and the Epilogue, following).

Yet liberal and conservative criminology can also be prophetic-utopianist. This is probably so because all human beings hold "images of the future" though some are guided to such futures as result of visions of the past. Radicalism is

equivalent to carrying something to an extreme: radical criminology in comparison to conventional criminology employs an extreme ideal of the future based on what could be rather than what was (conservative) and what is (liberal). Each political ideology, being human in nature, obviously participates, whether materially or transcendentally, in the three tenses of temporal reality: past, present and future. However each seems to practically emphasize one tense over the other. In the modern era the majority tendency, at least in the scientific west, has been to deal heavily with what is. What was still has popular attraction and what will be/should be is the extreme minority view. On this one must note that within the three major political ideologies conservative, liberal, socialist/anarchist are left-to-right variations. Finally from all of this one can for example, interpret Clark's criminology as left liberal and utopianist-prophetic.

29

See Life magazine statement on the back cover of the pocket book edition of Ramsey Clark, Crime in America: Observations on Its Nature, Causes, Prevention and Control (New York: Pocket Books, 1971).

30

Plato's Republic was patterned after "Athenian culture and Spartan discipline," while Plato himself was not concerned with advocating revolution but was an advocate of social order. Thomas More's Utopia "was a satire on the anarchy inherent in his own society," see Northrop Faye "Varieties of Literacy Utopias" Utopias and Utopian Thought, p. 27. Moreover the utopian socialists (St. Simon, Charles Fourier and Auguste Comte) were idealistic liberal social reformers, who valued "order, hierarchy, moral community, spiritual power and the primacy of groups over individuals" and were "beholden to the vision of social order," see Lewis A. Coser Masters of Sociological Thought: Ideas in Historical and Social Context, (New York: Harcourt Brace Jovanovich, Inc., 1971), p. 25. Thus on this point of support for the existing social order, while entertaining visions of a new society, Marx and Engels may have been correct in criticizing the utopian-socialists.

31

Wilson, Thinking About Crime, p. 208.

32

Norval Morris and Gordon Hawkins, The Honest Politician's Guide to Crime Control (Chicago: University of Chicago Press, 1969), p. 254.



33

See Michel Foucault's history of how the ideology of social retribution or plain old social punishment often called rehabilitation, functions, as it has always to isolate and repress delinquents Discipline and Punish: The Birth of the Prison (New York: Pantheon Books, 1977), especially the final paragraph of p. 256.

34

Though there is with reference to the classical criminal law reformers Cesare Beccaria, Jeremy Bentham and Samuel Romilly, see Richard Quinney The Problem of Crime (New York; Dodd, Mead and Company, 1970), pp. 44-46.

35

It is indeed strange that the radicals suspect all non-radical criminology of perpetuating a capitalist conception of reality which is ideological. The suspicion is strange because as Quinney notes "every society is founded on and supported by some ideology that serves to establish and justify the existing order," Critique of Legal Order: Crime Control in Capitalist Society (Boston: Little Brown and Company, 1974), p. 138. If every society has its own ideology then obviously orthodox Marxist societies are included. Moreover, ideology becomes relativized and by such a relativization all who hold a political perspective must at the same moment hold onto a particular ideology, whether conventional or radical. All of humanity, except for isolated hermits, live in society and support some image of the good, the just and the orderly.

36

Barry Krisberg, Crime and Privilege: Toward a New Criminology, (New Jersey: Prentice Hall, Inc., 1975) pp. I-10. See also, National Commission on the Causes and Prevention of Violence: To Establish Justice, to Insure Domestic Tranquility (New York: Award Books, 1969) and Jerome H. Skolnick, The Politics of Protest, Report to the National Commission on the Causes and Prevention of Violence, March 21, 1969 (New York: Ballantine Books, 1969), especially the forward by Price M. Cobbs and William H. Grier.

37

Quinney The Problem of Crime, pp. 74-93. Also Donald H. Riddle suggests that criminology is derived from such fields as "anthropology...psychology, political science and law...economics, philosophy, literature, history and the natural sciences." One should add religion to Riddle's list of academic sources for criminology, see his "Faculty and Curriculum Development in Criminal Justice Programs,"

(paper presented at the Conference on Key Issues in Criminal Justice Doctoral Education, University of Nebraska at Omaha, NE, October 1975), pp. 1-19.

38

Quinney, Critique of Legal Order, pp. 140-143.

39

On the police and courts as problems in themselves see Skolnick The Politics of Protest, Chapters VII and VIII. Specifically on the police see American Friends Service Committee, The Police Threat to Political Liberty: Discoveries and Actions of the Committee's Program on Government Surveillance and Citizen's Rights (Philadelphia: American Friends Service Committee, 1979). For prisons as the problem, see the New York State Council of Churches' Prison Research Education Action Project, Instead of Prisons: A Handbook for Abolitionists (New York: Faculty Press, 1976) and Marc Miller, "The Numbers Game," Southern Exposure: Still Life Inside Southern Prisons, vol. VI (Winter, 1978), p. 25-32.

40

Alan Wolfe, The Seamy Side of Democracy: Repression in America (New York: David McKay Company, 1973), pp. 25-51, wherein Wolfe discusses the "bias of the democratic state."

41

In criticizing the liberal pluralist thesis in political science, Ralph Miliband notes that the "remarkable paradox is that the state itself as a subject of political study, has long been unfashionable," see his The State in Capitalist Society (New York: Basic Books, Inc., 1969), p. 1. Quinney relies heavily on Miliband in his Critique of Legal Order.

42

Anthony Platt, "Prospects for a Radical Criminology in the USA," Critical Criminology, ed. by Ian Taylor et al, (London: Routledge and Kegan Paul, 1975), pp. 95-111.

43

As noted earlier the present author advocates the idea of Christian anarchism as a political theology. See the Epilogue herein for an explanation of the political theology of Christian anarchism.

## NOTES

## CHAPTER III

Radical Criminology: Is it a Marxist  
or A New Left Theory of Crime?

1

Ian Taylor, et. al. Critical Criminology (London: Routledge and Kegan Paul, 1975), p. 5.

2

Richard Quinney, "Crime Control in Capitalist Society: A Critical Philosophy of Legal Order," in Critical Criminology ed. by Ian Taylor, et al., above, p. 190.

3

Don C. Gibbons and Gerald F. Blake, "Perspectives in Criminology and Criminal Justice: The Implications for Higher Education," (paper presented at the Conference on Key Issues in Criminal Justice Doctoral Education, University of Nebraska at Omaha, Omaha, NE, October 1975), in their discussion of radical criminology hold that much of it "emerged out of the angry prose of the underground press and the writings of the "New Left;" see p. 14. Moreover, note

Taylor et al's revealing statement that:

...we are engaged in a departure from orthodox Marxism...in the sense that orthodox and latter-day Marxists (especially the students of Althusser) will argue that the object of Marxism is the science of revolution and that that science is about the contradictions in commodity productions. Any other in this Marxist orthodoxy, are more or less irrelevant. They would argue that we detract from the central issues in Marxism, (which they do: mine) but we would argue that it is important to develop the political economy of crime, the political economy of race, ...of sexism, the political economy of any subject.

See: Robert Mintz, "Interview with Ian Taylor, Paul Walton and Jock Young," Issues in Criminology, vol. IX, No. 1 (Spring, 1974), 40. The problem with this is that by developing a "political-economy" of everything Taylor et al and other unorthodox Marxist criminologists have no sound basis in the ideas, work and political programs that Marx himself felt his Marxism should have. Thus, the New Left has critically departed from any real identification with the Marxist paradigm as Marx himself understood that paradigm.

4

On the meaning of orthopraxis, and heteropraxis see my footnote #14 in the Notes to this thesis' Introduction.

5

In order to support the career analysis several of the authors' works were consulted, including books and journal articles written over a period of some seventeen years (1962 to 1979). The present author has included an analysis of the careers of Taylor, Walton and Young because, though they are British, their work deals as much with developments in American criminology as it does with parallel developments in Britain.

6

Eileen Goldwyn, "Dialogue with Richard Quinney," Issues in Criminology, vol. VI, No. 2 (Summer, 1971), p. 49.

7

Ibid., p. 42.

8

Earl R. Quinney, "Occupational Structure and Criminal Behavior: Prescription Violation by Retail Pharmacists," Social Problems, vol. XI (Fall, 1963), p. 185. Notice that Quinney has dropped his first name.

9

Richard Quinney, "Suicide, Homicide, and Economic Development," (paper presented at the annual meeting of the Southern Sociological Society, Asheville, North Carolina, April 1964).

10

Earl R. Quinney, (Richard Quinney) "The Study of White Collar Crime: Toward a Reorientation in Theory and Research," Journal of Criminal Law, Criminology and Police Science, vol. LV (April, 1965), p. 214.

11

Elliot Currie, "Dialogue with Anthony M. Platt," Issues in Criminology, vol. VII, No. 1 (Spring, 1973), p. 20. Notice here that Platt uses Anthony and his middle initial rather than the later Tony.

12

Ibid., p. 21.

13

Ibid., p. 21.

14

Anthony M. Platt, "The Origins and Development of the 'Wild Beast' Concept of Mental Illness and Its Relation to Theories of Criminal Responsibility," Issues in Criminology, vol. 1, No. 1 (Fall, 1965), p. 18.

15

Ibid., p. 17.

16

Egon Bittner and Anthony M. Platt, "The Meaning of Punishment," Issues in Criminology, vol. 11, No. 1 (Spring, 1966), p. 98.

17

Ibid., p. 99.

18

Mintz, "Interview with Ian Taylor, Paul Walton, and Jock Young," p. 33.

19

Ibid., p. 34.

20

Howard S. Becker and Irving Louis Horowitz, "Radical Politics and Sociological Research: Observations on Methodology and Ideology," American Journal of Sociology, vol. LXXVIII, No. 1 (July, 72), p. 55.

21

Ibid., p. 56. The article goes on to note that "personal involvement in political radicalism...does not necessarily lead one to do radical sociology," (p. 64). Thus the attempt by radical criminology to balance theory and praxis may be a difficult if not impossible task.

22

Mintz, "Interview with Ian Taylor, Paul Walton and Jock Young," p. 35.

23

Fabian socialism is another term for British evolutionary socialism. It developed out of the political philosophy of Sidney and Beatrice Webb, George Bernard Shaw, Sidney Oliver and Graham Wallas, founders and leading theoreticians of the Fabian Society. The society was organized in 1884 and was at first "a somewhat other-worldly, ethical and mystical group," quoted from Alexander Grey, The Socialist Tradition: Moses to Lenin (New York: Harper and Rowe, 1947), p. 385.

24

Ian Taylor, et al., The New Criminology: For A Social Theory of Deviance, (New York: Harper and Rowe, 1973), p. 171.

25

Richard Quinney, Critique of Legal Order: Crime Control in Capitalist Society (Boston: Little, Brown and Company, 1973), pp. 26-43; Clarence R. Jeffery, "The Structure of American Criminological Thinking," Journal of Criminal Law, Criminology and Police Science, vol., XVI (1956), pp. 667-668.

26

The idea of political consensus or of a pluralist democratic system seemsto be held in esteem by conventional criminologists, for two excellent critiques of this view from a standpoint of radical political philosophy see, "Democracy," Berkeley Journal of Sociology, vol. XIV (1969), p. 19-33; G. William Domhoff, "Where A Pluralist Goes Wrong" Berkeley Journal of Sociology, vol. XIV (1969), p. 35-57.

27

Quinney, Critique of Legal Order, p. 4.

28

Barry Krisberg, Crime and Privilege: Toward A New Criminology, (New Jersey: Prentice Hall, 1975), pp. 3-5.

29

Ian Taylor, et al., The New Criminology, p. 168.

30

Ibid., p. 168.

31

Quinney, Critique of Legal Order, p. 7.

32

Ibid., p. 191.

33

Richard Quinney, "Crime in Political Perspective," American Behavioral Scientist, vol. VIII (December, 1964), p. 20.

34

Richard Quinney, The Social Reality of Crime, (Boston: Little, Brown and Company, 1970), pp. 32-37.

35

Goldwyn, "Dialogue with Richard Quinney," p. 47.

24

Ian Taylor, et al., The New Criminology: For A Social Theory of Deviance, (New York: Harper and Rowe, 1973), p. 171.

25

Richard Quinney, Critique of Legal Order: Crime Control in Capitalist Society (Boston: Little, Brown and Company, 1973), pp. 26-43; Clarence R. Jeffery, "The Structure of American Criminological Thinking," Journal of Criminal Law, Criminology and Police Science, vol., XVI (1956), pp. 667-668.

26

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27

Quinney, Critique of Legal Order, p. 4.

28

Barry Krisberg, Crime and Privilege: Toward A New Criminology, (New Jersey: Prentice Hall, 1975), pp. 3-5.

29

Ian Taylor, et al., The New Criminology, p. 168.

30

Ibid., p. 168.

31

Quinney, Critique of Legal Order, p. 7.

32

Ibid., p. 191.

33

Richard Quinney, "Crime in Political Perspective," American Behavioral Scientist, vol. VIII (December, 1964), p. 20.

34

Richard Quinney, The Social Reality of Crime, (Boston: Little, Brown and Company, 1970), pp. 32-37.

35

Goldwyn, "Dialogue with Richard Quinney," p. 47.

by Robert Perrucci and Marc Pilisuk, (Boston: Little, Brown and Company, 1971), pp. 375-389; Robert Blauner and David Wellman, "Toward the Decolonization of Social Research," The Death of White Sociology, ed. by Joyce A. Ladner, (New York: Random House, 1973), pp. 310-330; Stokely Carmichael and Charles V. Hamilton Black Power: The Politics of Liberation in America (New York: Random House, 1967), pp. 2-32; Stokely Carmichael, Stokely Speaks: Black Power to Pan-Africanism. (New York: Random House, 1971).

49

Skolnik, Politics of Protest, p. 324.

50

Currie, "Dialogue with Anthony M. Platt," p. 24. See also: Anthony M. Platt, The Politics of Riot Commissions: 1917-1970, (New York: Collier Books, 1971), especially the Introduction, where Platt notices that "riot commissions are invariably synonymous with the study of collective black violence" (p. 5).

51

Mintz, "Interview with Ian Taylor, Paul Walton, and Jock Young," p. 33.

52

Ibid. p. 34.

53

Ibid., p. 35.

54

Stanley Cohen, Images of Deviance (England: Penguin Books, Ltd., 1971), p. 23.

55

Ian Taylor and Laurie Taylor Politics and Deviance: Papers from the National Deviancy Conference (England: Penguin Books, Ltd., 1973), pp. 7-11.

56

Jock Young, "The Hippie Solution: An Essay in the Politics of Leisure," in Politics and Deviance, pp. 182-206.

57

See Taylor et al's criticism of Quinney's work which can just as well be applied to Taylor, Walton and Young, plus Platt during this period; The New Criminology, p. 253. Angst in human knowledge refers to something other than fear, "Angst, ... is a condition that pervades man's entire being.



It has no specific object, but it is a reflection of the 'nothingness' within man...It is the dizziness of freedom gazing into its own limitations (Kierkegaard)," quoted from Gerald I. Kreyche, "Existentialism and the Vision of Man as Person," in Human Values in a Secular World, ed. by Robert Z. Apostol (New York: Humanities Press, 1970), p. 46.

58

The National Deviancy Conference in Britain is such an example. It was organized because Taylor et al. and other radical British criminologists felt a certain disgust with the conventional character of the Institute of Criminology at Cambridge; see Mintz, "Interview with Ian Taylor, Paul Walton and Jock Young," p. 33.

59

Tony Platt, "Prospects for a Radical Criminology in the U. S. A.," in Critical Criminology, p. 97.

60

See: Herbert Marcuse, Reason and Revolution: Hegel and the Rise of Social Theory (New York: Humanities Press, 1963), Jurgen Habermas, Theory and Practice, trans. by John Viertel, (Boston: Beacon Press, 1973); Albrecht Wellmer, Critical Theory of Society, trans. by John Cumming. (New York: Herder and Herder, 1971); and in American sociology, Francis Hearn, "The Implications of Critical Theory for Critical Sociology," Berkeley Journal of Sociology vol. XVIII (Fall, 1973), 127-155. Hearn notes on p. 145 that the responsibility for the "the latent positivism in Marxism [Gouldner calls it functionalism: mine] ...resides in Marx's writings," just as much as the blame of positivistic scientism belongs on Engels, Lenin and Stalin.

61

Quinney, "Crime Control in Capitalist Society: A Critical Philosophy of Legal Order," in Critical Criminology, p. 190.

62

Underground Marxism is the same as unorthodox Marxism and is a fantastic heresy, as far as orthodox Marxists are concerned. For three choice explanations of what unorthodox Marxism in social theory actually is in relation to real Marxism see: Karl E. Klare, "The Critique of Everyday Life, Marxism and the New Left," Berkeley Journal of Sociology, vol. XVI (Fall and Winter, 1971-1972), 15-45; Neil McInnes, The Western Marxists (New York: Library Press, 1972); and Michael Albert and Robin Hahnel, Unorthodox Marxism: An Essay on Capitalism, Socialism and Revolution (Boston: South End Press, 1978), especially their chapter on "orthodox Marxism's declining rate of relevance," (p. 49-88).

63

Richard Quinney, Critique of Legal Order: Crime Control in Capitalist Society, (Boston: Little, Brown and Company, 1973), p. 11, his emphasis.

64

Ibid., p. 13

65

Erich Bucholz, et al., Socialist Criminology: Theoretical and Methodical Foundations, trans. by Eswald Osers (Berlin DDR: Staatsverlagder, 1974), p. 213.

66

Herbert Marcuse, quoted in Jurgen Habermas: Toward A Rational Society: Student Protest, Science and Politics, trans. by Jeremy Shapiro (Boston: Beacon Press, 1970) p. 84.

67

Richard Quinney, Class, State and Crime: On The Theory and Practice of Criminal Justice, (New York: David McKay Company, Inc., 1977), p. 25.

68

Ibid., p. 33.

69

Ibid., p. 60.

70

Ibid., p. 66.

71

Ibid., p. 43.

72

Ibid., p. 52.

73

Ibid., p. 58.

74

Ibid., p. 54.

75

Ibid., p. 59.

76

Ibid., p. 150.

- 77  
Ibid., p. 43.
- 78  
Ibid., p. 58.
- 79  
Krisberg, Crime and Privilege, pp. 26-34.
- 80  
Michael Albert and Robin Hahnel, Unorthodox Marxism, pp. 179-185.
- 81  
For a demanding understanding of Afro-centricism see: Moyibi Amoda Black Politics and Black Vision, (Philadelphia: The Westminster Press, 1976).
- 82  
Carlos E. Moore, Were Marx and Engels White Racists? (Chicago: Institute of Positive Education, 1973), p. 42.
- 83  
Charnie Guettel, Marxism and Feminism (Toronto: Canadian Women's Educational Press, 1974), p. 51.
- 84  
Anne Koedt, "Women and the Radical Movement," in Radical Feminism, ed. by Anne Koedt, et al., (New York: Quadrangle Books, 1973), p. 320.
- 85  
Quinney, Class, State and Crime, p. 145.
- 86  
Ibid., p. 163.
- 87  
Michael E. Tigar, "Socialist Law an Legal Institutions," Law Against the People: Essays to Demystify Law, Order and the Courts, ed. by Robert Lefcourt (New York: Random House, 1971), p. 338.
- 88  
Ibid., p. 343.
- 89  
Quinney, Class, State and Crime, p. 164.
- 90  
Bucholz, et al., Socialist Criminology, p. 31.

91

Milton Mankoff, "On the Responsibility of Marxist Criminologists: A Reply to Quinney," "Contemporary Crises" vol. 11 (1978); p. 299-300.

92

Anthony Platt and Lynn Cooper, Policing America, (Englewood Cliffs: Prentice-Hall, 1974).

93

Here the present author had to depend on a book review by Larry Trujillo, then a graduate student and staff member, working under Platt's supervision at the Center for Research on Criminal Justice at Berkeley. The reason for this dependency is that Policing America has been missing from the University of Nebraska at Omaha's library for two years and Trujillo's book review is the closest the author can come to a reconstruction of Policing. See: Larry Trujillo, "Book Reviews," Crime and Social Justice: A Journal of Radical Criminology, vol. III (Summer, 1975), p. 70-73. For other sources referring to two articles in Policing see: Eldridge Cleaver, Soul on Ice (New York: McGraw Hill, 1968), pp. 128-137; and Alan Wolfe, The Seamy Side of Democracy: Repression in America (New York: David McKay Company, Inc., 1973), especially "repression and liberalism," pp. 10-18, for a collaboration of Karl Klare's article see: Michael T. Klare, Supply Repression U. S. Support for Authoritarian Regimes Abroad, (Washington, D. C.: Institute for Policy Studies, 1977), especially his "U. S. Assistance to Foreign Police Forces Under the Public Safety Program, Fiscal Years 1961-73," pp. 20-28.

94

Tony Platt, et al., The Iron Fist and the Velvet Glove: An Analysis of the U. S. Police, (Berkeley: Center for Research on Criminal Justice, 1977), p. 20. On page 21 Platt suggests that early policing developed as a "planter class strategy of race and class control, designed to keep the black slaves in subjugation and to exacerbate the contradictions between Black slaves and poor whites." What he did not mention is that the "planter class" was not a capitalist class. The present author is aware that class domination can exist without capitalism, as for instance in the slave society of fifth-century (B.C.) Athenian "democracy," see Alban Dewes Winspear, The Genesis of Plato's Thought, (New York: S. A. Russell, 1956), pp. 67-74. However, Athenian class domination was not capitalist, nor was southern white domination of blacks. Further, race domination as in black American slavery is usually thought of in terms of caste not class. Caste is distinguished from class in two over-arching ways 1) "castes are mandatorily endogamous" and 2) "castes prevent mobility" outside of the caste" James W. Vander Zanden,

American Minority Relations (New York: Ronald Press, 1972), pp. 237-243.

95

Revisionist historial William Appleman Williams notes that the Weltanschauug of mercantilism and feudalism "provides the most accurate insight into the true nature of the (American) Constitution," and that mercantilists ideology and praxis sustained "60 years...of exploitation and misuse by the advocates of laissez nois faire (which) ...triumphed in 1828;" see Williams The Contours of American History, (Chicago: Quadrangle Books, 1966), pp. 160 and 222 respectively. Moreover Williams goes on to propose that corporate capitalism as a Weltanschauug did not triumph in America until 1896, p. 346.

The differences between the political-economies of mercantilism, feudalism, laissez faire individualism and corporate capitalism are well explained by John Fred Bell, A History of Economic Thought, (New York: The Ronald Press, 1967). Here suffice it to say that, although each system allows for private property holding as does modern in-power socialism, mercantilism is the method "adopted by the state for the promosion and regulation of commerce industry and agriculture", in the interests of the whole commonwealth, rather individual wealth, it is economic nationalism and in a sense is not unlike Lenin's and Stalin's advocacy of state capitalism for the young Soviet Union. The quote is from Bell, p. 53. On Marxist-Leninism and state capitalism see: C. Wright Mills, The Marxists (New York: Doll Publishing Company, 1962), pp. 309-353; Leon Trotsky, My Life, (New York: Pathfinder Press, Inc., 1970), pp. 461-469; and Albert and Hahnel, Unorthodox Marxism, pp. 20-40; for a favorable comparison of capitalism and orthodox socialist political-economy see: Tony Cliff, The Socialist Experience: Readings in the Political-Economy of Capitalism, (St. Louis: International Socialists, 1975), pp. 24-36.

96

Quinney, Class, State and Crime, pp. 42-43. Notice the ambiguity between American Marxist historians and economists over when capitalism actually started in America.

97

See: Norval Glenn, White Gain from Negro Subordination, in Racial Conflict: Tension and Change in American Society, ed. by Gary T. Marx (Boston: Little, Brown, and Company, 1971), pp. 106-116; and Lloyd T. Delaney, "The White American Psyche—Exploration of Racism," in White Racism: Its History, Pathology and Practice, ed. by Barry N. Schwartz and Robert Disch, (New York: Dell Publishing Company, 1970), pp. 155-165.

98

Using the Schwendinger's "human rights definition of crime," as proposed in their article "Defenders of Order or Guardians of Human Rights, Critical Criminology, pp. 113-138, and looking back to black slavery in America one can only conclude that the institution of slavery was a white crime against black humanity. Moreover, historian Winthrop Jordan has portrayed colonialist New England institution of slavery as not based on economic need but rather on the idea that blacks and Indians were heathens and "strangers" to orthodox Puritanism, thus "captivity [of slaves] and criminal justice seemed to mean the same thing, slavery," see: Jordan's White Over Black: American Attitudes Toward the Negro, 1550-1812 (Baltimore: Penguin Books, 1968), pp. 66-69.

99

Generally see: Samuel Walker, A Critical History of Police Reform (Lexington: D. C. Heath and Company, 1977), p. XIII; Charles E. Reardon, "Race, Crime and the Criminologist," in The Criminologist: Crime and the Criminal (Pacific Palisades: Goodyear Publishing, 1974), pp. 89-97; Robert F. Wintersmith, Police and the Black Community, (Lexington: D. C. Heath and Company, 1974), pp. 2, 45 and 60-63.

100

Quoted in Wintersmith, Police and the Black Community, p. 49.

101

Gordon G. Alexander, "The Role of Police and The Courts in the Survival of Black Youth," The Journal of Afro-American Issues, vol. IV, No. II (Spring, 1976), pp. 235-240.

102

Carmichael and Hamilton, Black Power, pp. 6-7.

103

Platt, et al. apparently are uncertain about the necessary coordination of police activities among differing police jurisdictions; Iron Fist and Velvet Glove, p. 220. The black community, in this example, would have to enter into agreements with non-black police jurisdictions in the Bay area. Getting such an agreement to go into white areas to police white crimes, i.e., black economic exploitation by whites, would be nigh unto impossible, especially if Berkeley blacks were to attempt agreement with Oakland whites over the issue of police jurisdiction, see: James Q. Wilson, Varieties of Police Behavior: The Management of Law and Order in Eight Communities, (New York: Atheneum, 1974), pp. 265-269.

104

Hames Walton, Jr., Black Politics: A Theoretical and Structural Analysis, (Philadelphia: J. B. Lippincott Company, 1972); Robert L. Allen, Black Awakening in Capitalist America: An Analytic History (New York: Doubleday and Company, 1969); and Chuck Stone, Black Political Power in America, (New York: Dell Publishing Company, 1970).

105

Hervey A. Juris, "The Implications of Police Unionism," in Police in America, ed. by Jerome H. Skolnick and Thomas C. Gary, (Boston: Little, Brown and Company, 1975), pp. 224-230 and Samuel Walker, A Critical History of Police Reform, pp. 171-172.

106

Louis A. Radelet, The Police and the Community (Beverly Hills: Glencoe Press, 1973), p. 605.

107

V. I. Lenin, National Liberation, Socialism and Imperialism: Selected Writings, (New York: International Publishers, 1970); Hannah Arendt The Origins of Totalitarianism, (Cleveland: World Publishing Company, 1958), especially her reflections on the Hungarian Revolution.

108

John C. Bollens and Henry Schmandt, The Metropolis: It's People, Politics, and Economic Life, (New York: Harper and Rowe, 1970), p. 9; and Harold M. Rose, The Development of an Urban Subsystem: "The Case of the Negro Ghetto," in Internal Structure of the City: Readings on Space and Environment, (New York: Oxford University Press, 1971), pp. 316-320.

109

Bollens and Schmandt, The Metropolis, p. 7 of course, with the limits to energy growth as is presently understood some adjustments to an extended family notion of community may become a reality in the near future, if so rural blacks and other rural people may have a headstart over those of us in the cities.

110

Wintersmith, Police and Black Community, pp. 110-111.

111

Jerome Skolnik, "Neighborhood Police" in Police In America, pp. 288-291 offers a good analysis of the Berkeley referendum in community control of police.

112

Platt, et al., Iron Fist and Velvet Glove, p. 41.

113

Ibid., p. 20.

114

Walker, A Critical History of Police Reform, p. XIII.

115

For two fascinating studies of conflict, repression, coercion and their resolution in intergroup and intragroup relations see, Morton Deutsch, The Resolution of Conflict: Constructive and Destructive Progress (New Haven: Yale University Press, 1973) and W. Ellison Chalmers, Racial Negotiations Potentials and Limitations, (Ann Arbor: Institute of Labor and Industrial Relations, 1974).

116

Taylor et al., The New Criminology, p. 221.

117

Ibid., p. 37.

118

Ibid., p. 159.

119

Ibid., p. 270.

120

Ibid., p. 170.

121

Ibid., p. 168.

122

Ibid., p. 221.

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Paul Q. Hirst, "Marx and Engels on Law, Crime and Morality," Critical Criminology, p. 218.

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Peter L. Berger and Thomas Luckmann, The Social Construction of Reality: A Treatise in the Sociology of Knowledge, (New York: Doubleday and Company, 1967), p. 17

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Taylor et al., The New Criminology, p. 254.

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Leslie T. Wilkins, "The Concept of Cause in Criminology," Issues in Criminology, vol. III, No. II, (Spring, 1968), pp. 147-163.



- 127  
Quinney, The Social Reality of Crime, p. 5.
- 128  
Quinney, Critique of Legal Order, p. 7.
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Taylor, et al., The New Criminology, pp. 168-171.
- 130  
One can only deduce as much especially in Taylor et al's criticism of orthodox Marxist social science, see: The New Criminology, pp. 217-219.
- 131  
Ibid., p. 267.
- 132  
Ibid., p. 218
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Robert C. Tucker, Philosophy and Myth in Karl Marx, (Cambridge: University Press, 1971), p. 165.
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For those critical of see: Sidney Hook, Revolution, Reform and Social Justice: Studies in the Theory and Practice of Marxism, (New York: New York University Press, 1975); Lewis S. Feuer, Marx and the Intellectuals: A Set of Post-Ideological Essays (Doubleday and Company, 1969). For the sympathetic view see: Erich Fromm, Marx's Concept of Man, (New York: Frederick Ungar Publishing Company, 1966); and George V. Plekhanov, Fundamental Problems of Marxism, (New York: International Publishers, 1975).
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Tucker. Philosophy and Myth in Karl Marx, p. 172.
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Stephen K. Mugford, "Marxism and Criminology: A Comment on the Symposium Review on the New Criminology," The Sociological Quarterly, vol. XV (Autumn, 1974), 592.
- 137  
Charles H. Anderson, The Political Economy of Social Class, (New Jersey: Prentice Hall, 1974), p. 130.
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Dennis Forsythe, "Radical Sociology and Blacks," in The Death of White Sociology, pp. 225-233.

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Hirst, "Marx and Engels on Law, Crime and Morality; Critical Criminology, pp. 228-229.

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George H. Hampsch, The Theory of Communism (New York: Philosophical Library, 1965), pp. 137-142, and Charles J. McFadden, The Philosophy of Communism, (New York: Benziger Brothers, Inc., 1963) p. 135 (for Engels quote).

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Alexander Grey, The Socialist Tradition: Moses to Lenin, (New York: Harper and Rowe, 1948), p. 299.

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R. D. Laing and D. G. Cooper, Reason and Violence: A Decade of Sartre's Philosophy, 1950-1960, (New York: Random House, 1971), p. 32; and for more about the "remystification" of Marx, Neil McInnes, The Western Marxists, (New York: Library Press, 1972), p. 7-67.

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G. D. H. Cole, The Meaning of Marxism, (Ann Arbor: University of Michigan Press, 1964), p. 276.

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Taylor et al., The New Criminology, p. 232.

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Ibid., p. 267.

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Feuer, Marx and the Intellectuals, p. 50.

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Ecclesiastes 4:1-3 (R. S. V.).

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Fromm, Marx's Concept of Man, p. 261-263.

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Alvin Gouldner, The Coming Crisis of Western Sociology, (New York: Basic Books, 1970), p. 451, quotes Norman Birnbaum as follows:

The question is, how much farther can Marxism be opened without itself undergoing a radical transformation...It may be, however, that those sociologists (criminologists: mine) most aware of their debt to the Marxist tradition will have to transform and transcend it, if so, the crisis in Marxist sociology may mark the beginning of the end of Marxism.

150

McInnes, The Western Marxists, pp. 151-168 and William Simbolov, "The Rise of the New Left," Marxism and New Left Ideology, ed. by Ileana Rodriguez and William L. Rows, (Minneapolis: Marxist Educational Press, 1977), pp. 27-39.

151

Arthur Lothstein, "Introduction," in "All We Are Saying . . . , The Philosophy of the New Left," ed. by Arthur Lothstein, (New York: G. P. Putnam's Sons, 1970), pp. 11-23, is primarily used as the support for the contention that radical criminology is New Left rather than Marxist social theory.

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Rosemary Radford Ruether, The Radical Kingdom: The Western Experience of Messianic Hope, (New York: Harper and Rowe, 1970), p. 263.

153

Richard Quinney, "There are a Lot of Folks Grateful to the Lone Ranger: Some Notes on the Rise and Fall of American Criminology." (Paper presented to University of North Carolina Chapel Hill, Criminal Justice Conference, April, 1971. pp. 56-64.

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Feuer, Marx and the Intellectuals, pp. 216-228.

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David D. Hall, The Antinomian Controversy 1636-1638, A Documentary History, (Connecticut: Wesleyan University Press, 1968).

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Laing and Cooper, Reason and Violence, p. 40.

157

Quinney, Critique of Legal Order, p. 13.

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Quinney, Class, State and Crime, p. 13.

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Ralph Miliband, The State in Capitalist Society, (New York: Basic Books, 1969), p. 5..

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Quinney, Class, State, and Crime, p. 77. Notice that the petty bourgeoisie are not part of the capitalist class.

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Alan Wolfe, The Seamy Side of Democracy, p. 21, using Marcuse as a guide Wolfe distinguished three kinds of repression which result from liberal theory and praxis in America: detentive, preventive and surplus.

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Quoted in Quinney, Class, State and Crime, p. 83.

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See Quinney's section on Pound's sociological jurisprudence in his Social Reality of Crime, pp. 32-36.

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Quinney, Class, State and Crime, p. 81.

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Quinney, Critique of Legal Order, p. 195-196.

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Walker, A Critical History of Police Reform, p. XIII.

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Anthony Platt, "Prospects for a Radical Criminology in the U. S. A.," Critical Criminology, p. 95.

168

The present author is a member of two New Left groups that deal with police, legal and prison issues: The National Alliance Against Racist and Political Repression and the National Committee to Free J. B. Johnson. Moreover the author has taken a role in organizing the Omaha Urban League's Prison Project (1972), in assisting the Metro Peace Association of Omaha's Prison Committee and the Prison Task Force of the Omaha Coalition for Human Rights. Of these groups the Urban League and the Metro Peace Association are decidedly left liberal. The Alliance and the committee to free Johnson are radical and relatively non-racist in that whites, blacks, and other races participate actively in the decision making and work programs of the organizations. The Metro Peace Association along with the Omaha Prison Moratorium group, the Omaha Chapter of Amnesty International and the Omaha Coalition for Human Rights are basically white male run groups, although the Prison Moratorium group allows white women an active role.

169

For an example of intra New Left racism see: Isaac D. Balbus, The Dialectics of Legal Repression: Black Rebels Before the American Criminal Courts, (New York: Russell Sage Foundation, 1973), p. 37.

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The author refers here to such black radical groups as: The Congress of African People, Imamu Amiri Baraka, organizer; the Institute of Positive Education, Haki Mahabuti, organizer; and the Republic of New Africa, Abu

Imari, organizer. For an excellent overview of the criminal justice activities of these groups, see: Imamu Amiri Baraka,

African Congress:  
A Documentary of the First Modern Pan-African Congress, (New York: William Morrow and Company, 1972).

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Harold Cruse, Rebellion or Revolution, (New York: William Morrow and Company, 1968), p. 255.

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Barbara Mehrhof and Pamela Kearon, "Rape an Act of Terror," in Radical Feminism, ed. by Anne Koedt et al., (New York: Quadrangle Books, 1973), pp. 228-233.

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Julia R. Schwendinger and Herman Schwendinger, "Rape Myths: In legal, Theoretical and Everyday Practice," Crime and Social Justice, vol. 1, (Spring-Summer, 1974), p. 18-27.

174

Mimi Goldman, "Prostitution in America," Crime and Social Justice, vol. II, (Fall-Winter, 1974), p. 90-94.

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Platt et al., Iron Fist, Velvet Glove, pp. 130-134.

176

The journal of Crime and Social Justice is a good source for radical feminists scholarship in criminology.

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Sheila Rowbotham, Women, Resistance and Revolution: A History of Women and Revolution in the Modern World, (New York: Random House, 1972), p. 246, for a radical feminist view that takes orthodox Marxism to task see: Shulamith Firestone, The Dialectic of Sex: The Case for the Feminist Revolution, (New York: Bantam Books, 1972).

178

Taylor, et al., The New Criminology, p. 281.

179

Quinney, Critique of Legal Order, p. 187.

180

Platt, "Prospects for a Radical Criminology in the U. S. A.," in Critical Criminology, p. 103.

181

Ibid., p. 103.

182

Glenn Tinder, Political Thinking: The Perrenial Questions, (Boston: Little, Brown and Company, 1970).

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Quinney, Class, State and Crime, p. 146.

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Karl Marx, "The Communist Manifesto," in The Marx-Engels Reader, ed. by Robert C. Tucker (New York: W. W. Norton and Company, 1972), p. 360.

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Bertram D. Wolfe, Marxism: 100 Years in the Life of A Doctrine, (New York: Dell Publishing Company, 1967), p. 336.

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Ibid., pp. 337-338.

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Karl Marx, "The Communist Manifesto," in The Marx-Engels Reader, pp. 360-361.

188

Wolfe, Marxism, pp. 336.

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Karl Marx, "The German Ideology," in The Marx-Engels Reader, p. 124.

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Quinney, Class, State and Crime, p. 164.

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For three left liberal critics of Marxism as unscientific see: Joseph A. Schumpeter, Capitalism, Socialism, and Democracy, (New York: Harper and Rowe, 1962); Robert Tucker, Philosophy and Myth in Karl Marx, (Cambridge: University Press, 1971); and Sidney Hook, Revolution, Reform and Social Justice, (quoted above). For three New Left critiques of Marxism as unscientific see: C. Wright Mills, The Marxists, Albert and Hahnel, Unorthodox Marxism, and Erich Fromm, Marx's Concept of Man, all respectively quoted above.

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Robert Heilbroner, The Worldly Philosophers, (New York: Simon and Schuster, 1967), pp. 123-153.

- 193  
Friedrich Engels, "To Joseph Bloch," The Marx-Engels Reader, p. 642.
- 194  
McInnes, The Western Marxists, pp. 151-168.
- 195  
Tucker, Philosophy and Myth in Karl Marx, pp. 234-235.
- 196  
Lothstein, "All We are Saying"... The Philosophy of The New Left, p. 20.
- 197  
Marcuse, Reason and Revoltuion: Hegal and the Rise of Social Theory, pp. 312-322.
- 198  
Jacques Ellul, The New Demons, (New York: Seabury Press, 1973), Chapter IV.

## NOTES

## CHAPTER IV

Radical Criminology: Is Its Heretical MarxismActually an Unconscious Anarchist Theory of Crime?

1

Richard Quinney, Critique of Legal Order, pp. 14-15. Here Quinney interprets Marxism as having the ability of being understood anew in each age.

2

Ibid., p. 14, Quinney quotes David Horowitz.

3

Albert and Hahnel, Unorthodox Marxism, pp. 11-48, their chapter on "Laying the Orthodoxy to Rest." For an unorthodox criticism of orthodoxy in practice see: Ian H. Birchall, Workers Against the Monolith: The Communist Parties Since 1943, (London: Pluto Press, Ltd., 1974).

4

Libertarianism may be defined as the doctrine of absolute and unrestricted liberty of movement and thought, either for a group or an individual, see Webster's New Collegiate Dictionary, p. 662. Of course, among human beings absolute freedom must be limited because material reality is finite. However, the difference between liberalism and libertarianism turns on libertarianism's more radical expression of the desire for human freedom. One element of that radical expression is libertarianism's hostility towards authority and coercion in human interaction a hostility not shared with most forms of liberalism. Anarchism incorporates libertarianism as its primary philosophical and political attitude.

5

Albert and Hahnel, Unorthodox Marxism, p. 9.

6

Karl Marx et. al., Anarchism and Anarcho-Syndicalism (New York: International Publishers, 1974), see the preface by N. Y. Kolpinsky.

7

Steven K. Mugford, Marxism and Criminology: A Comment on the Symposium Review on the "New Criminology," The Sociological Quarterly, Vol. V (Autumn, 1974), p. 593. Also here Mugford



quotes the British philosopher of deviancy Paul Rock as follows:

The business of studying crime seems to be invariably accompanied by an impatience with the more delicate epistemological and ontological issues which pervade sociology proper. Translated into criminology, Marxism, symbolic interactionism, and the sociology of culture undergo crude and vulgarizing distortions.

8

Ibid., p. 594.

9

Quinney, Critique of Legal Order, p. 14.

10

Murray Bookchin, Post-Scarcity Anarchism, (Berkeley: Ramparts Press, 1971), pp. 240-246.

11

C. Wright Mills, The Marxists, pp. 105-131.

12

Erwin Marquit, "Science as a Science," in Marxism and New Left Ideology, pp. 53-67.

13

Anderson, The Political-Economy of Social Class, p. 58.

14

Jacques Barzun, The House of Intellect, (New York: Harper and Rowe, 1959), pp. 18-22.

15

Quinney, Class, State and Crime, p. 148.

16

Gouldner, The Coming Crisis of Western Sociology, p. 137.

17

Quinney, Critique of Legal Order, p. 14.

18

Albert and Hahnel, Unorthodox Marxism, p. 6.

19

Ibid., p. 11, Sartre's full quote:

Marxism, after drawing us to it as the moon

draws the tides, after transforming all of our ideas, after liquidating the categories of our bourgeois thought, abruptly left us stranded...it had come to a stop. Marxism stopped...Marxism possesses the theoretical bases, it embraces all human activities; but it no longer knows anything.

20

Robert Hoffman, Anarchism, (New York: Atherton Press, 1970), p. 2.

21

Marx et al., Anarchism and Anarcho-Syndicalism, pp. 105-107.

22

Lenin, Ibid., pp. 304-316.

23

Marshall S. Shatz, The Essential Works of Anarchism, (New York: Bantam Books, 1971), p. XVI.

24

Ibid., p. XI.

25

Marx, et al., "Preface," Anarchism and Anarcho-Syndicalism, p. 9.

26

Marx, et al., "Left-wing Communism: An Infantile Disorder," Anarchism and Anarcho-Syndicalism, pp. 305-308; the article is by Lenin.

27

Schatz, The Essential Works of Anarchism, p. 155.

28

Ibid., p. 196.

29

Daniel Guerin, Anarchism, trans. by Mary Klopper, (New York: Monthly Review Press, 1970), pp. 3-7.

30

April Carter, "Anarchism and Violence," in Anarchism: Nomos XIX, ed. by J. Roland Pennock and John W. Chapman, (New York: New York University Press, 1978), p. 328.

- 31  
Marx, et al., "Report on Party Unity and the Anarcho-Syndicalist Deviation to the Tenth Congress of the R. C. P. (B.), March 16, 1921," Anarchism and Anarcho-Syndicalism, pp. 330-337.
- 32  
Querin, Anarchism, pp. 114-128.
- 33  
Ibid., pp. 144-145.
- 34  
Quinney, Critique of Legal Order, p. 14.
- 35  
Taylor, et al., Critical Criminology, p. 3.
- 36  
Ibid., p. 103.
- 37  
Ibid., p. 19.
- 38  
John P. Clark, "What is Anarchism?" in Anarchism: Nomos XIX., p. 18.
- 39  
Richard T. DeGeorge, "Anarchism and Authority," in Anarchism: Nomos XIX, p. 96.
- 40  
Robert Tucker, The Marxian Revolutionary Idea, (New York: W. W. Norton Company, 1969), p. 88.
- 41  
Bookchin, Post-Scarcity Anarchism, pp. 83-41.
- 42  
Herbert Read, Anarchy and Order: Essays in Politics, p. 92.
- 43  
William Leiss, The Domination of Nature, (New York: George Braziller, 1972), p. 212.
- 44  
Quinney, Critique of Legal Order, pp. 119-124.

45

Leiss, The Domination of Nature, p. 211.

46

William Godwin, "Enquiry Concerning Political Justice," in The Essential Works of Anarchism, pp. 3-41.

47

On Thoreau see: Alpheus T. Mason and Richard Leach, In Quest of Freedom: American Political Thought and Practice, (New Jersey: Prentice-Hall, 1959), Chapter XI, "The Transcendentalists and the Uncommon Man."

48

Marx, et al., Anarchism and Anarcho-Syndicalism, p. 28.

49

For the biographical data as well as some of the following quotes of Proudhon, Bakunin and Kropotkin see: Shatz, The Essential Works of Anarchism (above) and Gerald Runkle, Anarchism: Old and New, (New York: Dell Publishing Company, 1972).

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Shatz, Essential Works of Anarchism, p. 125.

51

Ibid., p. 185.

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Ibid., p. 223.

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Ibid., p. 152.

54

Runkle, Anarchism: Old and New, p. 46.

55

Ibid., p. 98.

56

Ibid., p. 5.

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Ibid., p. 6.

58

Shatz, Essential Works of Anarchism, p. 162, Bakunin.

59

Ibid., p. 226.

- 60 Richard A. Falk, "Anarchism and World Order," in Anarchism: Nomos XIX, p. 67.
- 61 Ibid., p. 67.
- 62 Ibid., p. 74.
- 63 Donald McIntosh, "The Dimensions of Anarchy," Anarchism: Nomos XIX, p. 268.
- 64 Theodorson and Theodorson, Modern Dictionary of Sociology, (New York: Thomas Y. Crowell Company, 1969), p. 342.
- 65 Shatz, Essential Works of Anarchism, p. 147.
- 66 Marx, et. al., Anarchism and Anarcho-Syndicalism, p. 56.
- 67 Joseph P. Clark, "What is Anarchism?" Anarchism: Nomos XIX, p. 20.
- 68 Ibid., p. 17.
- 69 Shatz, Essential Works of Anarchism, p. 201, Kropotkin.
- 70 Ibid., p. 210.
- 71 Clark, "What is Anarchism?" Anarchism: Nomos XIX, p. 16
- 72 Ibid., pp. 21-23.
- 73 Shatz, Essential Works of Anarchism, p. 123, Bakunin.
- 74 Anarchism: Nomos XIX is the 1978 Yearbook of the American Society for Political and Legal Philosophy.
- 75 All of the sources are in Anarchism: Nomos XIX and are

as follows: Lester J. Mazor, "Disrespect for Law," pp. 143-159; Alan Wertheimer, "Disrespect for Law and the Case for Anarchy," pp. 167-190; Murray N. Rothbard, "Society Without A State," pp. 191-207; and David Wieck, "Anarchist Justice," pp. 215-238.

76

See Hirst's accusation in Taylor and Walton's "Radical Deviancy Theory and Marxism: A Reply to Paul Q. Hirst's 'Marx and Engels on Law, Crime and Morality,'" in Critical Criminology, p. 236.

77

Taylor et al., "Critical Criminology in Britain: Review and Prospects," in Critical Criminology, p. 19.

78

Quinney, Critique of Legal Order, p. 11.

79

Taylor et al., The New Criminology, p. XIV.

80

Falk, "Anarchism and World Order," Anarchism: Nomos: XIX, p. 70.

81

Wilson Carey Williams, "Political Arts and Political Sciences," in Power and Community: Dissenting Essays in Political Science; ed. by Phillip Green and Sanford Levinson, (New York: Random House, 1970), pp. 357-381.

82

Ralph Miliband, Marxism and Politics (New York: Oxford University Press, 1977), pp. 14-15; and L. Colletti, "Rousseau as Critic of Civil Society," in From Rousseau to Lenin (London: Oxford University Press, 1972), pp. 184-186.

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George H. Sabine, A History of Political Theory (New York: Holt, Rinehart, and Winston, 1961), p. 583.

84

Herman and Julia Schwendinger, "Defenders of Order or Guardians of Human Rights," in Critical Criminology, p. 138.

85

Geoff Pearson, "Misfit Sociology and the Politics of Socialization," in Critical Criminology, p. 164.

86

Taylor et al., The New Criminology, p. 267.

87

Ibid., p. 263.

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Ibid., p. 282.

89

Taylor et al., "Critical Criminology in Britain: Review and Prospects," in Critical Criminology, p. 28.

90

Heinz Steinert, "Can Socialism be Advanced by Rhetoric and Sloppy Data? Some remarks on Richard Quinney's latest output, "Contemporary Crises, vol. 11 (1978), 303-313; Quinney, Class, State and Crime, pp. 70-74; and Quinney, "The Production of a Marxist Criminology," Contemporary Crises, vol. 11, (1978), p. 277-292.

91

Taylor, et al., New Criminology, p. 219.

92

Quinney, Critique of Legal Order, p. 188.

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Ibid., p. 189.

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Schwendinger and Schwendinger, "Defenders of Order or Guardians of Human Rights," in Critical Criminology, p. 138.

95

Platt, "Prospects for a Radical Criminology in the U. S. A.," in Critical Criminology, p. 103.

96

Taylor, et al., "Editor's Introduction," in Critical Criminology, p. 3.

97

Taylor, et al., The New Criminology, p. 219 and Taylor et al., "Editor's Introduction," in Critical Criminology, p. 4, in which they hold that orthodox Marxism has "relegated [Marx's early work on human nature: mine] to the status of metaphysical speculation."

98

Quinney, Class, State and Crime, p. 55.

99

Tucker, Philosophy and Myth in Karl Marx, p. 99.

100

Radical criminology has been recently attacked for being an "academic prophesy" but as the Epilogue shall attempt to demonstrate conventional criminology itself is not that far from having its own religious overtones.

101

Pearson, "Misfit Sociology and the Politics of Socialization," Critical Criminology, p. 164.

102

William J. Chambliss, "Functional and Conflict Theories of Crime," Whose Law, What Order, pp. 5-11.

103

Herman Schwendinger, "Editorial," Crime and Social Justice, vol. 1 (Spring-Summer 1974), p. 1; also see Tony Platt's article in the same issue, pp. 34-36.

104

Juen Kress, "Forming Collectives: Writing as Practice," Crime and Justice, vol. III (Summer, 1975), pp. 64-66.

105

Bruce M. Rappaport, "People's Pedagogy: Towards A Marxist Theory and Practice," Crime and Social Justice, vol. II, (Fall-Winter 1974), pp. 75-80.

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Quinney, Class, State and Crime, p. 59

107

For a liberal view see: Francis A. Allen, The Crimes of Politics, pp. 48-54; and for a more conservative view M. Cherif Bassiouni, The Law of Dissent and Riots pp. 314-319.

108

Krisberg, Crime and Priviledge, p. 2.

109

Huey P. Newton, Revolutionary Suicide, (New York: Ballantine Books, 1973), p. 3.

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Angela Y. Davis, If They Come in the Morning, (New York: Signet Books, 1971), p. 35.

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Schwendinger and Schwendinger, "Defenders of Order or Guardians of Human Rights," in Critical Criminology, p. 138.



- 112 Quinney, Class, State and Crime, p. 146.
- 113 Ibid., p. 88.
- 114 Ibid., pp. 163-164.
- 115 Quinney, Critique of Legal Order, p. 188.
- 116 Taylor, et al., New Criminology, p. 281.
- 117 Ibid., p. 270 and 273.
- 118 Ibid., p. 282.
- 119 Ibid., p. 232.
- 120 Karl Marx, "For a Ruthless Criticism of Everything Existing," The Marx-Engels Reader, pp. 7-10.
- 121 Charles Sackrey, The Political-Economy of Urban Poverty, (New York: W. W. Norton and Company, 1973), p. 63 discusses the differences between a political-economy of poverty and a liberal analysis of poverty and concludes that political-economy uncovers "secrets (that) are hidden from those who concentrate on only one aspect of (an incredibly complex social order)." If political-economy merely means studying the whole rather than parts of a complex social order then liberal political-economy and political philosophy cannot be criticized for a narrow focusing of study because it, like radical analysis can be broad and even interdisciplinary (e.g. the field of criminology). Liberal or conventional political-economy can only be criticized for employing liberal politics.
- 122 Taylor et al., New Criminology, p. 279.
- 123 Quinney, Class, State and Crime pp. 32-33, on the dialectical method and the political economy of crime.

124

C. Wright Mills, The Marxists, p. 130.

125

See: Hook, Revolution, Reform and Social Justice, pp. 8-13 for an analysis of Mills unorthodox Marxism in his The Marxists where after all of Mills' devastating criticism of Marx's theories, doctrines and hypotheses, and etc.

...Mills' tells his readers, that although all of Marx's work is false, inadequate, or misleading (except for one single truism) Marx's Method "is a signal and lasting contribution to the best sociological way of relection and inquiry available"...He is fearfully vague, however, about what distinguishes Marx's method.

Obviously then Mills was also mysteriously attracted to Marx's thoughts on dialectical criticism which is the method Marx left for posterity.

126

Mention is made of occultism because of its mass revival in the sixties and its historical and contemporary association with certain crimes, i.e., the last crime wave in Puritan America was witchcraft, Chambliss, "Functional and Conflict Theories of Crime," Whose Law What Order, p. 14. Moreover, various contemporary mystery cults, and grouping are engaged in practices which are not only deviant but may frequently be criminal. See: Nevill Drury and Gregory Tillett, The Occult Source Book (London: Routledge and Kegan Paul, 1978) and G. de Purucker, Fountain Source of Occultism, (Pasadena: Theosophical University Press, 1974).

127

Milton Mankoff, "On the Responsibility of Marxist Criminologists: A Reply to Quinney," Contemporary Crises, vol. II (1978), pp. 293-301.

128

Paul K. Feyerabend, Against Method: Outline of An Anarchist Theory of Knowledge, (London: NLB, 1975), p. 47.

129

Tomm Bottomore, Marxist Sociology. (New York: Holmes and Meier Publications, 1975), p. 54.

130

Ibid., pp. 35-36.

131  
Ibid., p. 33.

132  
Ibid., p. 37.

133  
Ibid., p. 53.

134  
William Simbolou: "The Rise of the New Left," Marxism and New Left Ideology, pp. 29-34.

135  
Bottomore, Marxist Sociology, p. 56.

136  
Quinney, Class, State and Crime, p. 161. Quinney apparently wants a state socialism without hierarchy and authority which is very confusing.

137  
Buchholz, et. al., Socialist Criminology, pp. 43-44. Regard positivism as essential for East German sociologist criminology. On why positivism is necessary in Marx's philosophy of history see: Wellmer, Critical Theory of Society, Chapter I; and on why positivism is a part of Marxist sociology Gouldner, The Coming Crisis of Western Sociology, Chapter XII, "Notes on the Crisis of Marxism and the Emergence of Academic Sociology in the Soviet Union."

138  
Quinney, Class, State and Crime, pp. 145.

139  
American Friends Service Committee, The Police Threat to Political Liberty, pp. 16-19 and 58-62.

140  
Richard A. Falk, This Endangered Planet: Prospects and Proposals for Human Survival (New York: Vintage Books, 1972).

141  
In the work of Taylor et. al. one detects a beginning disavowal of the romantic element in radical criminology, see: Taylor et. al., "Radical Deviancy Theory: A Reply to Paul G. Hirst," in Critical Criminology, p. 236.

142  
Ibid., p. 236.

143

Gouldner, The Coming Crisis of Western Sociology, p. 80.

144

Klare, Supplying Repression: U. S. Support for Authoritarian Regimes Abroad, Chapter VII, U. S. Arms Sales to Third World Police Forces, 1973-1976.

145

Webster's, New Collegiate Dictionary, p. 1004, also for a positive analysis of romanticism in relation to the "bankruptcy" of orthodox Marxism and conventional logical positivism see: Read, Anarchy and Order, p. 171.

146

For an excellent review and analysis of the literature on these topics see the work of the unorthodox Marxist humanist Eric Fromm, The Anatomy of Human Destructiveness, (New York: Holt, Riehart and Winston, 1973), pp. 118-128 and 127.

147

"The German Ideology," The Marx-Engels Reader, pp. 119-121.

148

Fromm, The Anatomy of Human Destructiveness, p. 168.

149

Bob Irwin and Gordon Frison, "Why Nonviolence?" in Dandelion, ed. by David H. Albert, (Philadelphia: Movement for a New Society, 1979), p. 4.

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Eli Zaretsky, Capitalism, The Family and Personal Life, (New York: Harper and Rowe, 1973), p. 96.

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- 172 Wintersmith, Police and the Black Community, p. 29.
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- 181 Lenin, "Tasks of the Proletariat in Our Revolution," in Anarchism and Anarcho-Syndicalism, p. 266.

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Michael Bakunin, "Statism and Anarchy," in The Essential Works of Anarchism, p. 158.

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Mark C. Kennedy, "Beyond Incrimination," in The Criminologist: Crime and the Criminal, pp. 106-133.

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See: E. F. Schumacher, Small is Beautiful: Economics As if People Mattered, (New York: Harper and Rowe, 1973).

## NOTES

EPILOGUE: CHRISTIAN ANARCHISM IN RELATION TO RADICAL CRIMINOLOGY

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Rosemary Radford Reuther, Libertarian Theology: Human Hope Confronts Christian History and American Power, (New York: Paulist Press, 1972), p. 4.

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The criticism of radical criminology as religious prophecy is from Carl B. Klocars, "The Contemporary Crisis of Marxist Criminology," Criminology, vol. XVI, No. IV, (February, 1979), pp. 477-515.

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Karl Rahner, "Atheism and Implicit Christianity," Theological Investigations, vol. VIII. Baltimore: Helicon Press, 1972.

4

The present author has been mainly unsuccessful in finding materials that deal specifically with anarchist political and/or ethical theology in terms of the origins and development of such. Hence an effort has been made to piece together the available literature that touches on clearly anarchistic themes in Christianity. Such themes as: antinomianism; grace over ecclesiastical and secular laws, antiauthoritarianism, pacifism, and reliance on spirit over the dictates of clericism are aspects of the religious anarchist point of departure. The author was successful in securing three general historical works which offer minimal programs of distinguishing anarchism from other forms of Christian radicalism. W. H. C. Frend Martyrdom in the Early Church, (New York: Anchor Books, 1967), covers the inter-testament period up to the Constantinian establishment of the Church, 312-361 A.D., Norman Cohn, The Pursuit of the Millennium, (New York: Oxford University Press, 1977) follows the apocalyptic tradition in medieval Europe up to the Reformation; Rosemary Radford Reuther, The Radical Kingdom: The Western Experience of Messianic Hope, (New York: Harper and Rowe, 1970), traces radical Christianity from the Reformation up to the emergence of New Left Marxist Protestants"; G. H. C. Macgregor, The New Testament Basis of Pacifism, (New York: Fellowship Publications, 1954), offers an incisive analysis of anarcho-pacifist theology in the New Testament and a book length argument against Reinhold Niebuhr's defense of state power and violence in Christian praxis; Cushing Strout, The New Heavens and New Earth: Political Religion in America, (New York: Harper and Rowe, 1974), is helpful with its historical sketch of



religious anarchism in America, as is Robert Cooney and Helen Michalowski, The Power of the People: Active Non Violence In The United States, (California: Peace Press, 1977), which gives a thorough history of Christian anarcho-pacifism in America from Puritan to contemporary times.

5

Historical works by radical theologians, including even Reuther above, do not carefully distinguish Christian anarchism from other forms of Christian radicalism see for example: Jose Miranda, Marx and the Bible: A Critique of the Philosophy of Oppression, trans. by John Engleson, (New York: Orbis Books, Maryknoll, 1971); Alfredo Fierro, The Militant Gospel: A Critical Introduction to Political Ideologies, trans. by John Drury (New York: Orbis Books, Maryknoll, 1974); Gustavo Gutierrez, A Theology of Liberation: History, Politics, and Salvation, (New York: Orbis Books, Maryknoll, 1973). Yet each of these works offer in-depth historical overviews of Christian radicalism out of whence an outline of Christian anarchism can be fashioned. The work that comes close to being contemporary statement of American anarchist theology, in this author's opinion, is Douglas John Hall, Lighten Our Darkness: Toward an Indigenous Theology of the Cross, (Philadelphia: The Westminster Press, 1976).

6

Miranda, Marx and the Bible, Chapter IV, Paul's understanding concerning law and civilization.

7

Freund, Martyrdom and Persecution in the Early Church, Chapters XII and XIV on Tertullian and Lactantius, respectively, also these early church leaders see: Gustavo Gutierrez, "Freedom and Salvation A Political Problem," in Liberation and Change, ed. by Ronald H. Stone, (Atlanta: John Know Press, 1977), pp. 5-12.

8

Reuther, Liberation Theology, pp. 25-29; Drury and Tillett, The Occult Source-Book, pp. 28, 34-35 and 77-81 on Christian sexual magic in the Dark Age.

9

Cohn, The Pursuit of the Millennium, pp. 148-162.

10

Ibid., pp. 209-223.

11

Ibid., Chapter XIII, and on p. 251 Cohn notes that:

From Engels down to Communist historians of today ——— Russian as well as Germans ——— Marxists have inflated Munster into a giant symbol, a prodigious hero in the history of class war.

One should note here that the mainly nonviolent forms of Anabaptism are historical sources for anarcho-pacifism.

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Cooney and Michalowski, The Power of the People, their introduction: "The Roots of American Nonviolence, 1650-1915."

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Gerald Runke, Anarchism: Old and New, (New York: Dell Publishing Company, 1969); pp. 16-17.

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Cooney and Michalowski, The Power of the People, pp. 23-30.

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Ibid., pp. 31-33.

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Ibid., pp. 33-36, and 62-75.

17

Ibid., pp. 150-176.

18

Ibid., pp. 183-209. The present author notes that the present struggle within the American New Left over human rights in Vietnam is an example of conflict between the more orthodox socialists like Jane Fonda, William Kunstler and Guardian editor Irwin Sibling and libertarian radicals as Joan Baez, and her group known as Humanitas who wrote an "open letter" to President Carter criticizing Vietnam's human rights policies, see: Kunstler's attack on Baez, "Baez Letter A Cruel and Wanton Act," Guardian, July 11, 1979, p. 16; and also the debate between Fonda and Baez, "Fonda, Baez Battle Over Vietnam," Omaha World-Herald, July 3, 1979, p. 29.

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Ibid., pp. 212-214.

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Mark Morris, Instead of Prisons: A Handbook for Abolitionists, (Syracuse: Prison Research Education Action Project, 1976), pp. 13-

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Gerd Theissen, "Itinerant Radicalism: The Tradition of Jesus sayings from the Perspective of the Sociology of Literature," in The Bible and Liberation: Political and Social Hermeneutics, (Berkeley: Community for Religious Research and Education, 1976), pp. 84-93, also for a theological examination of the veracity of the saying of Jesus see: Richard A. Edwards, A Theology of Q: Eschatology, Prophecy and Wisdom, (Philadelphia: Fortress Press, 1976).

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Richard Batey, Jesus and the Poor, (New York: Harper and Rowe, 1972), p. 16.

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Ibid., p. 17.

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George R. Edwards, Jesus and the Politics of Violence, (New York: Harper and Rowe, 1972), pp. 8-16 and 22-41.

25

Frend, Martyrdom and Persecution in the Early Church, Chapter III, "Martyrdom in the New Testament Period."

26

Macgregor, The New Testament Basis of Pacifism, p. 62.

27

Richard Shaull, "The Death and Resurrection of the American Dream," in Liberation and Change, (above), p. 85.

28

See: Herbert Marcuse's critical evaluation of Agape and Eros in the thought of Freud where the "life and death of Christ would appear as a struggle against his Father... the message of the Son was the message of liberation: the overthrow of the law (which is domination) by Agape (which is Eros). This would fit in with the heretical image of Jesus as the Redeemer...who came to save man here on earth," Eros and Civilization, pp. 63-64.

29

Macgregor, The New Testament Basis of Pacifism, p. 87.

- 30 Gutierrez, "Freedom and Salvation a Political Problem," p. 7, quotes Tertullian on "Human and natural right" thus: "God cannot be worshipped authentically except by persons free from coercion."
- 31 Ibid., p. 9.
- 32 Matthew 5:21-27 (R.S.V.) and Luke 11: 57-59 (R.S.V.).
- 33 Nor did an absolute rejection of institutional (i.e. political) arrangements inform the thoughts of Prodhoun, Kropotkin or Bakunin see Chapter IV of this thesis.
- 34 Miranda, Marx and the Bible, p. 187.
- 35 Ibid., p. 187.
- 36 Reuther, The Radical Kingdom, p. 9.
- 37 Ibid., pp. 9-12.
- 38 Solomon Grayzel, History of the Jews (Philadelphia: Jewish Publication Society of America, 1968), p. 32.
- 39 Bernard W. Anderson, Understanding The Old Testament (New Jersey: Englewood Cliffs, 1975), pp. 253-255.
- 40 Reuther, Liberation Theology, pp. 25-36 Reuther compares the apocalyptic and gnostic counter-cultures of antiquity with American New Left counter-cultural in the late sixties and early seventies.
- 41 Eric W. Gritsch and Robert Jenson, Lutheranism: The Theological Movement and Its Confessional Writings, (Philadelphia: Fortress Press, 1976), p. 29.
- 42 Ibid., p. 63.

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Reuther, The Radical Kingdom, p. 16.
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Batey, Jesus and the Poor, pp. 18-22; John 3:1-14 (R.S.V.).
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Sergio Rostagno, "The Bible: Is an Interclass Reading Legitimate?", The Bible and Liberation, pp. 19-25.
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Douglas John Hall, The Reality of the Gospel and the Unreality of the Churches (Philadelphia; Westminster Press, 1975 pp. 156-161; also see: Walter Kaufman The Faith of A Heretic (New American Library, 1978), his chapter on "Organized Religion."
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Ibid., p. 148.
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Reuther, Liberation Theology, her chapter on "Judaism and Christianity: A Dialogue Refused."
- 55  
Grayzel, History of the Jews, pp. 148-150.
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Reuther, Liberation Theology, pp. 74-77.
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Batey, Jesus and the Poor, Chapter III, "Poverty Programs in the Early Church."

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Ibid., pp. 181-182.

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Judith Hauptman, "Images of Women in the Talmud," in Religion and Sexism: Images of Woman in the Jewish and Christian Traditions, ed. by Rosemary Radford Reuther, (New York: Simon and Schuster, 1974), p. 196.

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Raphael Patai, The Hebrew Goddess, (New York: Avon Books, 1978), pp. 12-13.

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Ibid., p. 120.

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Constance F. Parvey, "The Theology and Leadership of Women in the New Testament," in Religion and Sexism, p. 129.

77  
Ibid., p. 135.

78  
Galatians 3:28, (R.S.V.).

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Mary Daly, Beyond God the Father: Toward a Philosophy of Women's Liberation, (Boston: Beacon Press, 1973), pp. 1-12.

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Gnosis means knowledge see: Calvin J. Rostzel, The Letters of Paul: Conversations in Context, (Atlanta: John Knox Press, 1976), p. 14.; also see his introductory remarks on Paul's theology and women (p. 1-3).

81  
For example see the Gnostic gospel of Mary, Parvey "The Theology and Leadership of Women in the New Testament," in Religion and Sexism, p. 134.

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See both of Rosemary R. Reuther's works: New Woman and New Earth: Sexist Ideologies and Human Liberation, (New York: Seabury Press, 1975), pp. 15-19 and for her quote see Liberation Theology, p. 19.

58

Grayzel, History of the Jews, p. 199.

59

Anderson, Understanding the Old Testament, p. 562, the early church interpreted wisdom as being personified in Christ i.e., "Logos was God," John 1:1 (R.S.V.). Another way of putting the thought is that a morality based on the ethical teachings of Christ is a wise morality; also on radical ethics see: George N. Marshall, Challenge of a Liberal Faith (Boston: Unitarian Universalist Association, 1970).

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Cohn, The Pursuit of the Millennium, pp. 30-35; for more on Philo's influence on Orthodox Judaism see: Charles Hartshorne and William L. Reese, Philosophers Speak of God, (Chicago: University of Chicago Press, 1953), pp. 76-84.

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Ibid., p. 200.

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Ibid., pp. 404-405.

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Cohn, The Pursuit of the Millennium, p. 39.

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Ibid., pp. 252-253.

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Nadine Foley, "Diaconal Communities," (paper presented to the Leadership Conference of Women Religious, St. Paul, Minn., Aug. 24, 1978), p. 2.)

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Leonard Swidler, Jesus Was A Feminist (Pittsburgh: Know Inc., 1971), p. 181.

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The present author's comparison of religious values to scientific values in modern culture is not at all unique and was probably best done by the "Old Testament Prophet" and early American sociologist Pitirim Sorokin who compared ideational and sensate culture mentality in his masterpiece Social and Cultural Dynamics, in much the same way, although his conclusions differed. See: R. P. Cuzzort, Humanity and Modern Sociological Thought (New York: Holt, Rinehart and Winston, Inc., 1969), pp. 235-255.

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Frank M. Snowden, Jr., Blacks in Antiquity: Ethiopians in the Greco-Roman Experience, (Cambridge: Harvard University Press, 1970), p. 207.

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Colossians 3:11 (R.S.V.).

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Ibid., pp. 201.

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Alexander Cruden, Cruden's Complete Concordance, (Michigan: Zondervan, 1968), p. 607.

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Ibid., p. 607.



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Bell, A History of Economic Thought, pp. 26-30.
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Editors comments on Paul's letter to Philemon in the New Oxford Annotated Bible, p. 1453.
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Reuther, Liberation Theology, p. 129.
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Fierro, The Militant Gospel, p. 137.
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Cooney and Michalowski, The Power of the People, p. 22.
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Ibid., p. 22.
- 101  
Ibid., p. 24-26.
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Frend, Matrydom and Persecution in the Early Church, p. 265.
- 103  
Gritsch and Jenson, Lutheranism, pp. 142-145.
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Luther stood for complete extermination of German Jews, see, Grayzel, A History of the Jews, p. 374.
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Hall, Lighten Our Darkness, p. 155.  
  
...the time is over when Christianity could imagine itself the provider of conclusive solutions to the human problematic. That is an aspect of the lesson that God has been attempting to impart to the churches... in these latter days of the Christendom experiment. Besides, the theology to which we have turned for insight is a theology of the cross which is by definition skeptical of triumphs, especially theological ones.
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Dorothee Soelle, Political Theology, trans. by John Shelley (Philadelphia: Fortress Press, 1971), p. 59.
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p. 58.

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Dale A. Stover, "Kerygma and Praxis," Andover Newton Quarterly, vol. XIX, No. 11 (November, 1978), p. 111.

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James H. Cone, God of the Oppressed, (New York: Seabury Press, 1975), pp. 84-101.

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Reuther, Liberation Theology, pp. 10-16..

111

One is reminded here of Martin Luther King's sermon "The Drum Major Instinct" delivered at Ebenezer Baptist Church, Atlanta, Georgia, February 4, 1968 and recorded on the Gordy label for posterity. In the sermon (which was King's desired eulogy) he brilliantly captured the theme of Jesus' ministry of power reversal and the theology of the cross.

112

Stover, "Kerygma and Praxis," Andover Newton Quarterly pp. 112-113.

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Ibid., p. 13.

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Teilhard de Chardin, The Phenomenon of Man, trans. by Bernard Wall, (New York: Harper and Rowe, 1959), p. 26.

116

The first International Conference of scientists and theologians recently held at the Massachusetts Institute of Technology has revealed that science and religion both "fall short of having all the answers, and recognize that reality is utterly mysterious," see: "Science, Religion Sharing," Omaha World Herald, July 15, 1979, p. 1.

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Macgregor, The New Testament Basis of Pacifism, Niebuhr quoted p. 128.

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Max Sheler, "Agape as Superabundant Vitality: A Response to Nietzsche," in Philosophies of Love, ed. by David L. Norton and Mary F. Kille, (San Francisco: Chandler Publishing Company, 1971), p. 193.

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- 122 George A. Morgan, What Nietzsche Means, (New York: Harper and Rowe, 1941), Chapter III "the Will to Power."
- 123 M. K. Gandhi, Non-Violence Resistance (Satyagraha), (New York: Schocken Books, 1961), pp. 1-19.
- 124 On the problem of ideology and Christian Theology see: Segundo's The Liberation of Theology, Chapter VI and Cone's God of the Oppressed, pp. 91-107.
- 125 A. D. Woozley, "Socrates on Disobeying the Law," in The Philosophy of Socrates, ed. by Gregory Vlatos, (New York: Doubleday and Company, 1971), pp. 299-318.
- 126 Sabine, A History of Political Theory, p. 76.
- 127 Ellul, The New Demons, Chapter II, "The Post-Christian Era and Secularization."
- 128 Reuther, The Radical Kingdom, p. 43.
- 129 Ibid., p. 17.
- 130 Reuther, Liberation Theology, p. 4.
- 131 Gutierrez, A Theology of Liberation, pp. 219-220.

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Niebuhr, Faith and Politics, p. 47.
- 133  
Ibid., p. 48.
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Bertram Wolfe, Marxism: One Hundred Years in the Life of a Doctrine, (New York: Dial Press, 1967), p. 357.
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Ibid., p. 357.
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Tucker, Philosophy and Myth in Karl Marx, p. 22.
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Falk, Anarchism: Nomos XIX, p. 74.
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p. 117.
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Quinney, The Problem of Crime, p. 164.
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George Lee Haskins, "A Rule to Walk By", in Crime and Social Justice in Society, ed. by Richard Quinney (Boston: Little Brown and Company, 1969), pp. 33-54.
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David J. Rothman, "The Invention of the Penitentiary," Criminal Justice in America: A Critical Understanding, ed. by Richard Quinney, (Boston: Little, Brown and Company, 1974), pp. 299-322.
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Ibid., p. 319.
- 144  
Ibid., p. 303.
- 145  
Strout, The New Heavens and New Earth, pp. 16-23.
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Ibid., p. 20.

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Cooney and Michalowski, The Power of the People, p. 16.
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Ibid., p. 25.
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Morris, Instead of Prisons, p. 13.
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Gouldner, The Coming Crisis of Western Sociology, pp. 262-266.
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Ibid., p. 263.
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Ibid., p. 263.
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Richard Quinney, "The Production of a Marxist Criminology," Contemporary Crises, vol. 11 (1978), p. 286.
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Ibid., p. 291.
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Ibid., p. 287.
- 156  
Paul Tillich, What is Religion?, trans. by James Luther Adams, (New York: Harper and Rowe, 1969), pp. 159-175.
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See: S. K. Kierkegaard, "Attack Upon Christendom," in A Kierkegaard Anthology, ed. by Robert Brethall, (New York: Random House, 1946), pp. 433-468.
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In a July 12, 1979 conversation I had with Dr. John Cross, Criminal Justice Department, University of Nebraska at Omaha, it was learned that Quinney is now in the process of writing a book on Marxism, religion and criminology. Thus my prediction may soon be realized.
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