




Lecture 10: (A) Critical Marxian and (B) Feminist Theories

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founding member,
critical resistance

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1

critical Marxian theories

- **Background: Marx, Crime, and Science**
- **Assumptions**
 - Value conflict
 - Capitalism is tied to delinquency production
 - Reconceiving crime as “social harm”
- **Conceptual Tools**
 - “Dialectical materialism” – change + matter
 - Social classes and class conflict
 - A new typology (Richard Quinney 1977)
 - Crimes of domination & repression by agents of capitalist owners (e.g., police violence)
 - Crimes of accommodation by working class to survive (e.g., theft)
 - Crimes of resistance by working class (e.g., revolt)

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- **Critique of (Mainstream) Criminology**

Economic system of capitalism → Class divisions & struggles → Overt & covert use of power to control powerless → Juvenile delinquency as accommodation to controls or as direct criminalization
(e.g., theft, truancy, looting?)

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many conflict theories

- **Culture conflict (Sellin 1938)**
 - diversity → clash of conduct norms
 - ("a Sicilian father in NJ killed the 16-year-old seducer of his daughter expressing surprise at his arrest since he had merely defended honor in a traditional way.;" examples today?)
- **Class conflict (Bonger 1905; Quinney 1975)**
 - **instrumental** Marxism
 - law, agents, maintain and legitimate elite dominance
- **Left Realism (1980s+)**
 - **structural** Marxism (relative autonomy of cjs)
 - some rules/acts unrelated to class conflict
 - reform agenda
- **Social Threat (Liska 1992)**
 - social control responds to threat, not deviance
 - (race and fear, punishment)
- **Abolition & Africana (Davis 2003; Alexander 2010)**
 - Slavery and racial capitalism
- **"Convict" Criminology (Richards & Ross 2001)**

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Loic Wacquant (2012)
[Punishing the Poor 2009]

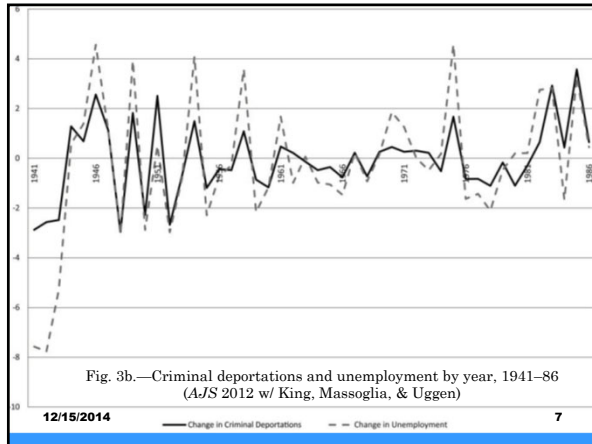
1. **CJS expansion due to social insecurity, not criminal insecurity**
 - Punishment rose as crime fell
 - P. 38. Bends post-industrial working class to precarious wage labor (real wages, gig economy)
2. **Link social & penal as poverty policy**
 - Forced participation in subpar work
 - Both use stigma, surveillance, sanctions
3. **Neoliberal state**
 - convergence of Workfare & Prisonfare
 - Liberal head (free market at top) on a paternalistic body (interventionist at bottom)
 - Bourdieu - right (punishment, finance) & left (social services) hand of the State

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Radical Criminology: Lynch, Schwendinger, & Schwendinger

- **Environmental harms as crime (e.g., lead)**
- **Economic structures**
 - Rusche-Kirchheimer 1939 on incarceration [chart]
 - Unemployment, marginalization, & surplus pop.
- **Material and cultural structures**
 - Violence and mode of production (e.g., rape)
 - Schwendingers on instrumental public discourses
- **David Greenberg (1977): Delinquency and the Age Structure of Advanced Capitalist Society**
 - Status of adolescents: Child labor, minimum wage, compulsory education laws - no productive role
 - Adolescent **status anxiety** and **consumption** needs explain age-crime relation

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critique

- **Critique**
 - Explaining criminal behavior? (not rulemaking)
 - General consensus on rankings of crime severity
 - “Instrumental” (tool of capital) model oversimplified
 - Hard to find anything recognizably Marxian in some recent critical theory
- **Value and relevance**
 - Undeniable class bias in defining and punishing deviance (2 million poor people)
 - Scratch the surface and you find conflict in taken-for-granted laws
 - disenfranchisement laws passed to avert the “menace of Negro domination” (Behrens, Uggen, Manza 2003)
 - Criminal deportations rise and fall with unemployment; US deports people when their labor is not needed (King, Massoglia, Uggen 2012)

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transition

- **Structural theories: From Disorganization to Anomie and Opportunity to Marxian/Conflict**
- **Individual theories: Deterrence/Choice, Control, DA, Drift, Labeling...**
- **Can they explain the gender gap?**
 - Gender bias in study of delinquency
- **gender gap & female delinquency**

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Lecture 10b: Gender & Feminist Theories

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gender and crime

- **Wild Historical Speculation & Blatant Sexism**
 - **Biology (Lombroso & Ferrero 1895):**
 - Women's lesser crime due to their "piety, maternity, want of passion, sexual coldness, weakness and an undeveloped intelligence"
 - **Psychology (Thomas' Unadjusted Girl 1923)**
 - Wish for excitement via manipulating sexuality
 - **Sex Roles (Pollak's "Chivalry" 1950)**
 - Natural deceit, tied to sex act & menstruation
- **Data? Big gap remains, but...**
 - Convergence in property crimes since 1960 and (non-murder) violent crimes since mid-80s
 - Heimer and Lauritsen 2007: the risk for aggravated and simple assault has dropped substantially since the 1970s, but male rates of victimization have declined faster than female rates

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Lauritsen & Heimer (2009) (homicide)

Year	Male Rate (per 100,000)	Female Rate (per 100,000)	Gender Rate Ratio
1976	14.0	4.0	0.30
1978	15.0	4.2	0.32
1980	16.0	4.3	0.35
1982	14.5	4.2	0.32
1984	13.0	4.1	0.30
1986	12.5	4.1	0.30
1988	13.0	4.2	0.30
1990	13.5	4.2	0.30
1992	15.0	4.2	0.30
1994	14.5	4.1	0.30
1996	13.0	4.0	0.30
1998	11.5	3.8	0.30
2000	8.5	3.5	0.25
2002	8.5	3.2	0.25
2004	8.5	2.5	0.25


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breakout

- **Mixed-sex groups of 2-5 (at least one male per group)**
- **Discuss** how gender may have affected your own contacts with police or other rule enforcers.
 - Did anyone invoke gender or sexuality as a resource in these encounters? How?
- **Submit notes with names in chat: Does chivalry affect social control? Explain why it mattered or did not matter in your case.**

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gender gap



- **3 Basic Explanations (Heimer 2000)**
 - Liberation or Emancipation
 - But problems in timing and offenders' views
 - Decline of chivalry
 - But NCVS patterns mirror UCR. Small factor?
 - Economic marginalization
 - Better support – more FHHH in poverty, gender gap in wages, and rising inequality
- **Can general theories (of cishet male delinquency) explain female delinquency?**
 - Learning, labeling and symbolic interactionism
 - Social control and self control
 - Anomie and opportunity

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Problems with “Just Add Girls and Mix” Approach (Meda Chesney-Lind)



- **Gap due to context of male domination**
 - oversocialization, enforcement of gender, and a sexual double standard in Juvenile Justice System
- **Chesney-Lind's feminist model**
 - Girls as likely victims of physical and sexual abuse
 - Victimizer use juvenile justice to control the girls
 - Runaways commit theft and prostitution to survive
 - Sexuality as one of few (if not only) resources

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John Hagan's Power-Control Theory: Gender, Class, and Delinquency



- Positive social change -> unintended negative impact
- Class structure of domestic social control
- Patriarchal & egalitarian family structures

```

    graph LR
      Gender --> PC[Parental control  
(esp. maternal)]
      Class --> PC
      PC --> TR[Taste for risk]
      TR --> PRP[Perceived risk of  
punishment]
      PRP --> D[Delinquent  
behavior]
      style D stroke-dasharray: 5 5
  
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Mixed evidence (Uggen 2000 example)

Table 2. Employment, Workplace Control, and Arrest by Class Categories

Parents' Class	Parents		Youth Work		Percent Youth Arrested		Diff.
	Freedom & Control	Percent Employed	Freedom & Control	Male	Female		
Employer (68)	8.1	87%	6.3	43%	9%	34%	
Petite Bourgeoisie (55)	7.9	75%	6.0	20%	12%	8%	
Manager (260)	7.3	78%	6.2	32%	13%	19%	
Worker (267)	6.3	72%	6.1	32%	8%	24%	
Surplus (72)	6.7	43%	6.4	28%	20%	8%	
χ^2 (d.f.)	141.5 (32)**	41.2 (4)**	24.2 (32)	3.4 (4)	3.4 (4)		
Gamma (γ)	-.36	-.32	.002	-.04	-.01		
F-ratio (d.f.)	25.0 (4)**		0.3 (4)				

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critique and extension

- Critique of Power-Control
 - Update on “liberalization”?
- Critique of Chesney-Lind
 - Why do males commit so much crime?
- Extension: James Messerschmidt
 - Masculinities and crime
 - Toughness and willingness to use violence as central to masculine identity
 - Delinquency as a resource for doing gender or accomplishing masculinity
- RW Connell: macro gender order & micro gender relations
 - Maher: gender reproduced in families and on street

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Feminist (Miller & Mullins 2006) & Queer Theories (Panfil 2018)

- **Feminist crim aims to reduce gender inequality, crime, and inequitable treatment of offenders, victims, and workers emerging from androcentric (male-centered) policies and practices in gendered institutions.**
 - androcentric to ask why women commit less, (v. why men commit more)
 - **Doing gender: crime as resource for performing & accomplishing gender (see Rios)**
 - **Blurred boundaries of victimization and offending**
 - E.g., male violence as direct, instrumental, physical; female violence as indirect, expressive, relational; Role of romantic connection in gaining entrée to associates
- **LGBTQ+ (Panfil 2018)**
 - **Criminalization (e.g., sodomy laws), survival crimes**
 - **Overrepresented as victims and youth in system**
 - **Straight, hybrid, and gay gangs**



19

lgbtq & juvenile justice

- **Estimated 6% of youth population but 13-15% of youth in juvenile justice (Holsinger & Hodge 2014)**
- **National Youth in Custody Survey (Wilson et al. 2017)**
 - 39% of girls (+19% “mostly straight”)
 - 3% of boys (+4% “mostly straight”)
 - **Higher sexual victimization by staff for boys (15% for GB boys)**
 - trans data limited
- **Theory of control & resistance?**

20

Rios Ch. 5 “Dummy Smart”

- **Low social & cultural capital -> “misrecognition”**
 - “organic capital” didn’t help with jobs (Ronnie p.100 @ steakhouse; handshake w/ white woman), but OK for selling pirate DVDs
- **Crimes of resistance (Quinney)**
 - “irrational” - breaking small rules
 - **respect: Flaco’s chips (p.106), police (p. 111), chess**
 - resistance -> crisis of control (success!)
- **Dummy smart (Darius p.113), code-switching**
 - **Infrapolitics-> empowerment; “deviant politics” of “hyphy” (hyperactive, dumb, crazy), yellow bus**
 - **Oppositional consciousness -> activism (9 of 40)**

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Rios 6: Proving Manhood

- **Messerschmidt: masculinity challenges**
 - P. 128-9: Doing gender through crime
 - Can't look weak or "act like a little bitch"
 - Homophobia; Guns as metaphor
- **Criminalization -> gendered practices**
 - police to Spider: be a man, get a job! support family
 - Choice: passive & compliant OR hard & defiant
 - Hypermasculinity: exaggerated exhibition of physical strength and aggression
 - Girls "caught between good and ghetto"
- **Class-based: where are good blue-collar jobs?**
 - "pimp a bitch" as exploitative alternative

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22

Next: Prevention and Introduction to Juvenile Justice

- **A. Greenwood, Peter. 2008. "Prevention and Intervention Programs for Juvenile Offenders." The Future of Children 18:185-210.**
 - [Local] Schaefer, Shelly, and Christopher Uggen. 2016. "Blended Sentencing Laws and the Punitive Turn in Juvenile Justice." Law & Social Inquiry 41:435-63.
 - (Honors): Sullivan, Christopher, Alex R. Piquero, and Francis T. Cullen. 2012. "Like Before, But Better: The Lessons of Developmental, Life-Course Criminology for Contemporary Juvenile Justice." Victims and Offenders 7:450-71.
- **B. 11/19 Paper Drafts Due: Workshop**
 - Zahn, Margaret A., Jacob C. Day, Sharon F. Mihalic and Lisa Tichavsky. 2009. "Determining What Works for Girls in the Juvenile Justice System: A Summary of Evaluation Evidence." Crime & Delinquency 55:266-93.
 - (required for Honors): Angela Irvine-Baker, Nikki Jones, Aisha Canfield. 2019. "Taking the "Girl" Out of Gender-Responsive Programming in the Juvenile Justice System." Annual Review of Criminology 2019 2:1, 321-336.

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23
