Lecture 10:  
(A) Critical Marxian and  
(B) Feminist 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) (excerpt)  
    • Crimes of accommodation by working class to survive (e.g., theft)  
    • Crimes of resistance by working class (e.g., revolt)  

• 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?)
many conflict theories

- **Culture conflict** (Sellin 1938)
  - Diversity → clash of conduct norms
    - (“Sicilian father in NJ killed the 16-year-old seducer of his daugher in a traditional way; is anything in a traditional way; is anything today?”)

- **Class conflict** (Bonger 1905; Quinney 1975)
  - Instrumental Marxism
  - Left Realism (1980s+)
    - Structural Marxism
    - 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)
  - 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

- 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
critique

- Critique
  - Explaining criminal behavior? (not rulemaking)
  - General consensus on rankings of crime severity
  - "Instrumental" (tool of capital) model oversimplified
  - Hard to find anything recognizable 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)

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
Lecture 10b: Gender & Feminist Theories

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

Lauritsen & Heimer (2009) (homicide)
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.

Loic Wacquant (2012)  
[Punishing the Poor 2009]

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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
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 the Juvenile Justice System
- Chesney-Lind’s feminist model
  - Girls as likely victims of physical and sexual abuse
  - Victimizer uses juvenile justice to control the girls
  - Runaways commit theft and prostitution to survive
  - Sexuality as one of few (if not only) resources

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

Mixed evidence (Uggen 2000 example)

<table>
<thead>
<tr>
<th>Parents’ Class</th>
<th>Parents’ Freedom &amp; Control</th>
<th>Youth Work</th>
<th>Percent Employed</th>
<th>Percent Freedom &amp; Control</th>
<th>Male</th>
<th>Female</th>
<th>Percent Youth Arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer (68)</td>
<td>8.1</td>
<td>67%</td>
<td>6.3</td>
<td>43%</td>
<td>9%</td>
<td>24%</td>
<td></td>
</tr>
<tr>
<td>Petite Bourgeoisie (55)</td>
<td>7.9</td>
<td>75%</td>
<td>6.0</td>
<td>20%</td>
<td>12%</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>Manager (260)</td>
<td>7.3</td>
<td>78%</td>
<td>6.2</td>
<td>32%</td>
<td>13%</td>
<td>19%</td>
<td></td>
</tr>
<tr>
<td>Worker (267)</td>
<td>6.3</td>
<td>72%</td>
<td>6.1</td>
<td>32%</td>
<td>8%</td>
<td>24%</td>
<td></td>
</tr>
<tr>
<td>Surplus (72)</td>
<td>6.7</td>
<td>43%</td>
<td>6.4</td>
<td>28%</td>
<td>20%</td>
<td>8%</td>
<td></td>
</tr>
</tbody>
</table>

\[ \chi^2 \text{(d.f.)} \] 141.2 (32)** 41.3 (4)** 24.2 (32) 3.4 (4)

Gamma (\(\gamma\)) -.36 -.32 -.02 -.04 -.01

F-ratio (d.f.) 25.0 (4)** 0.3 (4)
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
  Chris Uggen – Soc 4141

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

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?
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)

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

Next: Prevention and Intro to Juv Justice

11/18 Lecture on Zoom (see Canvas)

Drafts Due to Exchange Partner 11/22