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

evals
• MORE: Assigned readings; examples; defining concepts; applying theories; dad jokes; international; non-binary & LGBT identities; grades
• LESS: blue backgrounds; difficult; suits; methodology
• SPLIT: groups; graphs; theory; current events; review of basics;
• ANNOY: mmm-hmm; umm; talk slow/soft;
• Prefer essays; short answer; IDs

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”
  – Social classes and class conflict
  – A new typology (Richard Quinney 1977)
    • Crimes of domination & repression by agents of capitalists
    • Crimes of accommodation by working class to survive
    • Crimes of resistance by working class
• Critique of (Mainstream) Criminology
  
  - Economic system of capitalism
  - Class divisions & struggles
  - Overt & covert use of power to control powerless
  - Juvenile delinquency: accommodation to controls or as direct criminalization

conflict theories/concepts

- **Class conflict** (Quinney 1975)
  - Instrumental Marxism
  - Law, agents, maintain and legitimate elite dominance
  - ("I win clause," drug laws)

- **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 his family honor in a traditional way:"; examples today?)

- **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)

- **Africana Criminal Justice** (Alexander, Potter)

- **Convict Criminology** (today)

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

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)
Radical Criminology: Lynch, Schwendinger, & Schwendinger in CWB

- Environmental harms as crime (e.g., lead)
- Economic structures
  - Rusche-Kirchheimer 1939 on incarceration
  - 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**

- Explaining criminal behavior? (not rulemaking)
- General consensus on severity rankings
- Instrumental model oversimplified
- But hard to find anything recognizably Marxian in some recent formulations

**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 “purity, maternity, want of passion, sexual coldness, weakness and an undeveloped intelligence”
  – Psychology (Thomas’ Unadjusted Girl 1923)
    • Wish for excitement via manipulating sexuality
  – Sex Roles (Pollack’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
exercise

- 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?
- On a sheet signed by all in the group, answer the following question: **Does chivalry affect social control? Explain why it mattered or did not matter in your case.**

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 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 Juvenile Justice System
- Chesney-Lind’s feminist model
  - Girls as likely victims of physical and sexual abuse
  - Victimizers use 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

Gender
Parental control (esp. maternal) → Taste for risk → Perceived risk of punishment → (Petty?) Delinquent behavior

Mixed evidence (Uggen 2000 example)

Table 1: Employment, Workforce Control, and Advice by Class Category

<table>
<thead>
<tr>
<th>Parents' Class</th>
<th>Freedom &amp; Control</th>
<th>Percent Employed</th>
<th>Freedom &amp; Control</th>
<th>Male</th>
<th>Female</th>
<th>Diff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer (60)</td>
<td>8.1</td>
<td>8.7%</td>
<td>6.3</td>
<td>43%</td>
<td>9%</td>
<td>34%</td>
</tr>
<tr>
<td>Petty Bourgeois (52)</td>
<td>7.9</td>
<td>75%</td>
<td>6.0</td>
<td>20%</td>
<td>12%</td>
<td>8%</td>
</tr>
<tr>
<td>Manager (269)</td>
<td>7.3</td>
<td>78%</td>
<td>6.2</td>
<td>32%</td>
<td>13%</td>
<td>19%</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>
</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>
</tr>
<tr>
<td>χ² (d.f.)</td>
<td>141.5 (32)**</td>
<td>41.2 (4)**</td>
<td>24.2 (32)</td>
<td>3.4</td>
<td>3.4 (4)</td>
<td></td>
</tr>
<tr>
<td>Gamma (b)</td>
<td>-.36</td>
<td>-.32</td>
<td>.002</td>
<td>.04</td>
<td>.01</td>
<td></td>
</tr>
<tr>
<td>F ratio (d.f.)</td>
<td>25.0 (4)**</td>
<td>6.2 (4)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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
Miller & Mullins on Feminist Theories in CWB

- Femcrim 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)
  - "not particularly successful" in creating general theories
- 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 entree to associates
- P. 236 – masculinities (Cohen subcultural approach)

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 @ 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 Introduction to Juvenile Justice**

- B. 11/15 Paper Drafts Due: Workshop (Chelsea Carlson) (ASC Meetings)