

Other radical criminologists have drawn upon other Marxist traditions, such as the work of Gramsci, to explore the relationship between capitalism and crime. Beckett and Sasson (2000) explore the relationship between inclusionary/exclusionary social policies and the hegemonic strategies of the ruling class in the United States. By adopting an historical approach, they argue that the ruling class in the 1930s and 1940s adopted inclusionary tactics, aimed at incorporating the working class into capitalism by poverty-reducing policies. However, challenges to ruling class hegemony in the 1960s and 1970s, mainly by the anti-Vietnam War and Civil Right movements shifted the ruling class towards more exclusionary strategies. This entailed a move towards a mode of governance called the 'security state' in which a 'new punitiveness' towards criminals became a key element. An example of this harder approach to crime and disorder was the 'three strikes' law in which mandatory tough sentences were automatically imposed at a third conviction for an offence.

CRIME AND THE LAW

The conflict position taken by Chambliss and Seidman (1971) focuses on the relationship between the law and society. They argue that in highly differentiated societies there will be many conflicting norms. The likelihood of any set of norms becoming encapsulated in the law is related to the distribution of power and status in society. Those with the greater amount of power will find that their views are reflected in the law. They also draw attention to the fact that the law is created and administered by bureaucracies that have their own interests in the operation of the law. This basically means that Chambliss and Seidman believed that these bureaucracies are more likely to process those criminals who are least likely to cause problems for the bureaucracies involved. The more powerful the accused, the more problems she or he will cause the legal bureaucracies. The powerful are therefore more likely to escape the criminal justice process. The powerless are not. As a result, laws against the favoured activities of the powerless are more likely to be enforced than laws against the illegal activities of the powerful.

Item C

Table 5.2 Defendants found guilty of indictable fraud offences, 1998–2004

England & Wales	Numbers						
	1998	1999	2000	2001	2002	2003	2004
Obtaining property by deception	11,440	11,480	10,540	9,440	9,350	8,460	7,520
Dishonest representation for obtaining benefit	240	710	1,350	1,950	1,990	1,840	2,460
Making off without payment	1,250	1,440	1,410	1,320	1,300	1,810	1,690
Obtaining services by deception	980	1,030	880	880	830	800	750
False accounting	1,690	1,620	1,160	870	750	650	730
Conspiracy to defraud	470	420	430	450	410	450	520
Other offences	1,130	1,100	1,100	1,000	940	1,030	1,130
All offences	17,200	17,800	16,870	15,910	15,570	15,040	14,800

Source: Babb *et al.* (2006).

Exercise 5.6

- In the year 2002 how many successful prosecutions were there for:
 - benefit fraud?
 - false accounting?
- What was the decline in the number of defendants in obtaining property by deception between 1998 and 2004?
- Does the evidence presented in the table add weight to Chambliss and Seidman's (1971) contention that the law is enforced selectively?

When looking at capitalist societies, Chambliss (1975) further developed his approach in the Marxist direction. He argues that acts are defined as criminal in direct defence of the interests of the ruling class, while members of this class themselves routinely ignore criminal law with no consequences. In particular, criminal law is employed by the ruling class to defend their material interests in a situation where inequality between the bourgeoisie and the proletariat is growing. The law therefore has a direct control-effect in society. An example of the way that the law can be used by capitalist interests is provided by Graham (1976), who argues that the laws controlling the production and use of amphetamines are weakened by the activities of the pharmaceutical companies, whose profits in part depend on this class of drugs.

Crime and law enforcement

Selective law enforcement refers to the choices the forces of law and order make when policing society. For example, given limited resources the police make choices about where and when to deploy police officers, and when to proceed with legal action and when not (see pp. 27–30). In his social realist theory of crime, Quinney (1970a) argues that selective law enforcement is related to the conceptions of crime that are held by the powerful in society. These elite definitions of crime are important because they find their way into the mass media and thus into personal conceptions of crime. Thus the crime problem in society, as seen by the forces of law and order, is a reflection of the elite's definition of crime. Their conception is therefore real in its consequences and becomes the social reality of crime, rather than just the views of a small segment of society. The effect of all this is that the police choose to implement the law in different ways, depending on who is being policed at the time.

Bauman (1987) argues that in postmodern society the nature of social control has changed from that which prevailed in the conditions of modernity. The crucial development in this respect has been the rejection by society's rulers of the enlightenment project, in which the state and its bureaucracy acted to improve the lot of all citizens. While the state bureaucracy paradoxically continues to expand, its role has been reconceptualized. Rather than the bureaucracy being an agent for the delivery of services that benefit the population, such services have been given over to the market.

The primacy of the market has led, according to Bauman, to two social-control categories being dominant in postmodern society. These are termed the 'seduced' and the 'repressed'. The seduced are those who are attracted by the message of consumption and the market. These are integrated and controlled through the manipulation of consumerist messages and images. The repressed are the new poor, whose consumption is unimportant for the reproduction

of capital in postmodern conditions. As peripheral members of consumer society the new poor have to be controlled by more repressive means, such as aggressive policing and regulation. Just as capitalism has turned leisure into an industry, the need for repressive social control of the new poor has led to a crime-control industry, in which members of the seduced group gain the means to consume through manufacturing and selling the technologies of control (Christie, 1993).

The input of the new right into policy during the 1980s was also an important element in changing social control in the 1990s. O'Malley (1991) argues that the effect of criminal policy in the 1980s was to change public attitudes towards crime away from a socialized one and towards a privatized one. That is, the criminal came to be viewed as a rational individual who makes a choice to commit crime, and the public – the potential victims – have to make choices about what they need to do to prevent crime being perpetrated against them. There is a sense in which victim blaming is extended to victims of crime who do not take rational measures to protect themselves from the activities of criminals. Social control is therefore exercised by a strong state that responds to demands for punitive sentencing on an underclass who are seen as responsible for the crime committed in society, while private security firms offer the public devices for protecting life and property.

The rise of new technologies and the consequent increase in the potential for surveillance has led to some pessimistic characterizations of a future surveillance society in the form of the managed society, the suspicious society, the maximum security society, and so on (Dandeker, 1990).

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Exercise 5.7

A good example of the use of surveillance technology to combat crime in Britain is the widespread deployment of closed-circuit television (CCTV) in city centres. Surveillance of this type has attracted both support and criticism from the public, the police and politicians. We would like you to construct a chart like the one below and identify arguments for and against the use of CCTV in city centres. We have provided some examples to get you started.

CCTV in city centres

Arguments for	Arguments against
1. Reduces people's fear of crime	1. Invasion of privacy
2. Provides evidence to convict criminals	2. Very costly
3.	3.
4.	4.