

Marxist theories of punishment



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The application of punishment is determined by the class system. Critically discuss this with reference to Marxist theories of Punishment.

This essay is going to critically discuss with reference to Marxists theories of punishment whether the application of punishment is determined by the class system. In order to do this we first need an understanding of what Marxist theory is based on, how Marx differentiates the class system and how punishment fits in to his theory. At the time of Karl Marx's work, he had witnessed many revolutions across Western Europe. Marxism tried to get people to understand the society they lived in and whilst he did only a minuscule amount of work on actual crime and criminals, he did acknowledge that there was conflict within society (History Learning Site, 2010). He recognised there was a split in society between the wealthiest and the poor. One of Marx's main focus' in his theory was the economy and he believed those who had wealth were the powerful and those who were poorer were the powerless. By the start of the industrial era Marx believed society to be split between two economic classes. The poorer end of society known as the 'proletariat' which is also known to be the working-class, and the ruling-class he described as being a more dominant class, called the 'bourgeoisie'; these were owners of wealth that did not need to work. The control and owning of private property by the wealthiest (which was the start of Capitalism) and the exploitation of labour done by the working class was his main idea in his theory on the conflict of classes. "Marx saw conflict in society as being due to a scarcity of resources and a historical inequality in the distribution of those resources, notably power." (Williams and McShane, 2010; 134).

Marxists criminologists suggest that class struggle affects crime in three different positions. Firstly, they suggest that law is a tool used by the ruling class to control the working class. They believe that is why there is no law enforcement for the ruling class (Michalowski and Bohlander, 1976 cited in Williams and McShane, 1988: 135), they said that behaviour that is not placed under any law but instead placed under just administrative and governing laws can only be to protect themselves. Marxist think law is an abuse to general human rights and they also question the power of the law and its purpose in its application, if the working class are policing the working class (Schwendinger and Schwendinger, 1970, 1972, 1977; Platt, 1974 cited in Williams and McShane, 2010). Secondly, Marxist's see all crime in a capitalist society as a product of class struggle. It causes the working class the need to chase to get ahead which can manifest itself in criminal behaviour. The divide between these two classes and the conflict, creates competition. Someone will want something and when they feel there is no other way of achieving this, criminal activity can take place (Bohm, 1982 as cited in Williams and McShane, 2010). This can be seen in Emile Durkheim's Anomie theory.

There are other theories that also recognise a division in society. Emile Durkheim's anomie theory also recognised the division in society and in his book termed it as the division in labour. He studied Europe after the industrial revolution and Durkheim saw from forced industrialisation and commercialisation, a large economic crisis could define factors of causing a state of anomie. He described this as a breakdown of social norms for the working class. He stated without clear rules to guide the working class,

individuals find it hard to find a place in society. He concludes that this in turn causes dissatisfaction, frustration, conflict and deviance. Durkheim's anomie theory looks at social norms in society being broken while Merton's Strain theory (1938) looks more at deviance who also refers to bureaucratic behaviour as well as criminal behaviour in his theory. In Merton's theory he saw certain goals emphasised through society and used financial success as an example. He said not everyone has equal access to these financial achievements or success and that some people may look for illegitimate ways to gain this success. Because of this social inequality and division in society between the working class and ruling class, he believes that certain goals are just not available for certain groups within society such as the lower social class. Merton's anomie theory is often referred to as strain theory as this lower or working class feel a strain to achieve illegitimately ways to gain this success and those groups with the least access to achieve these goals have higher crime and deviance rates according to Merton. In his study of US societies that these higher rates of crime were amongst the lower classes (Williams and McShane, 1988: 79-83). These theories of anomie and strain theory all take the same direction as Marxist theory in that they believe there to be a division in society between working class and the ruling class. With the ruling class holding the most power and the working class trying to achieve this. The power held by the dominant class has also been termed 'cultural capital' (Giddens,).

Marxism influences cultural capital. Pierre Bourdieu another sociologist influenced by Marx argues that it is the education system, to blame for the failure of the working class, not the working class culture. He referred to the

cultural capital as those who were in possession of the dominant culture and thought this could be translated in to wealth and power through the education system. He claimed that cultural capital in class structure was not evenly proportionate and he could see this in the class structure through the disparities in education attainment achieved by those of different classes. Bourdieu claims that middle class students succeed better than those of the working class as they are the dominant culture. He states that education attainment is directly related to those who possess the most cultural capital (Giddens – Sociology).

Gramsci was a Marxist thinker in the 20th century whose work evaluated culture and political leadership. He believed that the bourgeoisie uphold control, that they developed a hegemonic culture which he saw transmitted its own set of norms and values that just became common sense values and norms of everyone. People from classes outside the ruling class acknowledged their own good with the good of the ruling class. Marxism always expected a revolution in capitalist societies but by early 20th century no revolution had occurred in such advanced countries. Gramsci's theory suggested that capitalism maintained control not just through political and economic coercion, but also through ideology as well. (Perry Anderson, 1976. (The Antinomies of Antonio Gramsci. New Left Review). SENTENCE TO WRAP IT UP

Marxism saw the creation of two different groups that were created through the rise of capitalism; the ruling class (bourgeoisie) and the working class (proletariat) and he claimed that these two classes offered nothing but “ new conditions of oppression, new forms of struggle in place of old ones”. They

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saw that the labour of the working class needed to be exploited in order for the ruling class to gain more capital. Marxism referred to this as oppression and believed that the ruling class exercised their power over the working class in order to control them. Rusche (1980) took the same approach in his theory of punishment and social structure. He states that when wages go up because of the lack of labour that this in turn causes the ruling class to apply their power to supply the need for cheap labour. Rusche saw that the exploitation of prison labour began to be the preferred method over previous methods such as corporal and capital punishment. He claims that

“ When a labour surplus occurs, wages go down causing a mass unemployment resulting in extremely high penalties, such as corporal and capital punishment executed in a torturous fashion. This is thought to be needed in order to keep crime down” (Rusche, 1980:??).

During the industrial era the ruling class turned prisons in to workhouses which were named the house of correction. These were set up in a bid to help supply their need for cheap labour. The house of correction's main aim and focus was there to make those that didn't want to work and was unwilling to work, to make them work. Rusche and Kirchheimer (1939) claimed that by being forced to work within this institution that the prisoners would pick up skills in the hope that they could take with them to the labour market on release. During period where labour was in excess, and the attitude changed toward the poor, it became unprofitable to force people to work and prisons became warehouses for people that he also claimed cost money. He also claimed that the attitudes towards punishment need to change when the living conditions of the working class began to get worst. In <https://assignbuster.com/marxist-theories-of-punishment/>

order to see that people were being punished according the conditions of the prison had to be worse than those of the prisoners conditions on the out side of prison. As Jenner (2014) stated “ the conditions need to be markedly more unpleasant than the conditions of life experienced by those of the lowest strata living free in society”. This of course, had economic advantages, less food was needed and no medical assistance offered, but it came to be seen that the living conditions of the working class, did not ‘ vary’ much, from those of the prison. This caused the conditions to deteriorate even worst in an attempt to deter the working class not to end up inside the prison (Rusche and Kirchiemer, 1939).

Evidence to support these theories that prison is a way of controlling the working class by the ruling class can be seen in the inequalities of the prison population. According to a report by NACRO (1997a; 1997b) England and Wales have one of the highest prison populations in Western Europe which in 1997 was as high as 61, 000. They reckoned this figure could rise by the year 2005 to 82, 000. A national survey done by the Home Office carried out on prison population in 1991 showed that it was made up by uneducated young men, many whom had an ethnic minority background. His study found some interested figures in evidence of the theories that have been presented in this essay. This study found that 40% of the prison population to be under 25 but over 18 compared to 16% of the general population; this shows there is a huge over representation of young men between 18-25 years old, imprisoned. It found that 41% of prisoners either posed no skills or had very little, compared to 18% of the general population; again a large over representation of unskilled labour force. This study also found that 15% of

prisoners were from Black or Asian ethnic minorities yet these minorities only make up 5% of the general population. 40% of prisoners under the age of 25 had left school before they were supposed to, compared with only 11% of the general population. 38% of prisoners under 21 had experienced being in care whilst only 2% of the general population experience this and 13% said they did not have a place to live before they entered the prison system (Walmsley et al., 1992 cited in NACRO, 1997b). From these figures and our knowledge of Marxism with regards to class struggle and the segregation of the lower class, how the ruling class exert their power over the working class and how they use this power to control, we can see that the prison has been used in the same way. That it is a mere control of the bourgeoisie bid to control the working class. This can also be seen in the application of law and how the bourgeoisie wrong doings do not fall under any law but as mentioned earlier fall under administrative and governing laws in order to protect their own. This could also be argued in the case of why white collar crime does not get much attention paid to it over criminal law.

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