NOTES

1. See esp. C. R. Shaw, *The Jack-Roller* (Chicago: University of Chicago Press, 1930); Shaw, *The Natural History of a Delinquent Career* (Chicago: University of Chicago Press, 1931); Shaw *et al.*, *Delinquency Areas* (Chicago: University of Chicago Press, 1940); and Shaw and H. D. McKay, *Juvenile Delinquency and Urban Areas* (Chicago: University of Chicago Press, 1942).

2. E. H. Sutherland, ed. *The Professional Thief* (Chicago: University of Chicago Press, 1937); and Sutherland, *Principles of Criminology*, 4th Ed. (Philadelphia: Lippincott, 1947).

3. All quotations in this paragraph are from *The Professional Thief*, pp. 211–13. Emphasis added.

4. Frank Tannenbaum, "The Professional Criminal," *The Century*, Vol. 110 (May–Oct. 1925); p. 577.

5. See A. K. Cohen, Alfred Lindesmith, and Karl Schussler, eds., *The Sutherland Papers* (Bloomington, Ind.: Indiana University Press, 1956), pp. 31–35.

6. R. K. Merton, *Social Theory and Social Structure*, Rev. and Enl. Ed. (Glencoe, Ill.: Free Press, 1957), pp. 145–46.

7. *Principles of Criminology*, *op. cit.*, pp. 7–8.

8. For an example of restrictions on access to illegitimate roles, note the impact of racial definitions in the following case: "I was greeted by two prisoners who were to be my cell buddies. Ernest was a first offender, charged with being a 'hold-up' man. Bill, the other buddy, was an old offender, going through the machinery of becoming a habitual criminal, in and out of jail. . . . The first thing they asked me was, 'What are you in for?' I said, 'Jack-rolling.' The hardened one (Bill) looked at me with a superior air and said, 'A hoodlum, eh? An ordinary sneak thief. Not willing to leave jack-rolling to the niggers, eh? That's all they're good for. Kid, jack-rolling's not a white man's job.' I could see that he was disgusted with me, and I was too scared to say anything" (Shaw, *The Jack-Roller*, *op. cit.*, p. 101).

9. For a discussion of the way in which the availability of illegitimate means influences the adaptations of inmates to prison life, see R. A. Cloward, "Social Control in the Prison," *Theoretical Studies of the Social Organization of the Prison*, Bulletin No. 15 (New York: Social Science Research Council, March 1960), pp. 20–48.

QUESTIONS FOR DISCUSSION

1. Discuss the relationship between illegitimate means and delinquent subcultures, according to the authors. Give an example from your present geographical location or hometown that illustrates illegitimate means and delinquent subcultures.
2. How do the theories of anomie and differential association help explain illegitimate means and delinquent subcultures? Use examples to illustrate your response.
3. How does differential opportunity relate to social deviance in your geographical location?

CHAPTER

CONFLICT PERSPECTIVES

Toward a Marxian Theory of Deviance[1]

Steven Spitzer

Within the last decade Americans sociologists have become increasingly reflective in their approach to deviance and social problems. They have come to recognize that interpretations of deviance are often ideological in their assumptions and implications, and that sociologists are frequently guilty of "providing the facts which make oppression more efficient and the theory which makes it legitimate to a larger constituency" (Becker and Horowitz, 1972: 48). To combat this tendency students of deviance have invested more and more energy in the search for a critical theory. This search has focused on three major problems: (1) the definition of evidence, (2) the etiology of deviance, and (3) the etiology of control.

TRADITIONAL THEORIES AND THEIR PROBLEMS

Traditional theories approached the explanation of deviance with little equivocation about the phenomenon to be explained. Prior to the 1960s the subject matter of deviance theory was taken for granted and few were disturbed by its preoccupation with "dramatic and predatory" forms of social behavior (Liazos, 1972). Only in recent years have sociologists started to question the consequences of singling

out "nuts," "sluts," "perverts," "lames," "crooks," "junkies," and "juicers" for special attention. Instead of adopting conventional wisdom about *who* and *what* is deviant, investigators have gradually made the definitional problem central to the sociological enterprise. They have begun to appreciate the consequences of studying the powerless (rather than the powerful)—both in terms of the relationship between *knowledge of* and *control over* a group, and the support of the "hierarchy of credibility" (Becker, 1967) that such a focus provides. Sociologists have discovered the significance of the definitional process in their own, as well as society's response to deviance, and this discovery has raised doubts about the direction and purpose of the field.

Even when the definitional issue can be resolved critics are faced with a second and equally troublesome problem. Traditional theories of deviance are essentially *non-structural* and *ahistorical* in their mode of analysis. By restricting investigation to factors which are manipulable within existing structural arrangements these theories embrace a "correctional perspective" (Matza, 1969) and divert attention from the impact of the political economy as a whole. From this point of view deviance is *in* but not *of* our contemporary social order. Theories that locate the source of deviance in factors as diverse as personality structure, family systems, cultural transmission, social disorganization and differential opportunity share a common flaw—they attempt to understand deviance apart from historically specific forms of political and economic organization. Because traditional theories proceed without any sense of historical development, deviance is normally viewed as an episodic and transitory phenomenon rather than an outgrowth of long-term structural change. Sensitive sociologists have come to realize that critical theory must establish, rather than obscure, the relationship between deviance, social structure and social change.

A final problem in the search for a critical theory of deviance is the absence of a coherent theory of control. More than ever before critics have come to argue that deviance cannot be understood apart from the dynamics of control. Earlier theories devoted scant attention to the control process precisely because control was interpreted as a natural response to behavior generally assumed to be problematic. Since theories of deviance viewed control as a desideratum, no theory of control was required. But as sociologists began to question conventional images of deviance they revised their impressions of social control. Rather than assuming that societal reaction was necessarily defensive and benign, skeptics announced that controls could actually cause deviance. The problem was no longer simply to explain the independent sources of deviance and control, but to understand the reciprocal relationship between the two.

In elevating control to the position of an independent variable a more critical orientation has evolved. Yet this orientation has created a number of problems of its own. If deviance is simply a *status*, representing the outcome of a series of control procedures, should our theory of deviance be reduced to a theory of control? In what sense, if any, is deviance an achieved rather than an ascribed status? How do we account for the historical and structural sources of deviance apart from those shaping the development of formal controls?

Toward a Theory of Deviance Production

A critical theory must be able to account for both *deviance* and *deviants*. It must be sensitive to the process through which deviance is subjectively constructed and deviants are objectively handled, as well as the structural bases of the behavior and characteristics which come to official attention. It should neither beg the explanation of deviant behavior and characteristics by depicting the deviant as a helpless victim of oppression, nor fail to realize that his identification as deviant, the dimensions of his threat, and the priorities of the control system are a part of a broader social conflict. While acknowledging the fact that deviance is a *status* imputed to groups who share certain structural characteristics (e.g., powerlessness) we must not forget that these groups are defined by more than these characteristics alone.[2] We must not only ask why specific members of the underclass are selected for official processing, but also why they behave as they do. Deviant statuses, no matter how coercively applied, are in some sense achieved and we must understand this achievement in the context of political-economic conflict. We need to understand why capitalism produces both patterns of activity and types of people that are defined and managed as deviant.

In order to construct a general theory of deviance and control it is useful to conceive of a process of deviance production which can be understood in relationship to the development of class society. *Deviance production involves all aspects of the process through which populations are structurally generated, as well as shaped, channeled into, and manipulated within social categories defined as deviant.* This process includes the development of and changes in: (1) deviant definitions, (2) problem populations, and (3) control systems.

Most fundamentally, deviance production involves the development of and changes in deviant categories and images. A critical theory must examine where these images and definitions come from, what they reflect about the structure of and priorities in specific class societies, and how they are related to class conflict. If we are to explain, for example, how mental retardation becomes deviance and the feebleminded deviant we need to examine the structural characteristics, economic and political dimensions of the society in which these definitions and images emerged. In the case of American society we must understand how certain correlates of capitalist development (proletarianization and nuclearization of the family) weakened traditional methods of assimilating these groups, how others (the emergence of scientific and meritocratic ideologies) sanctioned intellectual stratification and differential handling, and how still others (the attraction of unskilled labor and population concentrations) heightened concern over the "threat" that these groups were assumed to represent. In other words, the form and content of deviance definition must be assessed in terms of its relationship to both structural and ideological change.

A second aspect of deviance production is the development of and changes in problem behaviors and problem populations. If we assume that class societies are based on fundamental conflicts between groups, and that harmony is achieved through the dominance of a specific class, it makes sense to argue that deviants are culled from groups who create specific problems for those who rule. Although these groups may victimize or burden those outside of the dominant class, their problematic quality ultimately resides in their challenge to the basis and form of class rule. Because problem populations are not always "handled," they provide candidates for, but are in no sense equivalent to, official deviants. A sophisticated critical theory must investigate where these groups come from, why their behaviors and characteristics are problematic, and how they are transformed in a developing political economy. We must consider, for instance, why Chinese laborers in 19th century California and

Chicanos in the Southwest during the 1930s became the object of official concern, and why drug laws evolved to address the "problems" that these groups came to represent (Helmer and Vietorisz, 1973; Musto, 1973).

The changing character of problem populations is related to deviance production in much the same way that variations in material resources affect manufacturing. Changes in the quantity and quality of raw materials influence the scope and priorities of production, but the characteristics of the final product depend as much on the methods of production as the source material. These methods comprise the third element in deviance production—the development and operation of the control system. The theory must explain why a system of control emerges under specific conditions and account for its size, focus and working assumptions. The effectiveness of the system in confronting problem populations and its internal structure must be understood in order to interpret changes in the form and content of control. Thus, in studying the production of the "mentally ill" we must not only consider why deviance has been "therapeutized," but also how this development reflects the subtleties of class control. Under capitalism, for example, formal control of the mad and the birth of the asylum may be examined as a response to the growing demands for order, responsibility and restraint (cf. Foucault, 1965).

The Production of Deviance in Capitalist Society

The concept of deviance production offers a starting point for the analysis of both deviance and control. But for such a construct to serve as a critical tool it must be grounded in an historical and structural investigation of society. For Marx, the crucial unit of analysis is the mode of production that dominates a given historical period. If we are to have a Marxian theory of deviance, therefore, deviance production must be understood in relationship to specific forms of socio-economic organization. In our society, productive activity is organized capitalistically and it is ultimately defined by "the process that transforms on the one hand, the social means of subsistence and of production into capital, on the other hand the immediate producers into wage labourers" (Marx, 1967:714).

There are two features of the capitalist mode of production important for purposes of this discussion. First, as a mode of production it forms the foundation or infrastructure of our society. This means that the starting point of our analysis must be an understanding of the economic organization of capitalist societies and the impact of that organization on all aspects of social life. But the capitalist mode of production is an important starting point in another sense. It contains contradictions which reflect the internal tendencies of capitalism. These contradictions are important because they explain the changing character of the capitalist system and the nature of its impact on social, political and intellectual activity. The formulation of a Marxist perspective on deviance requires the interpretation of the process through which the contradictions of capitalism are expressed. In particular, the theory must illustrate the relationship between specific contradictions, the problems of capitalist development and the production of a deviant class.

The superstructure of society emerges from and reflects the ongoing development of economic forces (the infrastructure). In class societies this superstructure preserves the hegemony of the ruling class through a system of class controls. These controls, which are institutionalized in the family, church, private associations, media, schools and the state, provide a mechanism for coping with the contradictions and achieving the aims of capitalist development.

Among the most important functions served by the superstructure in capitalist societies is the regulation and management of problem populations. Because deviance processing is only one of the methods available for social control, these groups supply raw material for deviance production, but are by no means synonymous with deviant populations. Problem populations tend to share a number of social characteristics, but most important among these is the fact that their behavior, personal qualities, and/or position threaten the *social relations of production* in capitalist societies. In other words, populations become generally eligible for management as deviant when they disturb, hinder or call into question any of the following:

1. Capitalist modes of appropriating the product of human labor (e.g., when the poor "steal" from the rich)
2. The social conditions under which capitalist production take place (e.g., those who refuse or are unable to perform wage labor)
3. Patterns of distribution and consumption in capitalist society (e.g., those who use drugs for escape and transcendence rather than sociability and adjustment)
4. The process of socialization for productive and non-productive roles (e.g., youth who refuse to be schooled or those who deny the validity of "family life")[3]
5. The ideology which supports the functioning of capitalist society (e.g., proponents of alternative forms of social organization)

Although problem populations are defined in terms of the threat and costs that they present to the social relations of production in capitalist societies, these populations are far from isomorphic with a revolutionary class. It is certainly true that some members of the problem population may under specific circumstances possess revolutionary potential. But this potential can only be realized if the problematic group is located in a position of functional indispensability within the capitalist system. Historically, capitalist societies have been quite successful in transforming those who are problematic and indispensable (the protorevolutionary class) into groups who are either problematic and dispensable (candidates for deviance processing), or indispensable but not problematic (supporters of the capitalist order). On the other hand, simply because a group is manageable does not mean that it ceases to be a problem for the capitalist class. Even though dispensable problem populations can not overturn the capitalist system, they can represent a significant impediment to its maintenance and growth. It is in this sense that they become eligible for management as deviants.

Problem populations are created in two ways—either directly through the expression of fundamental contradictions in the capitalist mode of production or indirectly through disturbances in the system of class rule. An example of the first process is found in Marx's analysis of the "relative surplus-population."

Writing on the "General Law of Capitalist Accumulation" Marx explains how increased social redundance is inherent in the development of the capitalist mode of production:

> With the extension of the scale of production, and the mass of the labourers set in motion, with the greater breadth and fullness of all sources of wealth, there is also an extension of the scale on which greater attraction of labourers by capital is accompanied by their greater repulsion. . . . The labouring population therefore produces, along with the accumulation of capital produced by it, the means by which itself is made relatively superfluous, . . . and it does this to an always increasing extent (Marx, 1967:631).

In its most limited sense the production of a relative surplus-population involves the creation of a class which is economically redundant. But insofar as the conditions of economic existence determine social existence, this process helps explain the emergence of groups who become both threatening and vulnerable at the same time. The marginal status of these populations reduces their stake in the maintenance of the system while their powerlessness and dispensability render them increasingly susceptible to the mechanisms of official control.

The paradox surrounding the production of the relative surplus-population is that this population is both useful and menacing to the accumulation of capital. Marx describes how the relative surplus-population "forms a disposable industrial army, that belongs to capital quite as absolutely as if the latter had bred it at its own cost," and how this army, "creates, for the changing needs of the self-expansion of capital, a mass of human material always ready for exploitation" (Marx, 1967:632).

On the other hand, it is apparent that an excessive increase in what Marx called the "lowest sediment" of the relative surplus-population, might seriously impair the growth of capital. The social expenses and threat to social harmony created by a large and economically stagnant surplus-population could jeopardize the preconditions for accumulation by undermining the ideology of equality so essential to the legitimation of production relations in bourgeois democracies, diverting revenues away from capital investment toward control and support operations, and providing a basis for political organization of the dispossessed.[4] To the extent that the relative surplus-population confronts the capitalist class as a threat to the social relations of production it reflects an important contradiction in modern capitalist societies: a surplus-population is a necessary product of and condition for the accumulation of wealth on a capitalist basis, but it also creates a form of social expense which must be neutralized or controlled if production relations and conditions for increased accumulation are to remain unimpaired.

Problem populations are also generated through contradictions which develop in the system of class rule. The institutions which make up the superstructure of capitalist society originate and are maintained to guarantee the interests of the capitalist class. Yet these institutions necessarily reproduce, rather than resolve, the contradictions of the capitalist order. In a dialectical fashion, arrangements which arise in order to buttress capitalism are transformed into their opposite—structures for the cultivation of internal threats. An instructive example of this process is found in the emergence and transformation of educational institutions in the United States.

The introduction of mass education in the United States can be traced to the developing needs of corporate capitalism (cf. Karier, 1973; Cohen and Lazerson, 1972; Bowles and Gintis, 1972; Spring, 1972). Compulsory education provided a means of training, testing and sorting, and assimilating wage-laborers, as well as withholding certain populations from the labor market. The system was also intended to preserve the values of bourgeois society and operate as an "inexpensive form of police" (Spring, 1973:31). However, as Gintis (1973) and Bowles (1973) have suggested, the internal contradictions of schooling can lead to effects opposite of those intended. For the poor, early schooling can make explicit the oppressiveness and alienating character of capitalist institutions, while higher education can instill critical abilities which lead students to "bite the hand that feeds them." In both cases educational institutions create troublesome populations (i.e., drop outs and student radicals) and contribute to the very problems they were designed to solve.

After understanding how and why specific groups become generally bothersome in capitalist society, it is necessary to investigate the conditions under which these groups are transformed into proper objects for social control. In other words, we must ask what distinguishes the generally problematic from the specifically deviant. The rate at which problem populations are converted into deviants will reflect the relationship between these populations and the control system. This rate is likely to be influenced by the:

(1) *Extensiveness and Intensity of State Controls.* Deviance processing (as opposed to other control measures) is more likely to occur when problem management is monopolized by the state. As state controls are applied more generally the proportion of official deviants will increase.

(2) *Size and Level of Threat Presented by the Problem Population.* The larger and more threatening the problem population, the greater the likelihood that this population will have to be controlled through deviance processing rather than other methods. As the threat created by these populations exceeds the capacities of informal restraints, their management requires a broadening of the reaction system and an increasing centralization and coordination of control activities.

(3) *Level of Organization of the Problem Population.* When and if problem populations are able to organize and develop limited amounts of political power, deviance processing becomes increasingly less effective as a tool for social control. The attribution of deviant status is most likely to occur when a group is relatively impotent and atomized.

(4) *Effectiveness of Control Structures Organized through Civil Society.* The greater the effectiveness of the organs of civil society (i.e., the family, church, media, schools, sports) in solving the problems of class control, the less the likelihood that deviance processing (a more explicitly political process) will be employed.

(5) *Availability and Effectiveness of Alternative Types of Official Processing.* In some cases the state will be able effectively to incorporate certain segments of the problem population into specially created "pro-social" roles. In the modern era, for example, conscription and public works projects (Piven and Cloward, 1971) helped neutralize the problems posed by troublesome populations without creating new or expanding old deviant categories.

(6) *Availability and Effectiveness of Parallel Control Structures.* In many instances the state can transfer its costs of deviance production by supporting or at least tolerating the activities of independent control networks which operate in its interests. For example, when the state is denied or is reluctant to assert a monopoly over the use of

force it is frequently willing to encourage vigilante organizations and private police in the suppression of problem populations. Similarly, the state is often benefited by the policies and practices of organized crime, insofar as these activities help pacify, contain and enforce order among potentially disruptive groups (Schelling, 1967).

(7) *Utility of Problem Populations.* While problem populations are defined in terms of their threat and costs to capitalist relations of production, they are not threatening in every respect. They can be supportive economically (as part of a surplus labor pool or dual labor market), politically (as evidence of the need for state intervention) and ideologically (as scapegoats for rising discontent). In other words, under certain conditions capitalist societies derive benefits from maintaining a number of visible and uncontrolled "troublemakers" in their midst. Such populations are distinguished by the fact that while they remain generally bothersome, the costs that they inflict are most immediately absorbed by other members of the problem population. Policies evolve, not so much to eliminate or actively suppress these groups, but to deflect their threat away from targets which are sacred to the capitalist class. Victimization is permitted and even encouraged, as long as the victims are members of an expendable class.

Two more or less discrete groupings are established through the operations of official control. These groups are a product of different operating assumptions and administrative orientations toward the deviant population. On the one hand, there is *social junk* which, from the point of view of the dominant class, is a costly yet relatively harmless burden to society. The discreditability of social junk resides in the failure, inability or refusal of this group to participate in the roles supportive of capitalist society. Social junk is most likely to come to official attention when informal resources have been exhausted or when the magnitude of the problem becomes significant enough to create a basis for "public concern." Since the threat presented by social junk is passive, growing out of its inability to compete and its withdrawal from the prevailing social order, controls are usually designed to regulate and contain rather than eliminate and suppress the problem. Clear-cut examples of social junk in modern capitalist societies might include the officially administered aged, handicapped, mentally ill and mentally retarded.

In contrast to social junk, there is a category that can be roughly described as *social dynamite*. The essential quality of deviance managed as social dynamite is its potential actively to call into question established relationships, especially relations of production and domination. Generally, therefore, social dynamite tends to be more youthful, alienated and politically volatile than social junk. The control of social dynamite is usually premised on an assumption that the problem is acute in nature, requiring a rapid and focused expenditure of control resources. This is in contrast to the handling of social junk frequently based on a belief that the problem is chronic and best controlled through broad reactive, rather than intensive and selective measures. Correspondingly, social dynamite is normally processed through the legal system with its capacity for active intervention, while social junk is frequently (but not always)[5] administered by the agencies and agents of the therapeutic and welfare state.

Many varieties of deviant populations are alternatively or simultaneously dealt with as either social junk and/or social dynamite. The welfare poor, homosexuals, alcoholics and "problem children" are among the categories reflecting the equivocal nature of the control process and its dependence on the political, economic and ideological priorities of deviance production. The changing nature of these priorities and their implications for the future may be best understood by examining some of the tendencies of modern capitalist systems.

Monopoly Capital and Deviance Production

Marx viewed capitalism as a system constantly transforming itself. He explained these changes in terms of certain tendencies and contradictions immanent within the capitalist mode of production. One of the most important processes identified by Marx was the tendency for the organic composition of capital to rise. Simply stated, capitalism requires increased productivity to survive, and increased productivity is only made possible by raising the ratio of machines (dead labor) to men (living labor). This tendency is self-reinforcing since, "the further machine production advances, the higher becomes the organic composition of capital needed for an entrepreneur to secure the average profit" (Mandel, 1968:163). This phenomenon helps us explain the course of capitalist development over the last century and the rise of monopoly capital (Baran and Sweezy, 1966).

For the purposes of this analysis there are at least two important consequences of this process. First, the growth of constant capital (machines and raw material) in the production process leads to an expansion in the overall size of the relative surplus-population. The reasons for this are obvious. The increasingly technological character of production removes more and more laborers from productive activity for longer periods of time. Thus, modern capitalist societies have been required progressively to reduce the number of productive years in a worker's life, defining both young and old as economically superfluous. Especially affected are the unskilled who become more and more expendable as capital expands.

In addition to affecting the general size of the relative surplus-population, the rise of the organic composition of capital leads to an increase in the relative stagnancy of that population. In Marx's original analysis he distinguished between forms of superfluous population that were floating and stagnant. The floating population consists of workers who are "sometimes repelled, sometimes attracted again in greater masses, the number of those employed increasing on the whole, although in a constantly decreasing proportion to the scale of production" (1967:641). From the point of view of capitalist accumulation the floating population offers the greatest economic flexibility and the fewest problems of social control because they are most effectively tied to capital by the "natural laws of production." Unfortunately (for the capitalists at least), these groups come to comprise a smaller and smaller proportion of the relative surplus-population. The increasing specialization of productive activity raises the cost of reproducing labor and heightens the demand for highly skilled and "internally controlled" forms of wage labor (Gorz, 1970). The process through which unskilled workers are alternatively absorbed and expelled from the labor force is thereby impaired, and the relative surplus-population comes to be made up of increasing numbers of persons who are more or less permanently redundant. The boundaries between the "useful" and the "useless" are more clearly delineated, while standards for social disqualification are more liberally defined.

With the growth of monopoly capital, therefore, the relative surplus-population begins to take on the character of a population which is more and more absolute. At

the same time, the market becomes a less reliable means of disciplining these populations and the "invisible hand" is more frequently replaced by the "visible fist." The implications for deviance production are twofold: (1) problem populations become gradually more problematic—both in terms of their size and their insensitivity to economic controls, and (2) the resources of the state need to be applied in greater proportion to protect capitalist relations of production and insure the accumulation of capital.

State Capitalism and New Forms of Control

The major problems faced by monopoly capitalism are surplus population and surplus production. Attempts to solve these problems have led to the creation of the welfare/warfare state (Baran and Sweezy, 1966; Marcuse, 1964; O'Connor, 1973; Gross, 1970). The warfare state attacks the problem of overconsumption by providing "wasteful" consumption and protection for the expansion of foreign markets. The welfare state helps absorb and deflect social expenses engendered by a redundant domestic population. Accordingly, the economic development of capitalist societies has come to depend increasingly on the support of the state.

The emergence of state capitalism and the growing interpenetration of the political and economic spheres have had a number of implications for the organization and administration of class rule. The most important effect of these trends is that control functions are increasingly transferred from the organs of civil society to the organs of political society (the state). As the maintenance of social harmony becomes more difficult and the contradictions of civil society intensify, the state is forced to take a more direct and extensive role in the management of problem populations. This is especially true to the extent that the primary socializing institutions in capitalist societies (e.g., the family and the church) can no longer be counted on to produce obedient and "productive" citizens.

Growing state intervention, especially intervention in the process of socialization, is likely to produce an emphasis on general-preventive (integrative), rather than selective-reactive (segregative) controls. Instead of waiting for troublemakers to surface and managing them through segregative techniques, the state is likely to focus more and more on generally applied incentives and assimilative controls. This shift is consistent with the growth of state capitalism because, on the one hand, it provides mechanisms and policies to nip disruptive influences "in the bud," and, on the other, it paves the way toward a more rational exploitation of human capital. Regarding the latter point, it is clear that effective social engineering depends more on social investment and anticipatory planning than coercive control, and societies may more profitably manage populations by viewing them as human capital, than as human waste. An investment orientation has long been popular in state socialist societies (Rimlinger, 1961, 1966), and its value, not surprisingly, has been increasingly acknowledged by many capitalist states.[6]

In addition to the advantages of integrative controls, segregative measures are likely to fall into disfavor for a more immediate reason—they are relatively costly to formulate and apply. Because of its fiscal problems the state must search for means of economizing control operations without jeopardizing capitalist expansion.

Segregative handling, especially institutionalization, has been useful in manipulating and providing a receptacle for social junk and social dynamite. Nonetheless, the per capita cost of this type of management is typically quite high. Because of its continuing reliance on segregative controls the state is faced with a growing crisis—the overproduction of deviance. The magnitude of the problem and the inherent weaknesses of available approaches tend to limit the alternatives, but among those which are likely to be favored in the future are:

(1) *Normalization.* Perhaps the most expedient response to the overproduction of deviance is the normalization of populations traditionally managed as deviant. Normalization occurs when deviance processing is reduced in scope without supplying specific alternatives, and certain segments of the problem population are "swept under the rug." To be successful this strategy requires the creation of invisible deviants who can be easily absorbed into society and disappear from view.

A current example of this approach is found in the decarceration movement which has reduced the number of inmates in prisons (BOP, 1972) and mental hospitals (NIMH, 1970) over the last fifteen years. By curtailing commitments and increasing turn-over rates the state is able to limit the scale and increase the efficiency of institutionalization. If, however, direct release is likely to focus too much attention on the shortcomings of the state a number of intermediate solutions can be adopted. These include subsidies for private control arrangements (e.g., foster homes, old age homes) and decentralized control facilities (e.g., community treatment centers, halfway houses). In both cases, the fiscal burden of the state is reduced while the dangers of complete normalization are avoided.

(2) *Conversion.* To a certain extent the expenses generated by problem and deviant populations can be offset by encouraging their direct participation in the process of control. Potential troublemakers can be recruited as policemen, social workers and attendants, while confirmed deviants can be "rehabilitated" by becoming counselors, psychiatric aides and parole officers. In other words, if a large number of the controlled can be converted into a first line of defense, threats to the system of class rule can be transformed into resources for its support.[7]

(3) *Containment.* One means of responding to threatening populations without individualized manipulation is through a policy of containment or compartmentalization. This policy involves the geographic segregation of large populations and the use of formal and informal sanctions to circumscribe the challenges that they present. Instead of classifying and handling problem populations in terms of the specific expenses that they create, these groups are loosely administered as a homogeneous class who can be ignored or managed passively as long as they remain in their place.

Strategies of containment have always flourished where social segregation exists, but they have become especially favored in modern capitalist societies. One reason for this is their compatibility with patterns of residential segregation, ghettoization, and internal colonialism (Blauner, 1969).

(4) *Support of Criminal Enterprise.* Another way the overproduction of deviance may be eased is by granting greater power and influence to organized crime. Although predatory criminal enterprise is assumed to stand in opposition to the goals of the state and the capitalist class, it performs valuable and unique functions in the service of class rule (McIntosh, 1973). By creating a parallel opportunity structure, organized crime

provides a means of support for groups who might otherwise become a burden on the state. The activities of organized crime are also important in the pacification of problem populations. Organized crime provides goods and services which ease the hardships and deflect the energies of the underclass. In this role the "crime industry" performs a cooling-out function and offers a control resource which might otherwise not exist. Moreover, insofar as criminal enterprise attempts to reduce uncertainty and risk in its operations, it aids the state in the maintenance of public order. This is particularly true to the extent that the rationalization of criminal activity reduces the collateral costs (i.e., violence) associated with predatory crime (Schelling, 1967).

CONCLUSION

A Marxian theory of deviance and control must overcome the weaknesses of both conventional interpretations and narrow critical models. It must offer a means of studying deviance which fully exploits the critical potential of Marxist scholarship. More than "demystifying" the analysis of deviance, such a theory must suggest directions and offer insights which can be utilized in the direct construction of critical theory. Although the discussion has been informed by concepts and evidence drawn from a range of Marxist studies, it has been more of a sensitizing essay than a substantive analysis. The further development of the theory must await the accumulation of evidence to refine our understanding of the relationships and tendencies explored. When this evidence is developed the contributions of Marxist thought can be more meaningfully applied to an understanding of deviance, class conflict and social control.

NOTES

1. Revised version of a paper presented at the American Sociological Association meetings, August, 1975. I would like to thank Cecile Sue Coren and Andrew T. Scull for their criticisms and suggestions.

2. For example, Turk (1969) defines deviance primarily in terms of the social position and relative power of various social groups.

3. To the extent that a group (e.g., homosexuals) blatantly and systematically challenges the validity of the bourgeois family it is likely to become part of the problem population. The family is essential to capitalist society as a unit for consumption, socialization and the reproduction of the socially necessary labor force (cf. Frankford and Snitow, 1972; Secombe, 1973; Zaretsky, 1973).

4. O'Connor (1973) discusses this problem in terms of the crisis faced by the capitalist state in maintaining conditions for profitable accumulation and social harmony.

5. It has been estimated, for instance, that ½ of all arrests in America are for the offense of public drunkenness. Most of these apparently involve "sick" and destitute "skid row alcoholics" (Morris and Hawkins, 1969).

6. Despite the general tendencies of state capitalism, its internal ideological contradictions may actually frustrate the adoption of an investment approach. For example, in discussing social welfare policy Rimlinger (1966:571) concludes that "in a country like the United States, which has a strong individualistic heritage, the idea is still alive that any kind of social protection has adverse productivity effects. A country like the Soviet Union, with a centrally planned economy and a collectivist ideology, is likely to make an earlier and more deliberate use of health and welfare programs for purposes of influencing productivity and developing manpower."

7. In his analysis of the lumpenproletariat Marx (1964) clearly recognized how the underclass could be manipulated as a "bribed tool of reactionary intrigue."

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QUESTIONS FOR DISCUSSION

1. Explain the critical theory of deviance. Discuss how this applies to your college, university, or geographical location. How can the critical theory of deviance explain deviant behaviors in inner cities?
2. Discuss how populations become eligible for management as deviant when they disturb, hinder, or call into question "capitalist modes of appropriating the product of human labor" and "patterns of distribution and consumption in a capitalist society."
3. Discuss and give examples of how "social junk" and "social dynamite" relate to deviant behavior.

Street Crime, Labor Surplus, and Criminal Punishment, 1980–1990

Andrew L. Hochstetler and Neal Shover

There is enormous geographic and temporal variation in state use of punishment. In the United States, for example, there is well-documented regional and state-level variation in the use of imprisonment; in 1994, the incarceration rate (the number of imprisoned adults per 100,000 total population) was 462 for southern states but only 291 for the northeastern states (United States Bureau of Justice Statistics 1996). Geographic variation is apparent also in use of the death penalty; whereas some states do not permit capital punishment, others routinely and regularly execute offenders. As for evidence of temporal variation in punishment, we need look no farther than recent history. In the years after 1973, America's training school, jail and prison populations climbed to historically unprecedented levels. The adult imprisoned population alone grew by more than 300 percent between 1975 and 1994 (United States Bureau of Justice Statistics 1996). Explaining geographic and temporal variation in official use of imprisonment and other forms of punishment is a long-standing focal point of social problems theory and research. We continue this line of investigation by examining community-level determinants of change in the use of imprisonment by local courts in the United States during the 1980s.

Background

In conflict-theoretical explanations, crime control is portrayed as a process unusually sensitive to the interests and machinations of dominant classes and elites. Grounded in neo-Marxism, analysts sketch criminal punishment as a strategy and mechanism employed by the state to control a class whose interests potentially are threatening to capitalist structures and elites. Viewed in this way, the use of punishment may fluctuate with levels of street crime, but it also varies with prevailing economic conditions. When the economy is strong and the labor surplus shrinks, punishment is relaxed; in time of economic stagnation or crisis, when the labor surplus grows larger, official use of punishment rises. It is during these times that the structures of criminal justice draw off increasing numbers of those now rendered superfluous for production. This means that:

> increased use of imprisonment is not a direct response to any rise in crime, but is an ideologically motivated response to the perceived threat of crime posed by the swelling population of economically marginalized persons. This position does not deny the possibility of increasing crime accompanying unemployment, but

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