

Intellectuals for Law and Order: A Critique of the New “Realists”

Tony Platt and Paul Takagi

Introduction

Crime will always remain with us, just as fires will be with us, or weeds.... Those less favored by nature or society are more tempted to violate laws and therefore suffer punishment for doing so more often.... There has been a worldwide decline in punishment and therefore of respect for law.

— Ernest van den Haag¹

WHEN ERNEST VAN DEN HAAG’S *PUNISHING CRIMINALS* APPEARED IN 1975, IT was regarded as a criminological aberration, a radical departure from the prevailing liberal consensus.² Filled with factual and methodological errors, a curious stylistic mixture of old-fashioned *Reader’s Digest* moralism and literary pretensions, *Punishing Criminals* advocates the death penalty, longer sentences, “post-punishment incapacitation,” banishment, exile, house arrest, and other less imaginative weapons in the “war against crime.”

Stylistically, van den Haag stands apart from other intellectuals. The candor of his viciousness is unusual. No sheep’s clothing for him. Substantively, however, he is in the mainstream of a new school of “realist” thought. Although there are considerable tactical and procedural differences among the “realists,” they are united around their demand for tougher state repression against the working class in general and blacks in particular.

The forum for this conservative propaganda is far-ranging: in 1975, the *American Sociological Review* (ASR) published an article that argues that penal sentences are unrelated to class and race;³ this was followed two years later by Hirchi an Hindelang’s claim in the ASR that “the weight of the evidence is that IQ is more important than race and social class” in determining delinquency;⁴ similarly, the most prestigious economic journals, including the *Journal of Political Economy* and the *American Economic Review*, regularly publish articles

TONY PLATT teaches in the School of Social Work, California State University, Sacramento, and is a member of the Editorial Board of *Crime and Social Justice*. PAUL TAKAGI teaches in the School of Education, University of California, Berkeley, and is a member of the Editorial Board of *Crime and Social Justice*. We would like to thank Sid Haring and Gerda Ray for their help with this essay. Original citation: *Crime and Social Justice* 8 (Fall-Winter, 1977): 1–16.

proposing that crime is rationally calculated behavior that can be deterred if the “cost” is made sufficiently high.⁵

Political scientists such as Edward Banfield and James Q. Wilson extensively rely on this economic model in their hard-line analysis of crime.⁶ Wilson’s *Thinking About Crime* is currently perhaps the most widely distributed popular book on the subject. This apology for social eugenics and intensified repression (discussed further in article) is highly recommended by *Fortune* magazine and can be bought at the airport or your local bookstore. Similarly, a highly publicized book dealing with crime, Freda Adler’s sexist *Sisters in Crime* (reviewed in this issue of *Crime and Social Justice*), attributes the so-called rise in violent crime to the women’s liberation movement.

Professional journals in criminology routinely carry this kind of analysis: *Federal Probation* printed Wilks and Martinson’s no-nonsense plea for state-supervised surveillance of “criminals” in the community;⁷ a recent lead article in *Crime and Delinquency* clinically proposes that the death penalty can only be made an effective deterrent if 3,000 executions per year are carried out.⁸ Popular magazines also carry the “realists” analysis of crime. Wilson’s work, for example, has been published in the *New York Times Magazine*, *Commentary*, and *Atlantic Monthly*. In addition, *Time*, *Newsweek*, *Washington Monthly*, *Village Voice*, and *U.S. News and World Report* have contained similar reports.⁹ The *New York Times*, typifying this kind of coverage, provided a column to sociologist Jackson Toby’s proposal that “incorrigibles” should be subjected to “internment, a long-lasting deprivation of liberty without duration fixed in advance.”¹⁰

These ideas, which represent the dominant trend in criminology today, are not the product of “backward” practitioners or unqualified academics. On the contrary, this is the work of the “best and brightest” intellectuals teaching at such elite universities as Harvard and Chicago, supported by large grants from the federal government and the major (Rockefeller, Ford, etc.) foundations. Although there is opposition within the profession from utopian advocates of the “justice model” and prison moratorium,¹¹ the new “realists” have had a profound impact on legislative policy and the mass media.

In this essay, we will attempt to place the new “realists” in the context of an expanding criminal justice apparatus, the contradictions of monopoly capitalism, and the impact of the current economic and political crisis on petty bourgeois intellectuals. While Wilson, van den Haag, Martinson, and others all claim to be, and sometimes even believe that they are, objectively detached experts, they cannot function outside class relations and they are no more “independent” than the corporate foundations, boards of trustees, and government agencies that sponsor and regulate their work. “In class society, everyone lives as a member of a particular class, and every kind of thinking, without exception, is stamped with the brand of a class.”¹² Before examining the class position of the new “realists,” we will discuss the material context in which their ideology flourishes.

Expansion of the Criminal Justice Apparatus

During the last 10 years there has been an unprecedented growth in the cost, personnel, and scope of the U.S. criminal justice apparatus. In 1955, criminal justice expenditures at all levels of government — local, state, and federal — amounted to about one-half of one percent of the gross national product; by 1971, it had risen to about one percent, and the rate of increase since 1966 was about five times as great as it had been in the previous decade.¹³ From 1971 to 1975, spending on criminal justice increased 55%, from \$11 billion to \$17 billion. During the same period, the number of full-time criminal justice employees jumped 22%, from 862,000 to 1,051,000.¹⁴

This expansion has especially affected the police. In 1974, over \$8.5 billion (about 57%) was spent on the police, eight times more than was allocated 10 years earlier.¹⁵ The total number of police in the U.S. went up from 273,000 to 371,000 between 1955 and 1965. Between 1965 (the beginning of the period of urban rebellions) and 1971, the total number of police increased by over 200,000 to 575,000, and by 1975 to 653,000. In short, the number of police officers in this country very nearly doubled in the decade between 1965 and 1975. At the present rate of increase, there will be about 900,000 police (excluding a comparable number of private security personnel) in the United States in 1984. In Colorado, spending on the police increased 80% between 1971 and 1974. The Los Angeles police force doubled in size in the 10 years between 1964 and 1974, while Chicago's force increased by about two-thirds. At a time when many areas of social service spending are being cut back due to the fiscal crisis of the 1970s, the police are a booming institution in the public sector.¹⁶

While most criminal justice expenditures are supported by city and county taxes, the share of the states and the federal government is rising fast. Since its inception in 1968, LEAA has become one of the fastest-growing agencies in the federal government. Its budget has increased from \$63 million in 1969 to \$1,015 million for fiscal year 1976. Though federal expenditures for the criminal justice apparatus only represent a small percentage of the overall budget, they have nevertheless played a major role in influencing and attempting to standardize policy. Through consolidation of planning and administration, for example, LEAA has the responsibility for rationalizing the internal security network. It has also supplied over \$3 billion to fund projects and research, and to subsidize the purchase of equipment, technology, weaponry, and computerized information and intelligence systems.¹⁷

Recent authoritative studies, based on empirical data collected nationwide, indicate that this massive investment in criminal justice has neither reduced the level of crime nor improved the quality of justice. According to a systematic evaluation of LEAA by the Center for National Security Studies, "the evidence is overwhelming: the federal government has greatly increased its expenditures to combat crime, but these expenditures have had no effect in reducing crime."¹⁸

Beginning in 1972, LEAA annually invested \$160 million in eight “target” cities with a view to reducing serious crimes by 5% in two years and 20% in five years. Except for two of the cities where there was little change, the crime rates (as recorded by the FBI) in the other six cities increased considerably.¹⁹ A more sophisticated and accurate survey of crime victims nationwide showed no significant change in victimization for violent crimes and slightly higher rates for property crimes during 1973–1974, a period when the federal programs were supposedly having their greatest impact.²⁰

Aside from the vast array of bourgeois and state crimes that the police either ignore or help to reproduce, the police have proved totally ineffective in protecting working-class communities from intra-class crimes of personal and economic victimization. This conclusion is clearly supported by the Kansas City Preventive Patrol Experiment, by Thomas Pogue’s analysis of police expenditures, and by an evaluation by Seidman and Couzens of crime-control efforts in Washington, D.C.²¹

At a time when the criminal justice apparatus is being funded and streamlined at an unprecedented high level, it is evident that the level of serious “street” crime has not diminished. On the other hand, police stations, detention centers, jails, and prisons are being filled beyond capacity. The latest correctional census reports its grim findings with dispassionate neutrality:

A larger number of prisoners sentenced to a maximum term of more than a year were being held in State and Federal correctional facilities on the last day of 1975 than on that day in any other year since the annual count of such inmates was begun in 1926. Moreover, the increase of 24,284 prisoners during 1975 was the largest ever recorded in any year since the series began.... Between 1968 and 1972, the count, even though known to have been under-enumerated for 1968, 1969, and 1970, showed a general upward movement. Clearly, however, the inmate population has been rising since 1972. The total on December 31, 1975, 242,750, was some 11 percent higher than 12 months earlier.²²

This trend is apparently also the case for juveniles. According to a definitive study by the National Assessment of Juvenile Corrections, it is estimated that about 500,000 juveniles are imprisoned in adult jails each year and that another 500,000 are held in detention centers:

Rates (of imprisonment) generally exceed those of other industrialized nations for which data are available. Although the proportion of youth who were held in jail and detention manifested a steady decline during the nineteenth and first half of the twentieth century, this trend appears to have been reversed in recent years.²³

Despite various efforts to lower the crime rate and reduce imprisonment through

such experiments as “target hardening,” diversion, team policing, methadone, etc., the rate of crime remains relatively stable while the prison and death row population grows.

The Accumulation of Misery

The current trend to intensify penal repression — in the form of restoring capital punishment in 40 states, legislating mandatory sentences, lengthening terms of imprisonment for certain categories of crime, etc. — must be considered in a broader context. With the deepening crisis in U.S. capitalism, in which 1976 *official* rates of 5.5% inflation and almost 8% unemployment were acknowledged by government economists, the real value of workers’ wages has declined severely, social services have been drastically cut back, and the ranks of the unemployed and underemployed have grown by the millions.²⁴ Not taking into account the more than half million young men and women who were neither in school nor “actively looking” for jobs in 1974, teenage unemployment for 16-to-19 year olds was officially 16%.²⁵

Unemployment and inflation are part of the general fiscal crisis of monopoly capitalism in the 1970s. The burden of this crisis is being primarily carried by the working class, especially national minorities. Black and brown unemployment rates are at least double those of white workers. A recent study by the National Urban League reports:

By the first quarter of 1975, official black unemployment reached 1.5 million — the largest number of blacks out of work since the Great Depression of the 1930s. And, based on the National Urban League’s Hidden Employment Index, which incorporates the discouraged workers, the actual black unemployed was 3 million or 26% of the black labor force.... In inner-city poverty areas, an estimated 50 percent or more of blacks were unemployed — with the unofficial unemployment rate for black teenagers in poverty areas going much higher.²⁶

According even to conservative government estimates, the Labor Department reported a 40.4% unemployment rate for black youths aged 16 to 19 years old in July 1977. Comparable rates are to be found in Chicano and Puerto Rican communities.²⁷

The current high levels of unemployment, demoralization, and criminal victimization among national minorities can be best understood in the context of the capitalist labor market. The creation of “the relative surplus population” or “the industrial reserve army” is continuously reproduced as “a necessary part of the working mechanism of the capitalist mode of production.” The relative surplus population takes a variety of forms in modern society, “including the unemployed; the sporadically employed; the part-time employed; the mass of women who, as house workers, form a reserve for the ‘female occupations’; the armies of migrant

labor, both agricultural and industrial; the black population with its extraordinarily high rates of unemployment; and the foreign reserves of labor.”²⁸

For Marx, the relative surplus population is not an aberration or an incidental consequence of the capitalist economy, but rather the “lever of capitalist accumulation, nay, a condition of the existence of the capitalist mode of production. It forms a disposable industrial reserve army that belongs to capital quite as absolutely as if the latter had bred it at its own cost. Independently of the limits of the actual increase of population, it creates, for the changing needs of the self-expansion of capital, a mass of human material always ready for exploitation.”²⁹ Through replacing human labor by machines and technology, increasing the productivity of existing labor, displacing skilled labor with unskilled, and maintaining competition between the employed and unemployed for scarce jobs — the industrial reserve army, in Marx’s words, “furnishes to capital an inexhaustible reservoir of disposable labor power. Its conditions of life sink below the average normal level of the working class; this makes it at once the broad basis of special branches of capitalist exploitation.”³⁰ This analysis led Marx to formulate the “absolute general law of capitalist accumulation” that:

In proportion as capital accumulates, the lot of the laborer, be his payment high or low, must grow worse. The law...that always equilibrates the relative surplus population...to the extent and energy of accumulation, this law rivets the laborer to capital more firmly than the wedges of Vulcan did Prometheus to the rock. It establishes an accumulation of misery, corresponding with accumulation of capital.³¹

This “absolute general law of capitalist accumulation” was generally regarded by bourgeois economists as an indication of the weakness of Marxist theory during the 1940s and 1950s when the U.S. economy appeared strong and growing. “Now that the consequences of this cycle of accumulation have worked themselves out more fully,” notes Harry Braverman, “the matter takes on a somewhat different appearance.”³² With soaring unemployment rates and welfare rolls, a persistently high level of inflation and a general attack on the wages and health and safety conditions of the working class, there can be little doubt about the proposition that the “accumulation of wealth at one pole is, therefore, at the same time accumulation of misery...at the opposite pole.”³³

In the current crisis, there has been a growth of what Marx called the *stagnant* relative surplus population, whose employment is irregular and marginal.³⁴ This sector merges with the “sediment,” as Marx called it, of the relative surplus population that, as a product of capitalist development, exists in the world of welfare and prison, available for exploitation in times of labor shortage (for example, during World War II).

During periods of economic stagnation, which are increasingly and routinely the case, “capital knows how to throw these (surplus populations), for the most

part, from its own shoulders on to those of the working class and the lower middle class.”³⁵ The working class is victimized both by the anarchy of the capitalist labor market and by a system of taxation that requires it to shoulder the main burden of welfare and prisons. Harry Braverman vividly describes this process as follows:

The human detritus of the urban civilization increases, not just because the aged population, its life prolonged by the progress of medicine, grows even larger; those who need care include children — not only those who cannot “function” smoothly but even the “normal” ones whose only defect is their tender age. Whole new strata of the helpless and dependent are created, or familiar old ones enlarged enormously: the proportion of “mentally ill” or “deficient,” the “criminals,” the pauperized layers at the bottom of society, all representing varieties of crumbling under the pressures of capitalist urbanism and the conditions of capitalist employment or unemployment. In addition, the pressures of urban life grow more intense and it becomes harder to care for any who need care in the conditions of the jungle of the cities. Since no care is forthcoming from an atomized community, and since the family cannot bear all such encumbrances if it is to strip for action in order to survive and “succeed” in the market society, the care of all these layers becomes institutionalized, often in the most barbarous and oppressive forms. Thus understood, the massive growth of institutions stretching all the way from schools and hospitals on the one side to prisons and madhouses on the other represents not just the progress of medicine, education, or crime prevention, but the clearing of the marketplace of all but the “economically active” and “functioning” members of society, generally at public expense and at a handsome profit to the manufacturing and service corporations who sometimes own and invariably supply these institutions.³⁶

It is not surprising, then, to find a relationship between the severity of penal practices and the size of the prison population, on the one hand, and conditions of the capitalist labor market on the other. In their classic analysis of *Punishment and Social Structure*, Rusche and Kirchheimer criticized the idealist assumptions of bourgeois penology and proposed that “the transformation in penal systems cannot be explained only from changing needs of the war against crime, although this struggle does play a part. Every system of production tends to discover punishments which correspond to its productive relationships.” In particular, Rusche and Kirchheimer argued that the modern prison was an important instrument for training, regulating, and exploiting labor during the early stages of capitalist accumulation.³⁷

The use of the prison for the direct exploitation of labor declined for the most part³⁸ under monopoly capitalism due to the permanent oversupply of labor and

the necessity of a working class “free” to sell its labor power in exchange for a wage. But, as Ivan Jankovic points out in this issue of *Crime and Social Justice*, the “persistent use of imprisonment in the most advanced capitalist societies in the final quarter of the twentieth century” suggests that the criminal justice apparatus plays an important role in containing and manipulating the marginalized sectors of the labor force. Jankovic found that, irrespective of changes in the rate of criminal activity, “as the total number of unemployed persons increases, the total number of persons present in and admitted to prisons also increases.”

This conclusion is supported by at least two other important studies. A report prepared by Harvey Brenner for the Joint Economic Committee finds that a one percent increase in the unemployment rate sustained over a period of six years is associated with, *inter alia*, 3,340 state prison admissions.³⁹ Similarly, William Nagel’s recent study reports that “states with a high incidence of persons living below the poverty line tend to have a *lower crime rate* but a *higher incarceration rate*.... There is no significant correlation between a state’s racial composition and its crime rate, but there is a very great positive relationship between its racial *composition* and its incarceration rate.” These findings lead Nagel to conclude that “the causes of crime in this country are deeply rooted in its culture and in its economic and social injustices. The massive use of incarceration has not contributed and will not contribute significantly to the abatement of crime or to correction of the flaws in our social fabric.”⁴⁰

As the multinational corporations successfully use wage controls, inflation, and other attacks on working people to stabilize their 10 to 15% profit margin (which had slipped below 10% during the late 1960s) and the ranks of the industrial reserve army swell by the millions, the criminal justice apparatus becomes increasingly important and necessary. The astronomic growth of the police and criminal justice budgets, subsidized in the main by the working class, makes sense only in the context of the overall crisis of capitalism. To legitimate the growth of the criminal justice apparatus and cut back in desperately needed social services, the capitalist state needs “law and order” ideologues to depict the horrors of “street crime” and to devise new methods of punishment. And they have the “best and brightest” criminologists on their payroll, directly and indirectly, who are eager to perform this service and prove their loyalty. But before we examine the rise to prominence of these new “realists,” it is necessary to first understand the demise of penal liberalism.⁴¹

The Demise of Liberalism

Liberalism in penal policy triumphed during the first half of this century. Although a study of its long-term development remains unwritten, we know that liberalism accepted crime as a social phenomenon related to the political economy. Sociological studies demonstrated that when unemployment and wage cuts or inflation (or both, as in the present period) create a sharp decline in the living

standards of broad sections of the population, there is a corresponding increase in the penal population. This recognition resulted in changes in penal policy, stemming primarily from a concern for the smooth and efficient administration of the criminal justice apparatus.

Liberalism, for example, examined punishment from the situation of the offender or the perspective of individualized punishment, evaluated the prospects for rehabilitation and elaborated the balancing of sentencing alternatives based upon the risk to "society." These concerns did not suggest a rejection of policies of repression, but rather reflected an effort to provide long-term solutions to the problem of burgeoning penal populations during crises in the political economy. Thus, sentencing policies were modified by the extensive use of probation, local jail terms, and fines. The indeterminate sentence and parole were adopted principally by the industrialized states to provide flexibility in the management of the prison.

Similarly, in the area of juvenile delinquency, programs such as the Chicago Area and Cambridge-Somerville projects sought to ameliorate the personal and social conditions that were considered responsible for crime. Significantly, it was during the 1930s Depression that programs in re-education and delinquency prevention proliferated; these included vocational training, recreation, and social casework. Many of these programs, however, were privately funded; not until the post-World War II era did the state formally adopt a penal policy of corrections.

It is instructive to examine the practical consequences of this policy in California because it was here that liberal reforms and the treatment ideology were first institutionalized. California has the distinction of having one of the largest penal systems in the world. The prisons were reorganized and their administration centralized during the 1940s. The newly created Department of Corrections rapidly expanded the prison system to accommodate the increase in prisoners from 5,501 in 1945 to 13,896 in 1955 and to over 17,000 in 1960.

The 1950s were a relatively prosperous period, due to the stimulation of the economy by defense and defense-related spending. However, prison officials had recognized as early as the mid-1940s that massive unemployment and marginalization were a long-term feature of the postwar economy. During this period, the ranks of the surplus army of labor increased dramatically, especially among the thousands of blacks and Chicanos who had been recruited during the war to work in the shipyards, steel plants, and agricultural industries. Many of these workers were replaced by returning servicemen, but many more became technologically unemployed. While they were welcomed to live in temporary housing units so long as their labor increased capital, they were thrown out at the end of World War II and cast aside as so much surplus population into the new and old ghettos.

During the 1950s, in apparent response to a growing heroin epidemic and an increase in crimes of violence, prisoners in California were subjected to longer and mandatory sentences for specific crimes. By 1965, for example, the total

prison population, including juveniles and women, reached 26,483. Plans to construct new prisons were shelved as the economy began to deteriorate again. Despite a decline in commitment rates (due to the extensive use of probation, local jail sentences, and fines), pressures on the prison system increased as the penal population climbed to over 28,000 in 1968. Here, then, we begin to find cracks in the liberal strategy.

The Department of Corrections attempted several solutions to the growing penal population. (1) Early parole release to small caseloads was introduced. (2) Subsidies were given to the counties to encourage local supervision as an alternative to imprisonment. (3) Distinctions were made between different levels of criminal activity (for example, marijuana from heroin use, possession from sale of drugs, etc.), with a view to keeping less serious offenders out of prison. (4) Within the prison system itself, treatment programs were intensified.

Experimental programs in treatment were introduced in 1951. While evaluation studies of the treatment model produced equivocal findings, it quickly spread to other operations in the prison system: parole, vocational training, housing units, halfway house programs, etc. Although treatment programs were never implemented on a system-wide basis, the treatment ideology was employed to legitimate and facilitate the bureaucratic management of prisoners.⁴² The Department of Corrections vigorously promoted a rhetoric of treatment even though, as early as the mid-1950s, research findings discredited the effectiveness of rehabilitative efforts.⁴³

While these short-term solutions slowed down the growth of the resident penal population, they could not avert the growing crisis. The urban rebellions of the early 1960s, the increase in prison revolts, the failure of treatment programs, and the killing of prisoners by “correctional officers” in the most “innovative and progressive” penal system in the United States — all of this jarred the sensibilities of even the most liberal penologists and demonstrated once and for all the bankruptcy of liberalism.

Meanwhile, these developments in California were being closely observed by the National Council on Crime and Delinquency, a liberal technocratic organization, supported by corporate and government funds. In 1963, Milton Rector, director of the NCCD, recommended adoption of their Model Sentencing Act, which attempted to distinguish “dangerous” from “non-dangerous” offenders. The purpose of the act was to develop new sentencing procedures whereby the majority of offenders could be routed into some form of noninstitutional supervision, thus taking some pressure off the prisons. Only a few states adopted the Model Sentencing Act. After the prison rebellions in California and New York, Rector called for a moratorium on prison construction and observed that “the recent riots and strikes that were reactions to repressive treatment would not have occurred” if these states had adopted the Model Sentencing Act.⁴⁴ This was wishful thinking on Rector’s part. Although the act appeared in the short run to

reduce prison populations, the evidence indicates that states that adopted the act are well above the national median in their incarceration rates.

By 1971, a number of liberal organizations began to comment on the horrors of the prison system. Perhaps the most influential critique, based on the number of citations it has received in other books, is *Struggle for Justice*, written by the American Friends Service Committee. This book, written with a utopian faith “in the ability of groups and individuals to grow and perfect the quality and conditions of their lives together,”⁴⁵ advocates a “justice model,” which was later more fully developed by David Fogel as a prescription for a new penal practice.⁴⁶ The “justice model” assumes that democratic ideals and a just social order can be achieved through the “rule of law” and that the problems in criminal justice — especially the arbitrary acts of functionaries that “trigger” prison rebellions — can be ameliorated by legislating precise legal and administrative guidelines for officials.

At the national level, the National Moratorium on Prison Construction, with interlocking ties with the NCCD, is perhaps the most important liberal organization opposed to the building of new prisons. The Moratorium group, primarily church-based, while humanistic in its analysis of crime and punishment, naively advocates increased employment as an alternative to imprisonment. The creation of new jobs is, of course, a reasonable demand, but the National Moratorium does not understand the necessity of unemployment and repression under capitalism, nor the iron law governing the relationship between the accumulation of capital and the accumulation of misery.⁴⁷

At the same time that the NCCD and National Moratorium have taken public positions against further construction of new prisons, they continue to advocate and legitimate internal reforms of existing prisons. NCCD, through its director Milton Rector, and the National Moratorium, through spokesperson William Nagel, both participated in the National Advisory Commission on Criminal Justice Standards and Goals. The Commission’s publication, *Corrections*, basically rationalizes the elaboration of penal powers into a familiar criminal justice model. It portrays the prison as a self-contained phenomenon, arguing that its conflicts and contradictions can be resolved through administrative intervention. It recommends a “nondiscriminatory, just, and humane foundation that honors the legal and social rights of its clients” — in short, a justice model and “system solution,” to be achieved by excluding sociomedical problem cases from corrections, by developing community-based programs, by manpower training, and by increased citizen involvement.⁴⁸ It is not only a familiar refrain, but also one that has the support of leading “realists,” such as Norval Morris and Gordon Hawkins.⁴⁹ Unlike the utopian liberals, however, the “realists” have no illusions about reforming the criminal justice apparatus. Moreover, they have very concrete proposals for dealing with crime, “street” criminals, and prisoners.

The New “Realists”

Van den Haag, Wilson, and other new “realists” are indignant and outraged at the ineffectiveness and sloppiness of the police, courts, and prisons. Contemptuous, on the one hand, toward the state bureaucrats who administer the criminal justice apparatus, on the other hand, they are not to be outdone for bloodthirstiness or calculated viciousness. Some common themes and assumptions give the new “realists” a unity of interest and purpose.

1. Focus on “Street” Crime

The new “realists” focus almost exclusively on crimes that are either specific to or concentrated primarily within the working class. The “crime problem” is defined almost exclusively as “street” crime, i.e., working-class crime, and black community crime in particular. Norval Morris and Gordon Hawkins put it this way:

We must get our priorities clear: violent and predatory crime are what matter most. The police and the courts must be set free (*sic*) to concentrate their resources on dealing with such crime.... This is not only because these crimes harm particular individuals and represent the citizens’ prime fears. It is also because they threaten our cities and destroy our sense of community.⁵⁰

James Q. Wilson limits his book to “predatory crime for gain, the most common forms of which are robbery, burglary, larceny, and auto theft.” Here is his justification:

This book deals neither with “white-collar crimes” nor, except for heroin addiction, with so-called “victimless crimes.” Partly this reflects the limits of my own knowledge, but it also reflects my conviction, which I believe is the conviction of most citizens, that predatory street crime is a far more serious matter than consumer fraud, antitrust violations, prostitution, or gambling, because predatory crime...makes difficult or impossible the maintenance of meaningful human communities.⁵¹

Van den Haag dispenses with any justification and treats street crime as if it were the only kind. “Corporate crime,” “business crime,” “white-collar crime,” etc., are not listed in the index, not even under “crime.” Wilks and Martinson at least admit that their proposal for hiring citizens to spy on convicted felons might not be appropriate for persons convicted of stock swindles and tax frauds. “The realistic threat of punishment,” they suggest, “and a high degree of certainty of punishment plus restraint (resulting from surveillance), tools which we use successfully every day to control our children, our co-workers, and those we encounter

on the street, might be effectively used as methods for controlling *street crime* within the framework of a democratic value system.”⁵²

What is remarkable in this literature is that the authors dogmatically assert their definition of crime without apology or explanation. They take the most backward, the most reactionary, and the most ignorant attitude to crime, justify it as a popular mandate (“these crimes...represent the citizens’ *prime* fears”), and don’t even bother to discuss the overwhelming evidence relating to corporate and state crimes.

We agree, however, that street crime is a serious and demoralizing problem that depreciates the quality of life in working-class communities, and fosters racism and other divisions in such communities. As we observed in a previous editorial, we do not wish to glorify or romanticize street crime as a form of primitive political rebellion. Unlike the “realists,” on the other hand, we do not think that street crime is the “prime” reason why the cities are threatened or urban life is not “meaningful.” Nor can street crime be set apart from the historical processes that marginalize millions of people into unemployment and dead-end jobs. “While crime, of course, predates modern capitalist development,” we noted earlier, “the systematic reproduction of exploitative social relations (which is at the heart of criminal conduct) flourishes under advanced capitalism in a far more extensive and brutalizing form than was possible in precapitalist society.”⁵³

2. *Anti-intellectualism*

The new “realists” are basically uninterested in the causes of crime. For them, it is a side issue, a distraction and a waste of their valuable time. “Fascinating as they are, there is little need here to go further into theories of crime causation,” writes van den Haag. “They do help to make the occurrence and frequency of criminal conduct intelligible. But none promises to tell much that can be applied to crime control....”⁵⁴ Morris and Hawkins’s opportunistically titled *Letter to the President on Crime Control* notes in the introduction that crime and delinquency “respond to deeper social, cultural, and political currents beyond the substantial influence of the criminal justice system.”⁵⁵ This is their *only* statement on the causes of crime. In the next 89 pages, there are numerous proposals for crime control, but not a word about those “deeper currents.” Similarly, James Q. Wilson dismisses as utopian the search for the causes of crime:

I have yet to see a “root cause” or to encounter a government program that has successfully attacked it, at least with respect to those social problems that arise out of human volition rather than technological malfunctions. But more importantly, the demand for causal solutions is, whether intended or not, a way of deferring any action and criticizing any policy.... Though intellectually rewarding, from a practical point of view it is a mistake to think about crime in terms of its “causes” and then

to search for ways of alleviating those causes. We must think instead of what it is feasible for a government or a community to do....⁵⁶

While unabashedly pragmatic and anti-intellectual in their approach, the new “realists” feel some obligation and necessity to destroy the nexus between poverty and crime. If, as they claim, crime is not related to class or race, then they cannot be accused of being anti-working class or racist. Van den Haag, with typical disregard for the facts, conveniently solves the problem by asserting that poverty is on the decline while crime is on the rise:

The trend toward equalization has pervaded the income structure as a whole, although its steepness has varied in different periods and in different segments of the structure. There is less relative poverty, less poverty, and a smaller proportion of poor than twenty, fifty, or a hundred years ago.... Crime rates have risen as poverty and inequality have declined.⁵⁷

Not surprisingly, van den Haag is unable to document this fantasy.⁵⁸

James Q. Wilson’s approach is slightly more sophisticated, but just as ignorant. He too is irritated by the economic reformers. “Crime rose fastest in this country at a time when the number of persons living in poverty or squalor was declining.... Early in the decade of the 1960s, this country began the longest sustained period of prosperity since World War II (*sic*).... Crime soared.”⁵⁹ And just in case Wilson’s argument is disputed, he adds for good measure the following undocumented comment, which is completely unsupported by the available evidence:

The theory that crime is an expression of the political rage of the dispossessed, rebelling under the iron heel of capitalist tyranny, leaves one wondering why virtually every nation in the world, capitalist, socialist, and communist, has experienced in recent years rapidly increasing crime rates.⁶⁰

Having thus extracted “crime” from the political-economy, Wilson then argues that “lower-class” (as opposed to “lower-income”) persons are inherently criminal because they “attach little importance to the opinion of others,” are “preoccupied with the daily struggle for survival,” and are “inclined to uninhibited, expressive conduct.”⁶¹

Given that this statement is made under the heading of “Poverty, Race and Community,” it is fair to assume that Wilson is talking about blacks. He is quick to point out, however, that he would like to give the good blacks a chance to escape from the bad blacks. “The real price of segregation, in my opinion, is not that it forces blacks and whites apart but that it forces blacks of different class positions together.”⁶² If “lower-income” blacks are allowed to move to the suburbs, concludes Wilson, the process of “acculturation” into the superior cultural values of the white suburbs will mean a lower crime rate.⁶³ For those who voluntarily

remain “lower-class” and incorrigible, Wilson and the other “realists” propose a tiered and systematic program of punishments.

3. Punishing Criminals

There is general agreement among the new “realists” that “wicked people exist. Nothing avails except to set them apart from innocent people. And many people, neither wicked nor innocent, but watchful, dissembling, and calculating of their opportunities, ponder our reaction to wickedness as a cue to what they might profitably do. We have trifled with the wicked, made sport of the innocent, and encouraged the calculators.”⁶⁴ There is also general agreement that the criminal justice apparatus is chaotic and ineffective. For van den Haag, this is the result of a “worldwide decline in punishment and therewith of respect for law”;⁶⁵ for Wilson, it is a combination of ignorance and soft heartedness; for Morris and Hawkins, it is the federal government’s failure to understand “predatory crime” as “the most potent threat to the American way of life”;⁶⁶ and for Wilks and Martinson, it is because the “treatment and incarceration” apologists are always bickering.

While sharing a unity of moral outrage and contempt for criminal justice bureaucrats, the “realists” promote their own particular remedies. They range from uncompromising advocates of capital punishment to cost-benefit proponents of penal sanctions. The former camp includes van der Haag, who would like some criminals to be permanently imprisoned (“post-punishment incapacitation”) and others banished, exiled, or held under house arrest;⁶⁷ and Marlene Lehtinen, who proposes that capital punishment can only be an effective deterrent if at least 3,000 persons are executed a year:

The system has operated to execute men, blacks, the ignorant, and the poor. A system designed to apply the death penalty nondiscriminatorily would probably execute a far greater number of such persons, simply because the crimes that call for execution are most frequently committed by them.⁶⁸

The latter camp seems to include a number of criminologists who secretly always aspired to be accountants. For them, it’s all a matter of “cost-benefit ratios” and calculating cheap and effective deterrents. The technocratic literature on this topic has grown enormously within the last few years.⁶⁹ Prompted by overcrowded prisons, an unprecedented wave of prisoner rebellions, and the impact of the fiscal crisis on public-sector spending, there has been a revival of interest in strategies of deterrence, in methods of breaking up the prison population (e.g., “adjustment centers,” methadone, diversion, etc.), and in cutting costs (e.g., decriminalization of “victimless” crimes, capital punishment, community surveillance, etc.). As Wilson puts it, “we can confine a larger proportion of the serious and repeat offenders and fewer of the common drunks and truant children. We know (*sic*) that confining criminals prevents them from harming society, and we have grounds

for suspecting that some would-be criminals can be deterred by the confinement of others.”⁷⁰ Similarly, Morris and Hawkins advocate increased diversion for youthful “status” offenders and the construction of more “experimental” prisons like Butner for “serious” offenders.⁷¹

Class Position

We have described the emergence and parameters of a new “realist school” in criminology that, in a relatively short period of time, has come to dominate the professional literature and influence legislative policy. Though the “realists” have met with opposition from utopian advocates of the “justice model” and prison moratorium, the two groups share a basic acceptance of the capitalist mode of production and the necessity for technocratic solutions to the current penal crisis. And, as we have shown, there is considerable agreement between the “realists” and liberals on specific proposals such as decriminalization of “victimless” crimes, standardizing correctional programs, and making “treatment” in prison voluntary.⁷²

It is not surprising that the leading intellectuals in criminology are articulating and promoting racist and anti-working-class policies. The social sciences in North American universities have *always* legitimated the ruling ideology of monopoly capital and ruthlessly excluded or repressed any serious study of Marxism.⁷³ Criminology, with its particularly close ties to the state apparatus, was originally developed as a science of repression;⁷⁴ and the long-standing collaboration between criminology and the state has been even more strongly cemented in recent years with the help of massive investments and subsidies from the federal government and corporate think tanks.⁷⁵

But these material forces do not *by themselves* adequately explain why criminology has taken such a sharp and decisive turn to the right, why the traditionally liberal search for the *causes* of crime is being abandoned, or why the wolves have discarded their sheep’s clothing and pious bleatings. The reason perhaps for this qualitative shift lies in the increasing irreconcilability between capitalism and liberalism. Liberal ideology traditionally assumes that capitalism can ultimately provide both a minimum level of material benefits (housing, food, health care, etc.) and political freedoms (equality, justice, speech, etc.) for all its citizens. But, as we discussed earlier, the crisis in the political economy has generated unprecedented levels of misery and a deterioration in the quality of life at a time when capitalism has reached its highest level of maturity.

The demise of liberal penal policy is a reflection of the failure of the liberal democratic state to manage the crisis in the political economy and a recognition by high-level state functionaries (and their surrogates in the academy) of capitalism’s limitations. This contradiction between the realities of capitalism and the professed ideals of liberalism can no longer be mystified; the state is required to develop new strategies of coercion that, while superficially aimed at street crime,

serve as a warning against both political dissent and attacks on existing property relations. New measures of exploitation and repression require new rationales; it is in this context that we can make sense of the ideological content and class position of the new “realists.”

There are at least three important, unifying elements in the “realists” ideology: (1) promotion of the state; (2) moral outrage and cynicism; and (3) elitism and hatred of the working class.

1. Promotion of the State

Throughout the writings of the new “realists” can be found criticisms of and impatience with the state, occasional attacks on the privileges of the ruling class, and a concern for preserving democratic, i.e., constitutional, values. Morris and Hawkins, for example, begin their *Letter to the President* with a critique of the federal government’s failure to control crime. Wilson complains that “the rise in power of organized police and correctional officers and the continued power of tenured judges, powers which, though for many purposes quite desirable, have come to constitute a serious impediment to progress.”⁷⁶ Wilks and Martinson go to great lengths to defend their proposal against charges of “big brotherism”:

Is it “big brother” to expect offenders to obey duly enacted laws?... Relief from punishment can be gained as long as the offender avoids criminal behavior. Relief from punishment is not determined by his successful completion of treatment (e.g., learning to read, keeping a job). His behavior relative to criminal law, and this behavior alone, would determine whether the State will punish him. This, after all, is the essence of democracy.⁷⁷

Since the “realists,” like intellectuals in general, regard themselves as *independent* critics of the social order, they have harsh words for everybody, including criminal justice functionaries. But beneath this veneer of negativism lies a deep appreciation and promotion of the capitalist state. All the “realists” recommend an expansion and refinement of the repressive apparatus. “Our program,” write Morris and Hawkins, “is designed primarily to ensure that (criminal justice) agencies *as presently constituted* operate more efficiently as instruments of social protection.” To this end, they recommend increased involvement by the federal government and more police for the ghetto and barrios.⁷⁸ Van den Haag believes that the state, once unshackled from the constraints of legal niceties, can restore order and respect for law. And even Wilks and Martinson, for all their contempt for criminal justice bureaucrats, would like the government to hire “restraining agents” to report “to the police whenever a restrainee is observed committing a criminal offense.”⁷⁹

Whatever reservations the “realists” may have about the competency and intelligence of criminal justice functionaries, they have a basic faith in the state’s

ability to restore social stability. As members of the petty bourgeoisie, intellectuals identify their own class interests with those of the state, whose “neutrality it supposes to be akin to its own, since it sees itself as a ‘neutral’ class between the bourgeoisie and the working class, and therefore a pillar of the State — *its*’ State. It aspires to be the ‘arbitrator’ of society, because, as Marx says, it would like the whole of society to become petty-bourgeois.”⁸⁰ Thus, the “realists attempt not only to bring order to what for them is a precarious world, but also to promote a program of law and order in which they will play a key role.

2. *Moral Outrage and Cynicism*

The “realists” are morally outraged at the forces of crime and disorder that threaten their safety. “If we represent anyone other than ourselves,” write Wilks and Martinson, “it is the residents of the Central Park Precinct who feel compelled to place police locks on their doors and safety grates over their windows.”⁸¹ In a similar vein, Morris, Hawkins, Wilson, and others lament the breakdown of neighborhood controls and the passing of “the community.”⁸² At the same time, however, the “realists” typically express a cynicism and futility about the possibility of change. As an “intermediate” class with close ties to the bourgeoisie, they understand a great deal about the realities of power and their dependency on the ruling class for all significant economic and political decisions.

Stephen Zelnick, writing in another context about disillusioned literary intellectuals, accurately captures the vacillation and confusion of the new “realists.” “Because of its identification with the ruling class to which it does not belong,” he writes, “it produces the most illusory thinking, the most wayward imagination, and experiences the most intense neurotic problems. The petty bourgeoisie is especially likely to think, imagine, and feel in a fantastic manner because it does not participate directly in determining the essential course of reality.... It perceives the world through exhilarating fantasy alternating with nervous anticipation of doom.”⁸³

Look, for example, at how the “realists” appreciate the futility of their proposals:

We cannot alter the number of juveniles who first experiment with minor crimes. We cannot lower the recidivism rate, though within reason we should keep trying. We are not yet certain whether we can increase significantly the police apprehension rate. We may be able to change the teenage unemployment rate, though we have learned by painful trial and error that doing this is much more difficult than once supposed.⁸⁴

Many of our recommendations, although desirable, will make no more than a marginal difference to the incidence of crime or juvenile delinquency.⁸⁵

Crime always will remain with us.... The issue is how best to control and minimize crime....⁸⁶

It is this basic cynicism, coupled with grandiose schemes of punishment, that often leads the “realists” to bizarre and irrational solutions. Van den Haag, for example, nostalgically calls for the return of exile and banishment, presumably in anticipation of settling new territories in space.⁸⁷ Similarly, Wilks and Martinson, despite their reputation as rigorous empiricists, would like to put offenders under secret surveillance by “restraining agents...equipped with a camera in order to obtain meaningful evidence.”⁸⁸

3. Elitism and Hatred of the Working Class

Since the “realists” blame the working class (and not capitalism) for the rise in crime, it is not surprising that they oppose even token concessions to “participatory democracy.” Wilson finds it absurd that prisoners might be allowed to organize unions and participate in “decisions as to whether any changes are to be made in the purposes and methods of prisons.”⁸⁹ And van den Haag is convinced that the penal crisis is caused in large part by the “laissez-faire” attitude of prison officials who allow prisoners to run the institutions!⁹⁰

The anti-working-class attitudes of the “realists” are also revealed in their paternalistic approach to state workers. Wilson, for example, emphasizes the need for the careful training of the police and the screening out of “bad apples,” as though the most brutal and racist police officer or guard could even approach the level of viciousness advocated by the “realists.” Wilson, through his work for the Police (Ford) Foundation, has supported the “Taylorization” of police work: the concentration of all phases of control of police work in the hands of high-level administrators at the expense of the rank and file. This increases the state’s ability to dominate all aspects of police work through highly rewarded and loyal managers, rather than trusting the officers on the beat who face long hours, irregular shifts, poor working conditions, job insecurity, and a justifiably angry citizenry.

The rhetoric of the “war on poverty,” with its emphasis on “maximum feasible participation,” has been replaced by the cult of technological efficiency, in which the intellectual occupies a central position. All the “realists” advocate an expanded role for the technical-professional strata and further research and experimentation. This self-serving attitude reveals a deep fear of being displaced or replaced by the proletariat. For them, there is no belief in the potentiality for human freedom, no enthusiasm for the militant struggles and sacrifices of a defiant working class, and no inspiration from the great revolutionary movements of our time. On the contrary, there is simply a grim determination to hold the line and add new fortifications to the garrison state.

Conclusion

The ideological repertoire of the new “realists” is typical of the petty bourgeoisie in crisis. Faced on the one side by an increasingly militant and organized working class, and on the other by the pressures of inflation and rising unemployment in the professional strata, the “new middle class” feels itself “beleaguered and pressed from all sides.”⁹¹ In the absence of resolute control by the working-class movement, the discontent and alienation of the petty bourgeoisie is more likely to be exploited by the bourgeoisie, as the history of fascism reveals.⁹²

There are many elements of the new “realists” ideology that recall fascist trends in penal policy in Germany at the beginning of the 1930s depression. Under fascism, “considerable effort is spent in cultivating a moral distinction between those who are poor but honest and the strata which have become criminal.” The purpose of this tactic is to create divisions within the working class and to encourage the working class to accept a lower standard of living, necessitated by inflation and economic crisis. Under fascism also, punishments became more brutal, in the form of the increasing use of the death penalty and longer and more severe sentences. As Rusche and Kirchheimer noted, “the judge is subjected to strong pressure from above to intensify punishments on the grounds that the authority of the state must be defended.... Increasing severity of punishment is in the first instance a change in criminal policy conditioned by economic crisis.” Finally, penal policy in fascist Germany eliminated sociological considerations from criminal procedure so that information about a defendant’s social milieu and personal history were *not* considered in determining the form of punishment.⁹³

These developments in fascist penal policy have their parallel today in Wilson’s and van den Haag’s efforts to classify and isolate the “criminal” strata, in the legislation of mandatory punishments, definite sentences, and the death penalty; and in the adoption of formal, mechanistic models of sentencing, typified by California’s new laws and the National Council on Crime and Delinquency’s Model Sentencing Act.

Though contradictions exist among leading criminologists and they are by no means organized or monolithic, there is increasing programmatic unity between the utopian liberals and the new “realists,” their rhetorical antagonisms to the contrary. The economic and political crisis of the 1970s has forced liberal criminologists to make a choice. In the past, liberals typically argued that crime is related to economic conditions and that it is possible to reduce the level of crime through economic and social reforms. This presumed that capitalism had the capacity to both solve fundamental social problems and avoid crisis.

With deteriorating economic conditions and widespread political dissent in the 1970s, the liberals’ faith in stability and progress has been profoundly shaken. Writing in *Society*, Isidore Silver observes that liberalism (the “belief that government can mediate between rich and poor”) and the “liberal democratic state” are under attack from the left and right. “The rest of us,” he complains, “are caught

in the middle. Yet there should be no illusions. We are still wed to working out our criminal justice problems within that broad middle.”⁹⁴

Yet this is precisely the voice of illusion, self-deception, and nostalgia. It desperately assumes the independence of liberals as a “middle” force; it totally ignores the reality of a criminal justice apparatus moving rapidly to the right; and it incorrectly argues that “radicals” are responsible for the current crisis. While Silver exhorts his colleagues to hold on in the middle, there are realistically only two choices. As criminologists we can join the new “realists” in blaming the working class, especially black and brown people, for the crime problem (as the bourgeoisie blames the working class for the economic crisis) and help to devise new methods of punishment and control. Or we can continue to investigate the relationship between crime and the political economy, and put our skills in the service of working-class struggles against exploitation and repression.

It would be a mistake to write off the “realists” as aberrant cranks. They are a decisive influence in criminology and their ideas and programs are very much on the rise. With the deepening crisis of world capitalism and increasing militancy and organization within the U.S. proletariat, the petty bourgeoisie assumes crucial functions of legitimation and administration. While very much preoccupied with defending their own class privileges from the terrors of the “proletarian abyss,” the petty bourgeoisie can only be successful in this enterprise (albeit in the short run) if they operate as “loyal subordinates” and “transmission agents” of the bourgeoisie.⁹⁵ The “realists” represent that fraction of the petty bourgeoisie whose “frenzied desperation” propels them toward “fascist forms of reaction in the bitter illusion that the material comfort and security of the past can be restored.”⁹⁶ Intellectuals for law and order are not a criminological fad. They are an indication of the changing form of class relations and class struggle in the United States.

NOTES

1. Ernest van den Haag, *Punishing Criminals*. New York: Basic Books, 1975.

2. See, for example, Clarence Schrag’s review of *Punishing Criminals* in *Criminology* 14 (February, 1977): 569–573.

3. Theodore Chiricos and Gordon Waldo, “Socioeconomic Status and Criminal Sentencing: An Empirical Assessment of a Conflict Proposition,” *American Sociological Review* 40 (1975): 753–772.

4. Travis Hirschi and Michael Hindelang, “Intelligence and Delinquency: A Revisionist Review,” *American Sociological Review* 42 (1977): 571–587.

5. Many of these articles (including those by Gary Becker and Isaac Ehrlich) are collected in Lee McPheters and William Stronge, eds., *The Economics of Crime and Law Enforcement*. Springfield: Charles C. Thomas (1976).

6. Edward Banfield, *The Unheavenly City*. Boston: Little, Brown (1972); James Q. Wilson, *Thinking About Crime*. New York: Vintage (1977).

7. Judith Wilks and Robert Martinson, “Is the Treatment of Criminal Offenders Really Necessary?” *Federal Probation* 40 (March, 1976): 3–9

8. Marlene Lehtinen, "The Value of Life: An Argument for the Death Penalty," *Crime and Delinquency* 23 (July, 1977): 237–252.
9. See, for example, "Kids Who Kill for Kicks," *Time* (July 11, 1977); "Criminals Belong in Jail," *Washington Monthly* (January, 1976); and "Big Change in Prisons: Punish — Not Reform," *U.S. News and World Report* (August 25, 1975).
10. Jackson Toby, "Open-Ended Sentence," *New York Times* (January 15, 1973).
11. See "The Demise of Liberalism" ahead.
12. Mao Tse-tung, *Four Essays on Philosophy*. Peking: Foreign Languages Press (1966): 2–3.
13. Center for Research on Criminal Justice, *The Iron Fist and the Velvet Glove*. Berkeley: Center for Research on Criminal Justice (1977): 7–9.
14. U.S. Dept. of Justice, *Trends in Expenditure and Employment Data for the Criminal Justice System, 1971*. Washington, D.C.: U.S. Government Printing Office (1977).
15. Center for Research on Criminal Justice, *op. cit.*, 7.
16. *Ibid.*
17. *Ibid.*, 50.
18. Center for National Security Studies, Law and Disorder IV. Washington, D.C.: Center for National Security Studies (1976): 4.
19. *Ibid.*, 30.
20. U.S. Dept. of Justice, *Criminal Victimization in the United States: A Comparison of 1973 and 1974 Findings*. Washington, D.C.: U.S. Government Printing Office (1976).
21. George Kelling et al., *The Kansas City Preventive Patrol Experiment*. Washington, D.C.: The Police Foundation (1974); Thomas Pogue, "The Effect of Police Expenditures on Crime Rates," *Public Finance Quarterly* 3,1 (January, 1975); Robert Seidman and Michael Couzens, "Getting the Crime Rate Down: Political Pressure and Crime Reporting," *Law and Society Review* (Spring, 1974).
22. U.S. Dept. of Justice, *Prisoners in State and Federal Institutions on December 31, 1975*. Washington, D.C.: U.S. Government Printing Office (1977): 1.
23. Rosemary C. Sarri, *Under Lock and Key: Juveniles in Jails and Detention*. University of Michigan: National Assessment of Juvenile Corrections (1974): 65.
24. Irwin Silber, "Will the 'Recovery' End up on the Rocks?" *The Guardian* (October 27, 1976): 4.
25. Robert B. Carson, "Youthful Labor Surplus in Disaccumulationist Capitalism," *Socialist Revolution* 9 (May-June, 1972): 37, 40.
26. National Urban League, *Black Families in the 1974-1975 Depression*. Washington, D.C.: National Urban League (1975).
27. Kevin Kelley, "Poverty: Worse for Minorities," *The Guardian* (October 27, 1976): 7.
28. Harry Braverman, *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*. New York: Monthly Review (1974): 86.
29. Karl Marx' *Capital*. Vol. 1. New York: International Publisher (1975): 632.
30. *Ibid.*, 643.
31. *Ibid.*, 644-45.
32. Braverman, *op. cit.*, 389.
33. Marx, *op. cit.*, 645. For a more extensive discussion of this proposition for contemporary capitalism, see Braverman, *op. cit.*, 386–402.
34. According to Marx, *op. cit.*, 640–648, the relative surplus population also includes the *floating* sector, who are "attracted" to and "repelled" from the labor force according to movements of technology and capital, and the *latent* sector, who are made redundant by changes in agricultural technology and compelled to seek employment in the centers of capitalist industry.
35. *Ibid.*, 644.
36. Braverman, *op. cit.*, 279–280.
37. Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure*. New York: Russell and Russell (1967).

38. For a discussion of the persistence of this mode of punishment in the South, see Thorsten Sellin, *Slavery and the Penal System*. New York: Elsevier (1976).

39. Harvey Brenner, *Estimating the Social Costs of National Economic Policy*. Washington, D.C.: U.S. Government Printing Office (1976).

40. William G. Nagel, "On Behalf of a Moratorium on Prison Construction," *Crime and Delinquency* 23,2 (April, 1977): 154–172.

41. Much of the following discussion is based on unpublished research by Paul Takagi.

42. See, for example, Richard Speiglmán, "Prison Psychiatrists and Drugs: A Case Study," *Crime and Social Justice* 7 (Spring-Summer, 1977): 23–39.

43. See, for example, Helen Witmer and Edith Tuft, *The Effectiveness of Delinquency Prevention Programs*. Washington, D.C.: Children's Bureau (1954); W.C. Bailey "Correctional Outcome: An Evaluation of 100 Reports," *Journal of Criminal Law, Criminology and Police Science* (1966), originally presented to the California Department of Corrections in 1959.

44. Milton Rector, "Model Sentencing Act," *Crime and Delinquency* 18 (October, 1972): 337.

45. American Friends Service Committee, *Struggle for Justice*. New York: Hill and Wang (1971): v.

46. David Fogel, *We Are the Living Proof...* Cincinnati: W.H. Anderson (1975).

47. See, for example, the newsletter of the National Moratorium on Prison Construction, *Jericho* (May-June, 1977) Washington, D.C.

48. National Advisory Commission on Criminal Justice Standards and Goals, *Corrections*. Washington, D.C.: U.S. Government Printing Office (1973).

49. Norval Morris, *The Future of Imprisonment*. Chicago: University of Chicago Press (1974); Norval Morris and Gordon Hawkins, *Letter to the President on Crime Control*. Chicago: University of Chicago Press (1977).

50. Morris and Hawkins, *ibid.*, 8, 13–14.

51. Wilson, *op. cit.*, xx.

52. Wilks and Martinson, *op. cit.*, 8. Emphasis added.

53. "The Politics of Street Crime," *Crime and Social Justice* 5 (Spring-Summer, 1976): 1–4.

54. Van den Haag, *op. cit.*, 77–78.

55. Morris and Hawkins, *op. cit.*, 7.

56. Wilson, *op. cit.*, xv, 233.

57. Van den Haag, *op. cit.*, 91, 102.

58. For an alternative and thoroughly documented analysis, see Harry Braverman, *Labor and Monopoly Capital*, *loc. cit.*

59. Wilson, *op. cit.*, xiii-xiv, 4.

60. *Ibid.*, xiii.

61. *Ibid.*, 41–42.

62. *Ibid.*, 39.

63. *Ibid.*, 42–44.

64. Van den Haag, *op. cit.*, 235–236.

65. *Ibid.*, 155.

66. Morris and Hawkins, *op. cit.*, 7-8.

67. Van den Haag, *op. cit.*, 241-61.

68. Lehtinen, *op. cit.*, 247.

69. For an overview of this literature, see Jan Palm ("Economic Analysis of the Deterrent Effect of Punishment: A Review," *Journal of Research in Crime and Delinquency* 14 (January, 1977): 4–21.

70. Wilson, *op. cit.*, 234.

71. See, for example, Norval Morris, *The Future of Imprisonment*. Chicago: University of Chicago Press (1974).

72. See, for example, *Corrections*, *loc. cit.*

73. See, for example, Herman and Julia Schwendinger, *The Sociologists of the Chair*. New York:

Basic Books (1974); Marlene Dixon, "Professionalism in the Social Sciences," *Sociological Inquiry* 46 (1976): 251–262.

74. Tony Platt, "Prospects for a Radical Criminology the United States," *Crime and Social Justice* 1 (Spring Summer, 1974): 2–10.

75. Center for Research on Criminal Justice, *The Iron Fist and the Velvet Glove*, *loc. cit.*

76. Wilson, *op. cit.*, xix.

77. Wilks and Martinson, *op. cit.*, 8–9.

78. Morris and Hawkins, *op. cit.*, 13–14. Emphasis added.

79. Wilks and Martinson, *op. cit.*, 6.

80. Nicos Poulantzas, *Fascism and Dictatorship*. London: NLB (1974): 241.

81. Wilks and Martinson, *op. cit.*, 3.

82. See, for example, Wilson, *op. cit.*, 27–28.

83. Stephen Zelnick, "The Incest Theme in 'The Great Gatsby': The False Poetry of Petty Bourgeois Consciousness," in Norman Rudich, ed., *Weapons of Criticism*. Palo Alto: Ramparts Press (1976): 329.

84. Wilson, *op. cit.*, 233–234.

85. Morris and Hawkins, *op. cit.*, 7.

86. Van den Haag, *op. cit.*, 19–20.

87. *Ibid.*, 256–257.

88. Wilks and Martinson, *op. cit.*, 6.

89. Wilson, *op. cit.*, xix.

90. Van den Haag, *op. cit.*, 257–61.

91. Marlene Dixon, "Proletarian versus Petty Bourgeois Socialism," *Synthesis* 1 (Summer, 1976): 6.

92. See, for example, Poulantzas, *op. cit.*, 237–246, and R. Palme Dutt, *Fascism and Social Revolution*. San Francisco: Proletarian Publishers (1974), originally published in 1934.

93. Rusche and Kirchheimer, *op. cit.*, "New Trends in Penal Policy Under Fascism," 177–92.

94. Isidore Silver, "Crime and Conventional Wisdom," *Society* 14 (March–April, 1977): 9–19.

95. Braverman, *op. cit.*, 406.

96. Dixon, "Proletarian versus Petty Bourgeois Socialism," *op. cit.*, 18.