

Part V

**POWER AND  
IDEOLOGY**

## CHAPTER THIRTEEN

### Sociology of the State

#### LEGITIMACY, HEGEMONY, OBEDIENCE AND CONFORMITY

Have you ever asked yourself while waiting for a stoplight to signal you to go ahead, why it is that you have stopped? Let us say that the intersection is clear—then why don't you go on? Why don't you take what you want from a store and not pay? Suppose no one was watching, why would you not make off with something? An obvious answer is fear of punishment. Probably you expect to be caught and hurt in some way if you misbehave. Another approach is to say that these rules provide a code for people without which they would harm one another. Either perspective implies a justification for those rules and indicates a legitimacy of laws and law enforcement.

Some people have suggested that the state is the legitimate use of force. Others have questioned the legitimacy of any use of force by a "state."<sup>7</sup> But if the state is conceived of as the legitimate use of force, then a contradiction becomes apparent. If it is only force which compels persons in a society governed by a state to obey laws, how can the use of force by the state be called legitimate? We may still, however, want to talk of legitimacy or some similar concept,<sup>8</sup> since the amount of violence it would take to enforce each and every law is prohibitive, and it is obvious that something in addition to force is operative when a state is effective in gaining the spontaneous loyalty of the population.

A conservative theory of the state, such as that of the French sociologist Emile Durkheim,<sup>9</sup> would suggest that the motivation for conformity is the moral consensus which holds the society together—the collective consciousness in Durkheim's terms—the foundation of human community. Durkheim makes a further distinction between two types of solidarity and two types of law. In tribal society, where the group is held together by moral similarity, the violation of laws leads to severe repressive sanctions (such as mutilation, torture, death and punishment), because the law violation threatens the value structure of the society. As the form of economic organization changes from food gathering and agriculture, and develops into the complex division of labor of modern capitalist societies, law develops toward a system of restitutive sanctions, which restore the delicate balance of the division of labor upset by criminal acts.

Even with an elegant explanation of the relationship between law and social organization such as that of Durkheim, however, one still cannot explain the blind obedience of most persons to the laws of the "Party in

#### ORIGIN AND DEFINITION OF THE STATE

The state is the existence of power situated above society within a territorial boundary where the control of many functions, such as the use of violence and the administration of justice,<sup>2</sup> are placed in the hands of a particular class. There is no state in tribal societies.<sup>2</sup> Tribal societies are nonliterate, and there are no written codes of laws and no courts. There is no social structure which monopolizes the use of force, and no police or standing armies.

The state originated, along with the city and civilization, when tribal organization and transmission of property was replaced by organization based on locality rather than kinship.<sup>3</sup> The first states were city-states like Athens, and by conquest, the imperial state of one city, such as Rome, was spread over the entire domain. The family as a social unit emerged at about the same time as the state along with commerce and the production and exchange of commodities.

Prior to the development of what is called civilization (cities, writing, etc.), the tribe or clan served the functions that are today performed by the family and the state, such as justice, law and the transmission of property. The tribe was the economic unit, as in Native American tribes like the Iroquois, or the early German, Russian, Celtic, Irish, etc., who held land in common.<sup>4</sup> **With the development of more complex social organization, these functions are split: the family, the state, and civil society (economic life, business), emerged as three separate spheres, with the state "above" the other two.**<sup>5</sup> In some theories of the state, the state emerges first, since family and marriage contracts and business contracts are governed by law.<sup>6</sup>

Power.” Marxists<sup>10</sup> introduce, instead of the concept of legitimacy (because they see no state based on class oppression as legitimate), the concept of hegemony.<sup>11</sup> We make certain important distinctions which allow us to analyze the state. If we distinguish between power and authority (or force and obedience) certain issues regarding conformity are sharply drawn. Power is the legitimate capacity of the state, and force its physical capacity to compel. Authority is institutionalized legitimate power, and obedience is conformity to norms, laws or force of the state.

Many people believe that the authority of the state—authority of government officials, police and the military—is legitimate. They justify the state’s use of force and feel compelled to conform to its laws. Perhaps they think that the power and authority of the state is “natural” and necessary, or that in a country which holds occasional elections, they have a choice concerning who governs them and are thus obligated to submit to that governance. The extent to which people are willing to conform to and obey the dictates of the state and to believe in its legitimacy, in spite of evidence to the contrary, is a perplexing problem. People accept the legitimacy of the American corporate state even after Watergate. People accept the institutions of repression and terror, like the FBI and CIA, as legitimate, even after all the disclosures about the murder of innocent democratically elected officials around the world and spying on vast numbers of innocent members of the population. Probably the most extreme case of blind obedience to the state occurred in Hitler’s Germany, when thousands of “good” citizens conformed to and carried out the dictator’s genocidal murder of their fellow human beings. How are we to explain all of this remarkable conformity and loyal support of tyranny—all of this authoritarian submission? All of it cannot be explained by legitimacy, or force, or even by the concept of hegemony. A critical sociology of the state must yield a theory of obedience based not solely on legitimacy, force, and hegemony, but also on the force of custom and the role of authoritarian submissive behavior. In this perspective the nuclear family becomes one of the primary institutions of the state apparatus which socializes on the psychological level a need to submit to the authority of the state.

#### **CLASSICAL THEORIES OF THE STATE: MARXIST THEORY OF THE STATE**

The Marxist theory of the state, like the rest of Marx’s work, can be seen as derived from his philosophical critique and historical evaluation of the

events of his lifetime. Marxists in the twentieth century (notably Lenin)<sup>12</sup> have tried to adapt Marx’s theories to contemporary reality. In 1843 and 1844, Marx centered his writings on Hegel’s *Philosophy of Right*.<sup>13</sup> These early essays are highly philosophical and critical of Hegel’s theory of the state.<sup>14</sup> In 1871, in response to the failure of the Paris Commune (the first concrete historical example of a workers’ state), Marx wrote the *Civil War in France*. This is a biting polemic and critique of the practice of the proletariat as well as the first advocacy of the often abused notion of the “dictatorship of the proletariat.” At the same time Marx clearly advocated the destruction of the bourgeois state apparatus.<sup>15</sup> It is this theory of the state that formed the basis of Lenin’s *State and Revolution*.<sup>16</sup>

In his critique of Hegel’s *Philosophy of the Right*, Marx first set forth three concepts—the family, the civil society and the state. These are important distinctions, because prior to Hegel, all the way back to Plato, there is a tendency of political theorists to let the state swallow up society until the terms society and state are synonymous. This analysis obscures two points: that each type of state is based on a particular mode of production, and second, that in tribal societies there is no state at all. There are no institutionalized means for the use of violence and justice, which is monopolized by a small minority of persons representing a particular social class—the ruling class, whether patricians in Greece, feudal lords in Medieval Europe, or the bourgeoisie in eighteenth-century France.<sup>17</sup>

Marx’s fundamental point, and one that he later developed in *The Communist Manifesto*,<sup>18</sup> the *German Ideology*,<sup>19</sup> and the *Preface to the Critique of Political Economy*,<sup>20</sup> was that the state is the abstract epiphenomenon which grows out of the concrete material everyday reality of the family and civil society, and that in the political philosophies of Rousseau, Hegel or Montesquieu, it was portrayed in an inverted fashion, as being the other way around—that the family and the civil society “come out of” the state, the legal relations, or the “social contract.” Marx said that the legal and juridical “superstructure” grows out of the economic basic of a society,<sup>21</sup> out of the social relations and social forces of production, which constitute the civil society and the family.<sup>22</sup>

Marx moved from a critique of political philosophy to a theory of society based on an examination of political economy. He ended up with the conclusion that “The modern state authority is nothing more than a committee for the administration of the consolidated affairs of the

bourgeois class as a whole,"<sup>23</sup> because "in all class societies the state is the coercive instrument of the owning classes."<sup>24</sup>

A Marxist theory of the capitalist state says that the state exists in order to protect the private property of the rich—to protect the capital of the capitalists.<sup>25</sup> The state exists in any society in order to protect the interests of the ruling class, and to preserve the social relationships that keep that class in power. The use of law and violence is for the same purpose—to protect the power and privileges of the rich. Marx realized that the state, although a product of civil society and the family, turns around and influences and shapes the forces that create it. The state, a product of class society, ends up maintaining classes. He noted the tendency within bourgeois state toward centralization and ultimately totalitarian nationalism.<sup>26</sup>

Marx's theory of the state solved a dilemma of political theory—the relationship between will and power, or between legitimacy and force. According to Marx's theory, since the state is based on political economy or the material aspects of life in the family and civil society, it cannot be based on will or contract. The opposite pole of this antimony (or apparent contradiction between opposites) is equally false. The state is more than sheer force; it is the organization of force on behalf of one class within society.<sup>27</sup>

Twenty years of involvement in the European labor movement and class struggles, participation in two international socialist organizations, the bloody defeats of the initial attempt to set up a "workers' state" in the Paris Commune of 1871, enriched Marx's theory of the state. The question he faced was simple but crucial. Given that the bourgeois, feudal and slave states were instruments for the dominance of the ascendant classes which grew out of the social relations of production, what are we to make of the socialist state? What are we to do when the situation arises in which some other class than the bourgeoisie—let us say the working class or some political party or group that represents the interests of the working class—has the opportunity to seize power? According to Marx, "But the working class cannot simply lay hold of the ready made state machinery, and wield it for its own purposes."<sup>28</sup>

Marx's description of the Paris Commune—the first workers' state—served as a definitive critique of despotism—both of the social democratic and Stalinist varieties—the former is revealed as a continuation of the bourgeois state and the latter as the totalitarian despotism that it is, revealing the degree to which both positions must falsify the work of

Marx in order to justify their practice.<sup>29</sup> The enlargement of democratic rights for the vast majority of people was not part of the "dictatorship of the proletariat" in either the Soviet Union or China.<sup>30</sup>

## VILFREDO PARETO

According to the Italian sociologist Vilfredo Pareto, for us to understand the state, we must understand the behavior of elites and their use of two fundamental social processes—force and manipulation. Pareto was of upper class parents and was an enemy of the plutocrats who dominated Italian politics.<sup>31</sup> He felt that "democracy" was a mere ideology, and that in actual fact, people were governed by force and manipulation. Pareto thought of himself as a scientist—a positivist—so to understand the state, it was not enough to disbelieve in the myths of popular sovereignty, it was also necessary to come up with some general laws or tendencies which explained regularities in the behavior of elites. Pareto's was a very complicated theory and it took him four volumes<sup>32</sup> and a thousand pages to develop his cyclical theory of the rise and fall of governing elites.

According to Pareto, all human societies are divided into two classes — the elite and the non-elite.<sup>33</sup> This is true of any human endeavor, whether chess playing or art, engineering or mathematics, astronomy or government. Of those members of the elite, some members actually hold the reins of power in a society—the governing elite. What determines membership in this governing class, and what are the dynamics of social change related to the structure, composition, and behavior of this class? This is the point at which Pareto's theory became very complex.<sup>34</sup> He developed a social psychological theory of class struggle. This theory was based on the notion that human behavior rests more or less on socially acquired basic drives, which he called sentiments, and on secondary derived social needs, which he called residues. Residues are what is left over in the motivation of behavior when the sentiments are taken away (or held constant).

## PARETO'S THEORY OF SOCIAL ACTION

Pareto derived his theory of the circulation of elites from a theory of social action not unlike that of Weber. He divided social action into two types—logical and nonlogical action. Then he built a typology which described the possible means-ends relationships in social action; as to whether the means and ends are *rationally* connected (a) in the "objective

world,” and (b) in the mind of the actor. This cross-classification yielded three types of “nonlogical action” along with logical action (where the means-ends connection is both objectively real and subjectively understood). The first type of nonlogical action (which Pareto said is very rare) occurs when there is no connection between means and ends, either in the world or in the people’s minds. Nonsense behavior might qualify, but usually even nonsense has some purpose or another—play, diversion, etc. The second type occurs when there is no objective connection between the means and ends, but the actor subjectively believes that there is a logical connection. Most religious and magical thinking would fall into this category. The third category is action in which the means and goals are related in objective reality and in specific outcomes, but these outcomes are different from the connections imagined by the actors. The example which Pareto has in mind here is also his critique of Marxism. He felt that the Marxist notion of a revolution by the proletariat, which will result in the formation of the classless society, and social action based on this belief, fit this third category of nonlogical action. In Pareto’s view, the socialist revolution will not result in the formation of a classless society, but on the contrary, in the establishment of a new state, such as it has in the Soviet Union.

From this taxonomy of social action, Pareto develops a conception of sociology. Sociology is the logical study of nonlogical action. The method of sociology is the observation of both the behavior of actors and their expressions about themselves. A critical sociology would then criticize this difference objectively. Since one cannot, however, directly observe an actor’s state of mind or sentiments, we instead observe outward manifestations or indicators of this. Pareto called the outward manifestations that we can observe the leftovers or the residues of social action. After behavior, logical action, and sentiments have been conceptually removed, or “thought away,” the residues of nonlogical action form the phenomenal substratum of the science of sociology.

Pareto went one step further and said that in any culture, specific customs and mores are grown up around the residues, which he called derivations, since they are derived from the nonlogical bases of social action and serve to rationalize them or make them sound falsely logical. Derivations, in short, are justifications and rationalizations of nonlogical action or residues. Pareto set forth four basic types of derivations or justifications for residues. These include:

1. Simple affirmation that one should obey because one must.

2. Appeal to authority.
3. Recourse to “metaphysical” entities (religion, humanism, democracy, etc.).
4. Verbal proofs, such as semantics or the twisting of the meanings of words, to justify power and authority.

Pareto tended to be cynical of all peoples’ moral beliefs and viewed them primarily as justifications for deeper nonlogical motivations—the residues. He developed an elaborate theory of false consciousness, using a taxonomic method of conceptualization similar to Weber and a method of critique similar to Marx.

Pareto was not particularly interested in derivations (although they form a very astute theory of false consciousness) but preferred to develop more fully his classification of the residues, since the latter are psychological constructs which have a certain amount of validity for all times and places (whereas derivations are variable, according to culture and time period). Pareto wanted the attention of the science of sociology drawn to constant rather than the variable aspect of non-logical action. He gave a complex classification of residues, including the two which were to be so important for his theory of social mobility and revolution—“need for combinations” and “persistence of aggregates”—along with a number of other residues, including need for overt ritual, sociability, social cohesion, sex, and others.

Although Pareto had more than a dozen categories of residues, the two fundamental residues which explain elites and their social circulation,<sup>35</sup> are residues for combination and residues for the persistence of aggregates. All social groups are composed of the more successful and the less successful, the elites and the masses. In every social group, one portion of this elite is called on to govern—the governing elite. Pareto then developed a very interesting metaphor, the metaphor of the lions and the foxes. Lions are persons who rely on strength and foxes are those who rely on cunning. Persons with a preponderance of instincts for combination are like foxes and persons with a preponderance of instincts for the persistence of aggregates are like lions.

Pareto’s theory of the state is basically a theory of the circulation of elites and power. It is really a theory of social mobility. Elites tend to circulate in one of two ways; either individual members of the governing elite fall into the mass, as the individual members of the mass rise into the elite—classical social mobility—or whole elites circulate in the case of revolution. It was Pareto, not Marx, who said that “revolutions are the

locomotives of history.” In short, the whole hitherto history of the world has been the history of class struggles between elite and mass, governing and governed.

This much is a lot like Marx. But unlike the tension between productive forces and productive relations (e.g., monopoly and private property), which drive the class struggle toward the transformation of the social system in Marx’s theory, in Pareto’s, we find a psychologistic theory of permanent motivational residues which determine this process of social change and change of government. There is a tendency, according to Pareto, for elites over time to lose their taste for violence and to become accustomed to the use of cunning. As an elite becomes more and more decadent and accustomed to rule, it comes more and more to rely on cunning at the expense of a judicious use of violence. Unless new lions, with their personalities full of the residues for the persistence of aggregates, are brought up from the mass into the elite, the elite as a whole will become fox-ridden and a group of counter-elites will grow up among the masses who have plenty of residues of persistence and aggregates, and the old elite, with its residues for combination, will be no match for the revolution.

Two examples should suffice to illustrate Pareto’s model. First, we may compare England and France in the period from 1500 to 1800. England was characterized primarily by the individual form of circulation, with the monarchy intact. Control was transferred to the bourgeoisie by individual members of the bourgeoisie becoming nominal aristocrats, so that eventually the bourgeoisie controlled the House of Lords. On the other hand, in France, inadequate social mobility resulted in a series of revolutions and the replacement of old elites by new, of the aristocrats by the bourgeoisie (1789–Robespierre) and later by the proletariat (1848 and 1871).

## PARETO AND MARX

Like Durkheim, Pareto came to sociology by way of socialism.<sup>36</sup> Pareto was an engineer who became interested in economics, which led him logically to an interest in Marxism. Pareto was much impressed by Marx’s work, but as a positivist, he did not understand Marx as a critical theorist and attempted to “disprove” Marx’s scientific conclusions. He accepted some of Marx’s premises, but not the dialectical or critical ones. One very progressive aspect of Pareto’s sociology was that he kept the

Marxist notion of class conflict. According to H. Stuart Hughes, “. . . Pareto was to exploit it in a methodical fashion as the starting point of a system of sociology that would work from substantially Marxian premises to diametrically opposed conclusions. As Marx himself had once claimed to have turned Hegelianism right side up, so Pareto would now subject Marx to the same treatment.”<sup>37</sup> Pareto developed a system of sociology which dealt with both class struggle and class equilibrium and believed itself to be a scientific or verifiable theory. Pareto was decidedly not a Marxist in any political sense but intellectually may be seen as part of the Marxian tradition.

Of Marx, Pareto says in his *Les Systemes Socialistes*:

There is in Marx a sociological part, which is superior to the other parts and is often in accord with reality. Marx has one very clear idea—that of class conflict; it is this idea that inspires all his practical action and he subordinates to it all his theoretical researches. . . . The learned interpretation of the materialistic conception of history leads us toward reality and has all the characteristics of a scientific theory.<sup>38</sup>

If Pareto was intellectually and scientifically a Marxist, he was ethically a cynic, proving that he misunderstood the basic unity of critique and science in Marx’s critical theory of society.<sup>39</sup> Pareto’s cynicism focused on the end product of the class struggle, which he saw as an inevitable substitution of one elite by another, hence eliminating from social theory any emphasis on social action which could qualitatively transform society into a classless system. According to Hughes:

Hence it would be an illusion, Pareto concluded, to think that the end of the struggle between “capital” and “labor” would bring an end to class conflict in the wider sense. Even in collectivist society, conflicts would arise between the different kinds of workers in the socialist state, between “intellectuals and non-intellectuals,” between different kinds of politicians, between politicians and those administered by them, between innovators and conservatives.<sup>40</sup>

Pareto’s inability to theoretically comprehend the importance of economic modes of production was quite odd for someone who has trained as an economist, particularly since he developed an overly

formalistic theory of elites and mobility. Marcuse, with reference to Pareto's sociology, said:

The economic matter of social production and reproduction is of no interest to it: it only describes what is meant to have occurred on a given material base in all times and in all places.<sup>41</sup>

Pareto not only ignored the basic mode of producing economic life and the overriding effect this has on both elites and masses but he also had an overly formalistic theory of class struggle. He made class struggle abstract, and in taking it out of history, he reduced a critical theory to a positivist one.<sup>42</sup> Marcuse noted that:

It is a decisive feature of this theory that it replaces the material division of society into classes by a formal division, which itself in turn fluctuates, going diagonally through classes according to "abilities"—it interprets social domination as a system "open" on all sides, into which elements from all social groups can be admitted.<sup>43</sup>

Pareto, in his formalism, revealed the "system maintaining" nature of theories of social mobility.

Considering the historical context and economic basis of social organizations, whether slavery, feudalism, capitalism, or bureaucratic collectivism, society was long ago frozen with regard to social circulation or social mobility.<sup>44</sup> In ancient Greece, Rome, and Egypt, the governing elite was selected from the patrician class, not from the slaves.<sup>45</sup> In a similar fashion, in the Middle Ages in western Europe, the governing elite of priests, nobles, and knights, was selected from the aristocracy and not from the illiterate serfs who were bound to the land like slaves.<sup>46</sup> Finally, in modern American society—a capitalist society—the bourgeois families who constitute the corporate elite (the Rockefellers, the Mellons, the DuPonts, the Pews, etc.), are the recruiting ground for the presidents and governing elite, not the unskilled blue collar workers who fill up the assembly lines in modern factories.<sup>47</sup> Even in socialist societies, the Party elite is disproportionately selected, via education and other opportunities, from children of the Party and the intelligentsia.<sup>48</sup>

Pareto dealt with the fundamental problem of the legitimacy of the state and the relationship between legitimacy and force, and he did so in a novel way. He dealt with legitimacy in the context of monopoly capitalism and developed a psychological theory of the sources of that legitimacy. His theory of the "derivations" was essentially a theory of the

mechanisms of legitimation of state power. Finally, Pareto said the importance of the family is the preparation, maintenance and transmission of authority; and on several occasions he emphasized that any weakening of this persistence of aggregates would directly threaten the stability of social domination.

## MAX WEBER

Whereas Pareto was concerned with a dimension of the state related to force and manipulation—the power dimension—Weber conceptualized the state in terms of the various modes of legitimacy which could be found to be adequate to maintain an elite. Weber felt that force and manipulation alone were not enough to hold a society together and to keep a government in power and that, in fact, legitimacy was more important. He constructed types of legitimacy, which were related to one another. They had tendencies of development, such that certain types of legitimacy had a tendency to develop into other types, or break down into other types.<sup>49</sup> Weber developed a theory of authority into a theory of social change. The systems of legitimacy which have served to perpetuate most human societies have their basis in four "ideal types" of authority which can exhaustively classify empirical systems of authority.<sup>50</sup> These four types are:

1. Rational authority with relation to goal;
2. Rational authority with relation to a value;
3. Traditional authority;
4. Charismatic authority.

Rational authority can be of two types. The first type occurs when a bureaucracy or industrialist justifies social power with reference to a superior position in the system of production, in science, or in technocratic authority. The second type of rationality is less "strictly rational," in that it refers to rational behavior with relation to a non-rational goal. The captain going down with the ship is an example Weber gives of this type. This type is not reflected as a major type of legitimacy of the state, but may be related to the relationship between subjects and a crown, although the latter relationship is more nearly approximated by the type of legitimation associated with tradition.

Traditional authority is legitimated by customs, folkways, and mores, while charismatic authority is legitimated by the presumed divine nature of the leader. Charismatic authority is associated with social

movements in which one type of state, usually based either on traditional or legal-rational (bureaucratic) authority, is replaced by a semi-divine leader with a great mass following (e.g. Adolf Hitler).

### WEBER'S CONCEPT OF AUTHORITY

According to Weber, the question of the state centers around the question of both intentional and behavioral compliance with laws. It is a concept of social order based on social relationships which involve a subjective recognition on the part of the actor in which the actor understands the rules, and an objective validity of the rule.<sup>51</sup> These social rules, to which people give subjective and objective compliance, form a legitimate order, of which types such as law and convention can be described.<sup>52</sup>

Order, whether convention or law, may be legitimated to the acting subject in four ways, corresponding to the four types of social action:

1. By tradition;
2. By emotion;
3. By rational belief in an absolute value;
4. By its establishment in a manner which is recognized to be *legal*.<sup>53</sup>

Tradition may be upheld by superstitions, beliefs in magic, or the sheer force of the vested interests, which tend to become attached to enforcing conformity with an order. Departures from tradition, which lead to the formation of a new order, are prophetic pronouncements legitimized by the divine (or charisma). The third type of legitimacy is based on rational belief in a value and would include those based on natural laws, such as basing laws regarding capitalism on the natural law of "survival of the fittest," or justifying social inequality based on "natural differences in ability," and similar situations. Legal rational authority is legitimized by the procedures which are gone through to establish it, whether "democratic" (elections) or "bureaucratic" (proper channels). Industrial societies are based on legal rational authority. Tribal societies are based on tradition. Prophetic oracles and natural law are transitional types in the development of the legal systems and systems of custom of Western civilization.

Weber's theory of the state was highly formalistic and based on many distinctions and definitions. Weber assumed that the essence of the state is its legitimacy in the population as a whole. While this was the general thrust of Weber's analysis, he was also aware of the role of force

in "establishing legitimacy." For Weber, legitimacy was not a moral question, i.e., is a government *really* legitimate? This question was simply not asked. For Weber, legitimacy was a sociological question, and sociology and ethics were seen as two separate fields—sociology is a technical science of human relations, and ethics is a high science of political leadership. For Weber, sociological questions could be answered with reference to objective and subjective social processes, into which values do not enter.<sup>54</sup>

### WEBER ON CONFLICT AND POWER

In his classical style of formalistic sociology, Weber made some interesting distinctions between types of conflict. Conflict involves violence, whereas competition involves conscious struggle over prestige, advantages, social status, survival, etc., without violence. Selection is the same process as competition (either social or biological), but without the subjective awareness on the part of the actors that they are involved in such a process.

"Power" is the probability that one actor within a social relationship will be able to carry out his/her will despite resistance of other actors. "Imperative control" is the probability that a command will be obeyed within a specific social context. "Discipline" is the probability that by virtue of habit, a command will receive prompt and automatic obedience in stereotyped forms on the part of a given group of persons. It is from his definitions of discipline, power, and imperative control that Weber developed his theory of legitimacy.<sup>55</sup>

Weber abstracted authority relations from their concrete historical context.<sup>56</sup> This ahistorical abstraction prevented him from seeing the particular nature of social relations in particular modes of production, as Marx did in *Capital*. Because he could not see capitalism as a particular mode of production with its own particular relations of authority, Weber used formal definitions to deal with all dimensions of power, discipline, authority, legitimacy, conflict, throughout all time.<sup>57</sup> He ended up with a pessimistic theory which saw Western civilization, because of the western concept of Reason,<sup>58</sup> becoming more and more bureaucratic until the final destination of civilization as one of *Total Bureaucracy*. Socialism was a false messiah, according to Weber, because socialism, rather than liberating anybody, simply perfected the bureaucratic apparatus.

This is a convincing argument. It is easy to see why Irving Zeitlin<sup>59</sup> views the work of both Pareto and Weber as a dialogue with the ghost of



Marx. Just as Pareto tried to reify the essence of Marx's theory and give it a conservative twist, Weber abstracted an eternal rationality from the rationality characteristic of capitalist production and froze it into the ultimate fate of western civilization, if not a law of nature.

We must recognize the power of the capitalist form of the organization of production<sup>60</sup> and how it has affected all existing forms of social organization which exist today. It is important for us as critical sociologists to note the way ideologies and doctrines, even those which were once living critical social theories, are turned into rationalizations for the status quo.

### DURKHEIM'S THEORY OF LAW

Durkheim did not deal directly with the question of the state. Instead he dealt with the phenomenon of social solidarity, its sources in the economic organization of the society, and its consequences in the system of law of the society. A sociological theory of law, for Durkheim, took the place of a theory of the state.<sup>61</sup> Social solidarity in a society is based on the mode of producing economic life which Durkheim conceptualized as a continuum between two ideal types.<sup>62</sup> These types were differentiated according to the degree and intensity of the division of labor in the society and the resultant "material" and "moral" density of the society.

In a society with a minimally developed division of labor, Durkheim called the form of social solidarity "mechanical," because it is mechanically based on similarity of the life experiences and skills of the members of the society. People recognize themselves in other members of the tribe and identify directly with their fellows based on the homogeneity of their economic life experiences. If a member of the tribe violates a moral standard, this "deviance" is perceived as a severe threat to the social order as a whole, and the "crime" is punished very severely, usually by death or banishment (which means the same thing as death to a pre-historical person, whose reality is constituted through direct interaction, rather than through written tradition). This relationship between economic organization, social solidarity, and law, was said to hold especially in the case of pre-literate peoples who had no state to administer law (no courts, judges, jails, etc.) but who did share customs and mores which bound them as part of the same social collectivity. As the division of labor in society increased, chiefly as a result of technological innovations, population increased, and people were concentrated in cities

(or urbanization). The *material* and moral base of social solidarity changed as well. In a society with a complex division of labor, basic similarities in the economic life experiences of people changed into social differentiation, which could no longer serve as a basis for social solidarity.

According to Durkheim, a new economic basis for social solidarity had to be found, or the society would degenerate into selfish and unbounded egoism and "anomie." Anomie is a condition of normlessness in which moral prescriptions have lost all meaning, leading to widespread suicide. One possible alternative basis for social solidarity, according to Durkheim, lay within the complex division of labor itself—in the interdependence of economic function.

This second type of social solidarity was called "organic" by Durkheim, because it is similar to a complex organism like the human body, which survives because it has widely differentiated parts, such as the brain, the feet, the heart, the hands and the lungs, which are all very dissimilar, yet function together in an organic harmony which insures the survival of the whole. By the use of this organismic analogy, Durkheim showed his reliance on sociological functionalism which was first introduced by August Comte.<sup>63</sup> He also revealed his debt to Adam Smith and the classical school of political economy. Rather than an invisible hand guiding the marketplace to satisfy the good of all via the selfish needs of each, Durkheim instead envisioned a vast division of labor, each person doing his/her task and fulfilling his/her role, with the interdependence of each making for the solidarity of the whole. Durkheim, like Adam Smith before him, could not see that in capitalism (or in the high degree of the division of labor which is uniquely characteristic of capitalist production), the relationship between wage-labor and capital automatically involves exploitation, so that the more the division of labor, the more the cultural and material poverty and exploitation of the proletariat.

### LENIN

Lenin published the *State and Revolution* in August of 1917, on the eve of the October Revolution in which the Bolsheviks took power by overthrowing the elected Karsky government. Lenin's "dictatorship of the proletariat" became in reality that of the Communist Party, since trade unions and workers' councils were deprived of their power by 1923.

In the *State and Revolution*,<sup>64</sup> Lenin relied heavily on the phrase of Marx's found in the *Critique of the Gotha Programme*,<sup>65</sup> in which Marx

says, "between capitalist and communist society lies the period of the revolutionary transformation of one into the other. Corresponding to this is also a political transition period in which the state can be nothing but the *revolutionary dictatorship of the proletariat*." The context in which Marx made this statement was related to his theory of the state, which viewed the state as growing out of civil society or out of the social relations of production of a particular mode of producing economic life, such as slavery, feudalism, capitalism or socialism. According to his theory, the state is linked to the mode of production. Thus, all modern states are based on the capitalist mode of production (or were when Marx wrote in 1875). In the *Gotha Programme*, Marx was criticizing the idea that socialists should strive, following Lassalle, for a "free democratic state," without realizing that the state is based on a particular mode of production and that the primary problem is to modify the mode of production. This process of modification is what Marx calls "the revolutionary dictatorship of the proletariat," during which the social relations of production and the state, based on the old relations of production, are to be changed.<sup>66</sup> The reason that Lenin used this phrase, however, was to justify his overthrow of the Kerensky regime by a "small elite revolutionary vanguard"—the Bolshevik Party. Lenin's position was actually more Blanquist than Marxist.<sup>67</sup>

Given the fact that the Russian Revolution was a progressive conflict vis-a-vis the autocratic Czarism in Russia, let us try to examine in more detail Lenin's theory of the state as well as his revolutionary practice with regard to state power. Lenin was highly critical of the social democrats, who valued "bourgeois democracy" and opposed the minority dictatorship of the "vanguard" of the proletariat:

Democracy for an insignificant minority, democracy for the rich—that is the democracy of capitalist society . . .<sup>68</sup>

Lenin was concerned with suppressing capitalists, who were still represented in the Constituent Assembly that the Bolsheviks finally dissolved in October of 1917. At that point in history, he did not foresee that in 1921 he would order the use of violence to put down the strike of the Kronstadt sailors, and that from that time forward, with the Hungarians in 1956 and the Czechs in 1968, the Soviet Union would continue to suppress workers who strike in their own interests against the Communist Party. Nor did he foresee, when he justified the Kronstadt massacre, that in the name of Marxism-Leninism, Stalin would murder almost all of the

original Bolshevik leaders and rule Russia as an absolute dictator in the name of "historical and dialectical materialism." In 1917, Lenin stated:

A special apparatus, a special machine for suppression, the "state," is *still* necessary, but this is now a transitional state; it is no longer a state in the proper sense of the word; for the suppression of the minority of exploiters by the majority of the wage slaves of *yesterday* is comparatively so easy, simple and natural a task that it will entail far less bloodshed than the suppression of the risings of slaves, serfs or wage labourers, and it will cost mankind far less. And it is compatible with the intention of democracy to such an overwhelming majority of the population that the need for a *special machine* of suppression will begin to disappear. The exploiters are naturally unable to suppress the people without a highly complex machine for performing this task, but *the people* can suppress the exploiters even with a very simple "machine," almost without a "machine," without a special apparatus, by the simple *organization of the armed masses*.<sup>69</sup>

Lenin's optimism about the comparative bloodlessness of the Russian Revolution and the withering away of the state was not borne out. This was, at least in part, a result of having to fight a civil war against armed intervention from all of the capitalist countries who came to the aid of the counter revolutionaries (including aid and soldiers from the U.S.A.).

## BAKUNIN AND THE ANARCHIST THEORY OF THE STATE

Bakunin was the most famous of the first generation of European anarchists and a lifelong opponent of Marx, Lassalle, and the European socialist movement. He was a very interesting thinker on the state because he was its mortal enemy. Unlike Rousseau, who championed the liberal or bourgeois state while he condemned the tyranny of the absolutist state, or Marx, who championed the "dictatorship of the proletariat" which was to replace the dictatorship of the bourgeoisie, Bakunin felt that any state was tyranny and anyone subject to any state was a slave of one sort or another.

We probably underestimate today the profound effect Bakunin had on the working class movement in Europe and America in the second half of the nineteenth century. Represented by Johann Most, the anarchist movement in America came closer than any other to overthrowing the

dictatorship of the Rockefellers and the Carnegies in 1877, just after the burst of industrialization which followed the Civil War. The anarchists in Europe, under the tutelage of Bakunin, at one time controlled the First International Workingmen's Association, and formed the still existing Black International. Tireless critics of Marx's statist socialism, the anarchists were the majority tendency in the Spanish Revolution in the 1930s, but they were defeated first by the Stalinists and then by the fascists.

Bakunin had a very specific critique of Rousseau and Marx. Rousseau based his theory of the state on the idea that it is in each of our interests to subordinate our specific will to the general will. That way our person and property would be better protected by the state than they would if we were in a Hobbesian "war of all against all." Bakunin pointed out a profound fallacy in this conception, which at the same time located the divergence of sociology and political theory. According to Bakunin:

In order not to destroy each other completely, they conclude a *social contract*, formal or tacit, whereby they surrender some of their freedom to assure the rest. This contract becomes the foundation of our society, or rather of the State, for we must point out that in this theory there is no place for society; only the State exists, or rather society is completely absorbed by the State.<sup>70</sup>

Sociologists like Comte differed from political theorists like Rousseau on exactly this point—for the sociologists, the state was an epiphenomenon of a particular type of society (for Marx the state grew out of the economic and social relations of production in civil society), whereas for political theorists, such as Plato in *The Republic*, the state completely absorbed the society. Anarchists point to tribal societies as evidence for the lack of identity of the state and society and the lack of any need for the state, because such societies seldom have a state or any of the institutionalized organs of government.

To anarchists like Bakunin, the liberals, the conservatives and even the socialists, are all subject to the will of a minority who rule, yet they explain this subjection differently. To the liberal, like Rousseau, the state was created by the free and rational will of humans in association. To the conservatives, like the Catholics, the state was created by God. To the socialist, the state was democratically selected by the representative of

the proletariat. These "representatives" more often than not are members of a bureaucratic elite from the Communist or Socialist party.

According to Bakunin, these instances of giving up one's freedom were like the story of Adam and Eve:

The prohibition to taste the fruit from the tree of the knowledge of good and evil, for no other reason than that such was the will of the Lord, was an act of atrocious despotism on the part of the good Lord. Had our first parents obeyed it, the entire human race would have remained plunged in the most humiliating slavery. Their disobedience has emancipated and saved us. Theirs, in the language of mythology, was the first act of human liberty.<sup>71</sup>

According to Bakunin, the Marxists could see the contradictions involved in the above positions, and for that reason they evolved the theory of the withering away of the state. Bakunin stated:

There is a flagrant contradiction in this theory. If their State is really of the people, why eliminate it? And if the State is needed to emancipate the workers, then the workers are not yet free, so why call it a People's State? . . . They say that such a yoke-dictatorship is a transitional step towards achieving full freedom for the people; anarchist freedom is the aim, while State and dictatorship is the means, and so in order to free the masses of people, they have first to be enslaved!<sup>72</sup>

## CONTEMPORARY SOCIOLOGICAL THEORIES OF THE STATE

In the 1950s the mainstream view of the state by American sociologists and political scientists was usually referred to as pluralism. This model indicated that democracy operates through a system of competing interest groups in which various interest elements in American society, such as business, labor, consumers, ecology, etc., vie for political power through lobbyists in Congress and thereby are able to influence political decisions in such a way that the entire system might be characterized as democratic.<sup>73</sup> The only real opposing position to this view was that of orthodox Marxism, which argued that the state was the instrument of the ruling class. However, the orthodox Marxists of the fifties did little to illuminate the nature of the state, other than to point out that the state represented the interests of the ruling class in society. In fact, the

orthodox Marxists' literature on the state of that period consisted primarily of a kind of Marxist scholasticism, in which chapter and verse of nineteenth-century Marxist texts were used to justify particular political positions. No real theoretical or analytical development in the Marxist theory of the state took place until the 1960s.<sup>74</sup>

### C. WRIGHT MILLS

An exception to this general dearth of theoretical analysis of the state in the 1950s was the work of C. Wright Mills.<sup>75</sup> Mills analyzed the merging of the military industrial complex that he saw taking place, as part of the development of corporate capitalism after World War II. Mills described the existence of an elite, or ruling class of jetset personalities who are connected to what we traditionally understand to be the bourgeoisie—person who went to elite high schools and elite colleges and form a social upper class.<sup>76</sup> The development of the Marxist theory of the state in the beginning of the sixties went little beyond C. Wright Mills' brilliant analysis of the power elite in the fifties.

According to Mills, the traditional Marxist conception of the state—that is, of the state as an instrument of the ruling class—is somewhat defective in the mid-twentieth century because of the military industrial complex and the development of separate governing or political elites, whose major business is governing, yet who have immense power as a result of the defense establishment, nuclear weaponry, and the control of such mass mechanisms of destruction. Their power makes them more independent of traditional class interests—interests which the Marxist analysis would indicate are directly those that determine political policy. This analysis, in the context of the mid-1950s, did represent a vast improvement over the liberal analyses of persons such as Robert Dahl and other political scientists, who were apologists for the American system of capitalism and attempted to equate American interests groups with the idea of democracy, thereby taking all of the notions of true representative institutions out of the definition of democracy. We can see that when contrasted to the work of Robert Dahl, the work of C. Wright Mills is clearly a critical sociological view of power. Mills' analysis was particularly encouraging and interesting to sociologists during the fifties, not only because of the apologetic nature of the liberal argument but also because of the underdeveloped status of Marxist thought about the state in that same period. The McCarthy period had essentially stifled critical thought of any kind in the United States, and the Moscow Purge trials of

the late forties had stifled any such thought in the Soviet Union. In the sixties, with the emergence of the New Left, a political movement that self-consciously identified with C. Wright Mills, there were the beginnings of creative Marxist analysis of the state.

### RALPH MILIBAND

Perhaps the best representative of this tendency was the work of Ralph Miliband, published in 1968. Miliband argued, and quite convincingly, that the state in capitalist society represents the class interests of the monopolized corporate structure and that most of the paraphernalia of politics with which sociologists and political scientists chose to deal in the fifties and sixties such as political parties, elections, and education about government and politics, are simply mechanisms to legitimate the monopoly capitalist state. This state is an apparatus and an institution to wield power in the interest of the corporations, primarily because it is dominated by the corporations, and there is a tremendous interlock of individual corporate personages and specific officials of government.

Miliband's analysis of the state was somewhat similar to that of the New Left, primarily because of his reliance on the work of the Italian Communist, Antonio Gramsci, and Gramsci's analysis of the concept of hegemony. Hegemony means the overriding control that one particular social group has over the entire way of life of a society. Miliband's definition of hegemony is as follows:

Hegemony—an order in which a certain way of life and thought is dominant, in which one concept of reality is diffused throughout society and all its institutional and private manifestations, informing with its spirit all tastes, morality, customs, religious and political principles and all social relations, particularly in their intellectual and moral connotations. In a general sense, hegemony refers to the spontaneous loyalty that any dominant social group obtains from the masses by virtue of its social and intellectual prestige and its supposedly superior function in the world of production. It is the totality of a world view, the enormous complex of prejudices, assumptions, half-thought-out notions and profound ideas.<sup>77</sup>

Miliband developed an analysis of the history of the state and took Britain as his example. He put forth the notion that the state in Britain for the last one hundred years had been an imperial state that maintained order within

a relatively liberal framework because it was used to maintain situations favorable to the acquisition of booty and the extension of markets abroad.

### NICOS POULANTZAS

The primary challenge to Miliband's analysis was the work of Nicos Poulantzas. The essentials of Poulantzas' argument were as follows: most of the institutions of the state that Miliband assumes to be the reality of power in society are simply mechanisms of legitimation; therefore, Miliband argues within the context of ruling class or bourgeois thought. For example, to postulate, as Miliband did, that the state in capitalist society represents the interests of the corporations because corporate personnel dominate the state, is to miss the point of what a capitalist state really is. The state may well be dominated by corporate personnel, but even if it weren't, the capitalist state would still represent the interests of the capitalist class in the capitalist mode of production. Poulantzas is arguing that simply by opposing the institution of the state as an institution that transcends capitalist society, and by opposing power as a force that operates independently of the capitalist mode of production, is to make an argument within the frame of reference of the people that Miliband is trying to argue against—it is not nearly radical enough.

Poulantzas points out that, in fact, the capitalist state would be more legitimate in the eyes of the general population if the personnel are indeed separate from those of the corporations and that it indicates not the degree of corporate domination of the state, but the degree to which that domination is made legitimate. The degree to which corporate personnel occupy positions of power in Congress and the presidency is not an indication of the degree of corporate dominance in the state; rather it indicates the degree of the collapse of the legitimacy of the capitalist state and the inability of the corporations to wield the mechanism of legitimacy in such a way as to actually convince the general population that a true democracy exists. The fact that Rockefeller attained the vice-presidency is a good example of the collapse of the mechanisms of legitimacy. It would be much better for the corporations if someone who looked independent of them were in state office, which, according to our original analysis of the Marxist mode of production, is indeed an apparatus or arm of the class interests of the class that organizes production in a capitalist society.

When G. William Domhoff asks the question in his first book, *Who Rules America?* he is really asking the wrong question. We can, of course, understand that he will find that the rulers of America are also

representatives of the owners of major corporations, so Domhoff can then conclude, "Aha! The Marxists are right; there is a capitalist ruling class in America." But, the very question that Domhoff asks is the wrong one. Of course, the bourgeoisie rules America. The question he should have been asking is, "What is the nature, the structure and the function of the capitalist state? How is it legitimated? How does it operate?" To ask the question: Who rules America? Domhoff implies that by finding that the capitalists rule, it can then be postulated, "Well, to correct this situation, all we need to do is get the capitalists out and get other people in who would represent the interests of the general population." This fails to understand that the nature of the state itself is oriented to the class interests of the monopoly capitalist, and that replacing the personnel of the state with a different set of personnel in no way will alter the operations of the state in the interests of the ruling class.<sup>78</sup>

### NORMAN BIRNBAUM

We have described sociological issues surrounding the state in capitalist society. Another critical analysis of the state is *The Crisis of Industrial Society*, by Norman Birnbaum. Birnbaum sees an increasingly powerful role that the state plays in both capitalist and state socialist societies (such as the Soviet Union).<sup>79</sup> He feels that after fascism in Germany and the Stalinist purges in the Soviet Union, it is clear that the role of the state in industrial societies has become an increasing one. A critical theory of society concretely links a history of struggle for power within the capitalist state with a delineation of the class basis of that struggle. Birnbaum<sup>80</sup> points out that the struggle for the control of the state in the United States involves a particular configuration of class interests: that the triumph of Jacksonian democracy in the early nineteenth century meant that an agrarian petit bourgeoisie assumed control of the state in American society. It was not until after the Civil War that the American industrialists gained control—mercantile capitalists in the north and planters, or slave owners, in the south.

The answer to the question, "What is the state in capitalist society?" given by Miliband and Poulantzas, seems too formalistic, and a specific historical class analysis of the state seems to be needed. Such an analysis has emerged in the work of Carl Oglesby<sup>81</sup> and Kirkpatrick Sale.<sup>82</sup> Looking back at the period of U.S. history since World War II, these theorists have advanced the proposition that the ruling circles in the United States divided along lines of Cowboys (oil millionaires, war

tycoons of the sunbelt) and Yankees (old Eastern bankers tied more to the European ruling class). Oglesby goes so far as to propose (based on a wealth of evidence) that the Cowboys had President Kennedy assassinated because of his "soft" line on international communism (and particularly his withdrawal of air support for the Bay of Pigs invasion of Cuba) and that the Yankees, using tactics more suited to their social milieu, responded with the Watergate scandal which forced Cowboy President Nixon from office.

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## CHAPTER FOURTEEN

### Sociology of Crime

The common definition of crime (breaking the laws) fits into the means of controlling a population in the interests of a particular social class—the power elite. Laws, judges, juries, and lawyers all play a role in legitimating this class domination, a role similar to that which elections play in legitimating the state. The class system and class domination that we have described in previous chapters derives from the social relations of production in a capitalist society, including wage labor and capital and the resultant production of two primary social classes—a power elite and a working class of white collar and blue collar workers. The criminal class is what Karl Marx called the lumpenproletariat<sup>1</sup>—that underclass thrown off by the society.<sup>2</sup> In feudalism, the system of law served to maintain the landed aristocracy as a ruling class. Given this function of law in capitalist and feudal societies, a redefinition of crime is necessary, something we undertake in this chapter.

The common definition of crime does not include the crimes of corporate executives or the crimes of Richard Nixon, crimes like war, genocide and imperialism. Crimes of major political figures, such as the Watergate burglaries, the illegal invasion of Cambodia, the invasion of Attica and the murder of prison inmates and guards ordered by Nelson Rockefeller, and the invasion of the Kent State and Jackson State campuses and the murders of students there have not been treated as other crimes have. These are some examples that we define as crimes against humanity and the working class, none of which were really considered crimes in the American corporate state because these were all crimes that served to maintain the system of class domination.

In the following sections, we discuss the history of social thought concerning crime. We critique classical theories of crime such as those of Rousseau, Durkheim, and Marx as well as the more contemporary perspectives of American socialism, the Chicago School, and American functionalists. There is no body of knowledge or “facts” to be learned about crime, only different ways of interpreting it and divergent paradigms, both of which we critically examine below.

## CLASSICAL SOCIAL THEORIES ABOUT CRIME, LAW AND SOCIAL ORDER

### ROUSSEAU AND THE FOUNDATION OF BOURGEOIS LAW

The late eighteenth century was a period of revolutionary thought usually referred to as the Enlightenment. Philosophers and political theorists were rejecting the dogma of religion and proposing instead of a faith in God, a faith in human beings. This new humanism was based on the belief that humans had the ability through Reason to organize society in a progressive way. The humanists of the Enlightenment were very critical of the monarchist regimes and of the church’s power. Their ideas were the motivating forces behind both the French and the American revolutions.

Jean Jacques Rousseau put forth the idea that humans are born free but are everywhere found in chains. To Rousseau, individual human beings are naturally good, but living in society requires that we consciously enter into an agreement for the mutual protection of property and certain basic rights so that the infringement of each upon the others does not prevent property ownership and social intercourse. According to Rousseau, human beings come together freely to create a civil society, and the function of law and punishment is to insure the continued existence of that society.<sup>3</sup> Rousseau posited a belief in human freedom and human reason—these beliefs are still the foundation of most systems of law in modern capitalist societies.

This theory makes certain assumptions about the nature of human beings and the nature of society. It assumes that all social beings are egotistical: that we are all self-seeking and constantly trying to individually benefit ourselves.<sup>4</sup> This certainly was not the case in feudal societies or tribal societies, where the social organism and the feeling of the individual toward the whole exceeded the egoistic power of the individual. Egoism is associated with the rise of industrialization and the domination of the bourgeois class. Rousseau’s theory of crime and social order is an imposition of the prejudices and the perception of reality of the bourgeoisie onto the society as a whole.

The basic form of the social contract in a capitalist society is the contract between a wage worker and capitalist or a contract for labor as a commodity. Workers enter this coercive agreement out of necessity. The social contract theorists, however, assume that human beings freely enter into contracts.<sup>5</sup> The social contract justifies the state as the agreement of all citizens to relinquish some of their freedom to preserve peace among

the contending individuals. From the Marxist point of view, the real contenders of history have been social classes, not individuals, and the state and "Great Men of History" have represented the interests of a particular social class in a given epoch.

### THE DETERRENCE THEORY

In the social contract theory of crime and social order, punishment is seen as the prerogative of the state, granted to the state by individuals in the context of the social contract, the function of which is to deter individuals from violating the interests of others. A survey of the sociological data that has been gathered about deterrence, for example the work of Jack Gibbs, reveals that there is no significant evidence that punishment deters crime at all.<sup>6</sup> The swiftness or severity of punishment seems to have little correlation with law breaking.

In the social contract model, it is felt that there should be as little law as possible and that implementation of law should be mediated by *due process* of a trial by peers. Originally a reaction against the capricious nature of law in a feudal society, due process was an attempt to curtail the arbitrary and irrational wielding of power previously allowed kings, lords, and emperors. But if we look concretely at the practice of law in a capitalist society, we see that ninety to ninety-five percent of the adjudication of criminal cases in North America are dealt with by the process of plea bargaining.<sup>7</sup> Cases rarely get to a jury trial since the lawyer and judge bargain for an "appropriate penalty." Prosecution is rarely taken through the due process of trial.

Originally a right to protect the poor and innocent, due process today has become a means to justify and obscure the system of class domination. Under a pretext of due process, members of the bourgeois class, corporate owners and government officials get away with crimes, while members of the working class and "criminal" class who cannot afford high-paid lawyers, are duly processed as criminals and sent to prison. We do not have a system of justice in the modern United States, but a system of categorization and sorting of deviants according to their class position.

### EQUALITY BEFORE THE LAW

Another principle of the bourgeois model of legal and social order is equality before the law. As the saying goes, "both the millionaire and the bum will go to jail for sleeping under a bridge." But the millionaire will

not have occasion to do this very often. In the context of the court, justice is made to appear equal, since circumstances like the class background of the defendant is not admissible in court. The only thing admissible in court is the court's definition of the crime—a series of selected "facts." What day did she/he sleep under the bridge? What bridge did she/he sleep under? We are not supposed to deal with the social structures that produce crime, or the circumstances under which it occurs — these are all inadmissible in court. We can only deal with, "did the person sleep under the bridge?" "Did the person steal the loaf of bread?" Whether the person is a millionaire or starving is inadmissible as evidence under the bourgeois system of justice.

In the eighteenth century the social contract was a revolutionary idea, but the myth of punishment as a deterrence to crime and the myths of due process and equality before the law serve to obscure and legitimate the real structure of the system of law—a structure of class domination.

### EMILE DURKHEIM—RITUALISTIC REAFFIRMATION OF SOCIAL VALUES THE DIVISION OF LABOR

The first sociological theory of crime was developed by Emile Durkheim.<sup>8</sup> According to Durkheim, the system of law in a society was determined by the *division of labor*. Division of labor refers to the differentiation of human beings according to age, sex, and occupational function. In a small hunting and gathering society, the division of labor is simple: some people hunt, some people stay at the village. Usually the men hunt, and the elderly and the women gather, care for the village and the children. In a modern industrial society, such as in Europe, the Soviet Union, and the United States, there are hundreds of thousands of different occupational functions. This would be considered a high degree of division of labor. According to Durkheim, it was the division of labor in a society that determined the system of law. Durkheim stated that the division of labor in a society is related to what he called the *moral density* of the society. It is inversely related such that the higher the division of labor, the lower the moral density.

His second postulate was that the moral density of society is related to the type of *sanctions* that are applied to people who violate laws, customs, norms and mores. Sanctions are simply responses to deviant behavior, or responses to the phenomenon of law violation. Norms, mores, and customs are rules informally agreed upon by members of a

society. Examples of mores would be the proscription of incest and cannibalism, generally accepted taboos in human societies, but very infrequently formally codified into law. For whatever type norm or rule for behavior, the corresponding type of sanction is what interested Durkheim.

A society with a low division of labor is characterized by a high moral density and a highly repressive system of sanctions. In a tribal society with a low division of labor, theft might result in cutting off the hand of the criminal, a very repressive sanction. By way of contrast, theft in a modern industrial society would probably be responded to with what Durkheim called a *restitutive* sanction. A restitutive sanction is one which would make the law violator restore the previous system of balance of the division of labor—pay back the goods stolen, pay a fine, or go to jail.

### MECHANICAL AND ORGANIC SOLIDARITY

Durkheim believed that the relationship between the division of labor and the type of criminal sanction is related to the form of *social solidarity*. In a society with a low division of labor, the type of social solidarity is called *mechanical* because it is based on similarity of the people in the society. If you grow up in a tribal society, your total life experiences are very similar to those of other members of the society. There is a high degree of homogeneity of experience, so the violation of even a small norm or law threatens the *collective consciousness* of the society. In order to restore the balance of the collective consciousness, it is necessary to repress the person who violates the norm. A small violation of law in a tribal society amounts to heresy, because it threatens the value system, and in order to reaffirm the value system, a ritual must be performed, a ritual of repression against the violator. The function of laws, according to Durkheim, is not to punish the criminal, but to reaffirm that the values of the society are correct, proper, true and just.

Durkheim referred to the form of social solidarity characteristic of advanced industrial societies as *organic*. This is an analogy to organism, such as the human body, which survives because it has widely differentiated parts with different functions, such as the brain, the heart, the hands and the lungs. For Durkheim, a vast division of labor in which each occupational role was filled by a person doing his/her task resulted in the interdependence of all these occupational roles (the social solidarity of the whole).

Durkheim's theory of the type of criminal sanctions associated with the increasing division of labor, the change from mechanical solidarity and repressive sanctions to organic solidarity and restitutive sanctions, can be seen as a critique of the Rousseau's social contract theory of criminality. In making a comparison between Durkheim and Rousseau, it does seem that Durkheim's view explains more of the phenomena of criminality than does Rousseau's model. Rousseau's model does primarily tend to justify the social relations of domination in a class society. Durkheim, on the other hand, helped us to understand that much crime in a capitalist society is simply the symbolic affirmation of the dominant value system.

### ANOMIE AND SOCIAL DISORGANIZATION

In the 1870s Durkheim was faced with the problem of how to explain the fact that the legal order was not functioning as his theory would predict, that there was not a smooth development from mechanical to organic solidarity. Durkheim utilized the concept of *anomie* in attempting to explain these counter-tendencies. Anomie is a condition in which the system of norms and sanctions (the system of social order), is not working properly. We can see that in contemporary society the division of labor is developing more and more. However, we do not have a legal structure that is reducing norm violation and leading to a smoothly operating system of restitutive sanctions within a society of coordinated occupational groups. On the contrary, we have more and more suicides and more and more criminality and social disorganization. Durkheim's next book after *The Division of Labor in Society* was titled *Suicide*.<sup>9</sup> In this book, he took up the problem of suicide and tried to explain the existence of suicide with the concept of anomie. The resulting analysis presented certain kinds of asocial acts as characteristic of a society that is not working well enough, particularly in the system of sanctions. If the system of norms is not articulated or understood enough, the condition of anomie (or normlessness) occurs, and people do not know quite what to do in certain situations. The confusion and lack of security as a result of this may lead them to kill themselves.

## KARL MARX AND THE BEGINNINGS OF A CRITIQUE OF “LAW AND ORDER”

Durkheim's theory was the first sociological theory of deviance and criminality and it was written in the 1870s. Slightly earlier, in the 1850s, Karl Marx was writing his monumental sociological and political analyses of capitalism. Marx was interested in the theory of classes, of history, of political economy and of philosophy. He was not primarily interested in the sociology of crime, but he did have a few comments on that topic and we can use his theory of society to help develop a theory of crime.

## THE EXCHANGE VALUE OF CRIME—CRIME AS A BUSINESS

As he developed the argument in his major work—*Capital*,<sup>10</sup> Marx felt that the most salient characteristics of a capitalist society are the capitalist social relations of production. These relations include the relationship of wage labor to capital. Just about everyone in a capitalist society is a wage laborer and sells his/her labor power for a price or is a capitalist and buys other people's labor power. These are the fundamental social relations of production. Crime, because it is labor, produces what Marx called an exchange value. Exchange value is the form of value that labor and other commodities have in a capitalist society. The important characteristic in a market economy is the exchange value of that labor, not in the use value—the utility of that labor.

If crime exists and is rampant in a capitalist society, it must have an exchange value; it must be worth something in a capitalist market. Marx pointed out that indeed, crime produces a whole system of waste.<sup>11</sup> Crime produces locks, jails, police, locksmiths, judges, lawyers, and jail keepers. It necessitates cooks, laundry people that work in association with prisons and, in modern capitalist society, social workers and rehabilitation counselors. The existence of crime and a criminal class produces jobs and labor for quite a few middle and upper class people. Crime in that sense is not only functional, but it is profitable.

Marx's theory of social class and political power explained his views on crime. In a capitalist society, the state generally represents the interests of the capitalist class as a whole because it protects them. Capitalists obtain property without working, through inheritance or exploitation of others, and this is not defined or viewed as a crime. Crimes are defined as

the violation of persons and their private property rights. This situation led the playwright Bertolt Brecht to question which was the worse crime—to rob a bank or to own a bank. It does not really matter whether the state is democratically elected or is a military elite. What is important is that the state maintains law and order for capitalist social relations of production.

## THE LUMPENPROLETARIAT

The only class capable of transforming a capitalist society, according to Marx, is the proletariat, the wage-working class. The function that the criminal class played in the political process in Marx's experience was to hire out as goons or strike-breakers working in the interests of the capitalist class. Members of the criminal class do not usually subscribe to the conventional ethics of the society, yet they often accept the basic value structure. For example, they may subscribe to the values which designate rich people as superior, so that they are willing to commit crimes as a means to secure wealth.

The situation in modern corporate capitalism is different from that which faced Marx in the nineteenth century, and contemporary Marxists have debated his analysis of the criminal or “lumpen” class. The book *Saint Genet: Actor and Martyr* by Jean-Paul Sartre is a Marxist-Existentialist approach to the understanding of the lumpenproletariat.<sup>13</sup> Jean Genet, the famous playwright and novelist, had spent much of his life as a vagabond, thief, and homosexual. At one point he was nearly imprisoned for life by the French government and was pardoned as a result of pleas from famous French writers like Sartre. From Sartre's attempt to understand the underlying structure of Genet's life and work, he was able to originate a theory of the lumpenproletariat as embodying a projection of the “evil” which is possible in all human beings. The middle and ruling classes, so concerned with punishing criminals, hope to convince themselves that it is the Other who is bad, and that, therefore, they must be good. The effects of this on the individual who is labeled a criminal and the implications it has for the rest of the culture are elaborated by Sartre in this work, a masterpiece of philosophy, psychology, sociology, and literary criticism.

Also relevant is some recent work of Bruce Franklin,<sup>14</sup> in which he argues that in modern industrial societies, the proletariat is integrated in the capitalist society and that it is only those groups left out of the American Dream that have any revolutionary potential—groups like the

lumpenproletariat. The theory that the lumpenproletariat or the criminal class may play a very progressive role in movements of opposition to modern capitalist societies can also be found in Angela Davis's book *If They Come in the Morning: Voices of Resistance*.<sup>15</sup> Both these theorists were trying to comprehend the progressive role played by the black movement and the prisoners' movement during the 1960s and early 1970s.

## CONTEMPORARY SOCIAL THOUGHT ABOUT CRIME

### BIOLOGICAL DETERMINISM AS AN IMPERIALIST REACTION

One of the early twentieth century views, that of Cesar Lombroso, was a biological determinist theory of criminality.<sup>16</sup> According to Lombroso, there existed certain physiognomic criminal types. Criminality could be measured, not only by the criminal acts committed, but also by the facial characteristics of the criminal. It seems reactionary and appalling, yet it was not a nineteenth century theory of crime, but one written in the twentieth century. Rooted in the humanism of the Enlightenment, the descriptive sociology of Durkheim, and the critical theory of Marx, it is surprising that sociologists could rely on such primitive ideas.

This was the time period in which the U.S. was invading the Philippines and literally exterminating its peoples. It was the time that immigrants were being either turned away from the country or discriminated against and oppressed as "foreigners." The twentieth century—the period of the decline of capitalism and the development of monopoly capitalism and imperialism, produced a reaction in theories of criminality, and the biological determinist theory of Lombroso is a good example. Such ideologies allowed racism to flourish with the support of academic credentials.

### THE AMERICAN SOCIALIST CRITIQUE

At the time period in which Lombroso was writing, Eugene Debs was making critical comments about prisons and theorizing that crime was an artifact of the domination of capitalist social relationships. Debs was personally familiar with how courts and jails in the United States were used to maintain the ideological hegemony of the capitalist "robber barons" by making socialists near-criminals. He lived through the cases

of Joe Hill, a union organizer who was framed by the courts, sentenced to death and executed in the state of Utah, and Sacco and Vanzetti, anarchist organizers who were framed in New England. Debs himself was sent to jail for opposing World War I. From Eugene Debs in 1917 to George Jackson in the 1970s, the courts and prisons, in addition to maintaining control of the large capitalist families through punishing the poor and oppressed, have been directly used as an instrument to suppress any sort of organized opposition to corporate capitalism.

According to Debs, crime is so common under capitalism that capitalism and crime have almost synonymous terms. Debs' writings on capitalism and crime are found in his book *Walls and Bars*.<sup>17</sup> The following quote from Debs gives an illustration of the flavor of his analysis:

Private appropriation of the earth's surface, the natural resources and the means of life, is nothing less than a crime against humanity, but the comparative few who are the beneficiaries of this inequitable social arrangement, far from being viewed as criminals, meriting punishment, are the exalted rulers of society and the people they exploit gladly render them homage and obeisance.

Debs also said that in a capitalist society, crimes which most often are punished are crimes against property, since crimes against property are crimes against the capitalist system. To quote Debs:

To buttress and safeguard this exploiting system, private property of the capitalist has been made a fetish, a sacred thing and thousands of laws have been enacted and more thousands supplemented by court decisions to punish the so-called crimes against the holy institution of private property. The vast majority of the crimes that are punished under law and for which men are sent to prison are committed directly or indirectly against property. Under the capitalist system there is far more concern about property and infinitely greater care in its conservation than in human life.

Debs' analysis of crime and capitalism portrays nicely the socialist view of criminality which was being widely expressed in the United States in 1914-1916, the same period of time when the academic sociologists and criminologists were talking about Lombroso and biological theories of criminality. In the 1950s, sociologists "rediscovered"

Durkheimian theories of crime and presented them, in contrast to the biological determinism of Lombroso, as progressive, while they ignored the criminological theories of Marx and Debs.<sup>18</sup> The seemingly progressive theories of the 1950s were a regression to the 1870s, and were based on a suppression of Marxist analyses.

### CRIMES AGAINST THE WORKING CLASS

Another aspect of crime in capitalist society that rarely gets noticed (or punished) are the crimes that industrial capitalists commit against the people who work for them. Frequently based on more negligence than drunk driving, industrial “accidents” are really viewed in capitalist societies as civil accidents and not as criminal negligence.

Before the Great Depression of 1929, in a period of relative prosperity, Eugene Debs wrote:

Getting a living under capitalism, the system in which the few who toil not are the millionaires and billionaires, while the masses of the people who toil and sweat and produce all the wealth are victims of poverty and pauperism. Getting a living wage under this inexpressively cruel and inhuman system is so precarious, so uncertain, fraught with such pain and struggle, that the wonder is not why so many people become vicious and criminal, but why so many remain in docile submission to such a tyrannous and debasing condition. It is a beautiful commentary on the human nature that so little of it is defiled and that so much of it resists corruption under such a social system, which would seem to have for its deliberate purpose, the conversion of men into derelicts and criminals and the earth into a vast poorhouse and prison.<sup>19</sup>

Eugene Debs was running for President on the Socialist Party ticket when he was put in jail by President Woodrow Wilson because of his opposition to United States involvement in World War I, and Debs’ theory of crime was never dealt with by academic sociology.

Were the socialist theories of crime suppressed because they were incorrect, or was it, as Herman and Julie Schweindinger argue in their book, *The Sociologists of the Chair*, that socialist views did not survive because of political repression outside the marketplace of ideas?<sup>20</sup> We are discussing the period of time when Thorstein Veblen was fired from Stanford University over trumped-up morals charges—a means of eliminating another socialist from academia. A similar fate befell E. A. Ross.

Neither Veblen nor Ross were political activists like Debs. They were both traditional academics, while Debs, who was respected by millions of Americans, obtained over a million votes when he ran for president when he was still in prison. We often hear about people who opposed the Viet Nam War, but World War I was also felt by many people to be an unjust and completely unnecessary war. Even with regard to WWII, it can be argued that war is crime and that governments which support war are criminal. The atom bombs dropped on Hiroshima and Nagasaki were as much an atrocity as Hitler’s genocide against the Jews.

One thing we can say about Eugene Debs’ theories of prisons is that he definitely was not detached and value-free. Debs thought that the crimes were capitalism, war, imperialism, and exploitation and that people who lived in prisons were not criminals. Debs is reported to have made the statement that we should “free the prisoners and jail the government and the capitalists.” There is a strange silence today within sociological analyses of crime that could benefit from noisy theorists like Eugene V. Debs.

### THE CHICAGO SCHOOL—A REFORMIST ANALYSIS OF CRIME

From a cursory glance at the twentieth century, it is apparent that theories found in the universities were some of the more reactionary theories of criminality. It is useful to look briefly at some of the liberal reformist views of criminality and studies of crime such as what the Chicago School produced during the 1920s.

The Socialist Party and the Industrial Workers of the World, two of the largest socialist organizations that ever existed in the United States, were suppressed during World War I. The organized Left in the United States was destroyed by police harassment (almost all socialist newspapers in the U.S. were suppressed). Socialists were also divided among themselves concerning the issue of World War I so that by the 1920s there was virtually no socialist opposition to corporate capitalism. During this period, the liberal Chicago School became a prevailing force in social theory, and it is there that many contemporary sociologists find their roots.

In many ways, members of the Chicago School were the founders of North American sociology. These sociologists included Robert E. Park, George H. Mead (who was a philosopher, but clearly one of the founders of this school), William I. Thomas, and Charles Horton Cooley (famous

for his studies of social organization). They produced such well-known studies as *The Gold Coast and the Slum*, which compares a rich district of Chicago with the slum district located right beside it.

The second generation of the Chicago School included people like Howard S. Becker, author of the famous study of marijuana users, called *Outsiders*.<sup>21</sup> Such studies gave birth to the labeling school of deviance which became popular in the 1960s. The Chicago School was important during the thirties and forties but it was not until the 1950s and the McCarthy era that the functionalists were able to gain hegemony. We will now critically examine the functionalist theory of deviance, particularly its articulation by Robert Merton.

### AMERICAN FUNCTIONALIST THEORIES OF CRIME

Robert Merton developed a functionalist theory of deviance and social change in the 1950s. In his *Social Theory and Social Structure*, Merton rearticulated Durkheim's theory of anomie on an individual level. According to Merton there are certain contradictions in American society between dominant values like money, power, and striving for success, and the opportunity structures or channels open to people to achieve these goals.<sup>22</sup> Merton redefined anomie as the tension between the success goal of money that many people in America accept, and the normative means for attaining money, power and success that are available to members of American society. For Merton, a fundamental contradiction within American capitalism is between the success ethos and the structural limits to access of upward mobility into the ruling class. Because of this, most Americans live under quite a bit of stress. Social change or deviance, according to Merton, is played out by individual characters in terms of how people adapt to the personal anxiety created by the structural contradiction. Merton called this *cultural anomie*. It is somewhat different from Durkheim's concept of anomie, which was based on a condition of normlessness or a condition in which certain institutions, such as the family, or religion, did not integrate one tightly enough into the society.

In Merton's analysis there are several basic modes of adaptation to this situation of cultural anomie. The modes of adaptation are based on the articulation of goals and values on one level, and norms or means, on another. The theory can be neatly summarized in a typology, as can much of functionalist thought.

The normative component in the first mode of adaptation in Merton's typology refers to hard work including both wage labor and entrepreneurial expertise. A successful *conformist* is someone who accepts the means (wage labor), and is successful (makes it, say, into the upper middle class or the professional servant class). The second type of adaptation Merton calls *ritualism*. Ritualism occurs when an individual accepts the means (wage work, savings, investment) and gives up on ever attaining success but remains ritualistically attached to the norms of upward mobility and success-striving. The successful conformist accepts the norms of the protestant ethic (salvation through selfless labor, saving and investment), and achieves some modicum of success in upward mobility. The ritualist is a petty bureaucrat who long ago gave up hopes of monetary and material success, yet clings to the means of attaining them as epitomized by the strict adherence to bureaucratic rules.

A third type, the *retreatist*, like the drug addict or religious mystic, has rejected both the norms and values of American capitalism and retreats from it into an opium of one variety or another. A fourth type, the *innovator*, is the modern criminal who accepts the success goals of money and consumption and invents his/her own way of getting them, such as theft, extortion and graft. The final type, the *rebel*, rejects both norms and values and substitutes new ones. An example is the revolutionary who struggles for socialism.

Merton attempts to explain most of the behavior in current American society by reducing movements for social change into a type of deviant behavior, similar to drug addiction and crime. Eguene Debs would enjoy knowing that, according to Robert Merton, he is structurally the same as a religious mystic, a heroin addict, or a thief. While Merton has been called an imaginative apologist for the repressive system of capitalist justice, Alvin Gouldner has pointed out that Merton's recognition of the contradiction in American society between what people expect in success and upward mobility and what is actually available to them in opportunities as wage workers is evidence of a tacit agreement with Marxist assumptions.<sup>23</sup>

### A SOCIOLOGY OF KNOWLEDGE CRITIQUE OF AMERICAN THEORIES OF DEVIANCE

Another American sociologist of the 1940s and 1950s, C. Wright Mills, produced a sociology of knowledge analysis of why the academy ignored social structural analyses of crime and continued to argue about which

sort of psychology was better than biology for explaining deviance. Mills pointed out that the types of criminological analysis we are primarily confronted with tend to be "isolating empiricism" where we find an emphasis on isolated "facts" and observations without an attempt to understand the social relations, historical context, and cultural milieu from which these facts arise and are observed. Mills argued that there is a structural reason for abstracted empiricism by observing similar career patterns of American criminologists. Most of them came from small towns or farms near small towns in states not industrialized during their youth. Most of them had Ph.D.'s, were college professors, and happily married.

According to Mills, one of the practical consequences of "isolating empiricism" is to focus interest on practical problems of everyday life. This allows the criminologist to focus on crime and social problems as they are defined by the general public in terms of deviation from dominant norms. Norms can be simply taken for granted as the standards of society (typically constructed by the ruling and middle classes). Rather the structures that produce norms need to be examined and the norms themselves to be called into question. It becomes understandable, from Mills' frame of reference, why American academic sociologists will study prostitution, theft, murder, drug addiction, etc., from the point of view of violations of middle and upper class normative patterns. Indeed, it was not until the 1960s and the development of the labeling theory that American sociologists addressed themselves to the norm and considered the audiences that create the norms as equally problematic as those people labeled deviant.<sup>25</sup>

About the social backgrounds of "liberal" sociologists, Mills makes several other interesting points. The homogeneous backgrounds of American sociologists made it difficult for them to see enough different views of American society for them to have a conception of the whole. The Chicago School tradition, with its emphasis on process as part of an analysis of society, leads away from broad structural analyses, such as those of class, age, race and sex that might lead to political action. According to Mills, something else which also may be important is the eclectic tendency of liberals to consider multiple factor explanations of society, thereby avoiding an analytical position that might have political consequences. The primary thrust of Mills' argument is that the basis by which American criminologists have judged certain forms of behavior to

be pathological was the imposition of rural values upon urban social milieus:

The notion of this disorganization is quite often merely the absence of that type of organization associated with the stuff of primary group communities having Christian and Jeffersonian legitimations.<sup>26</sup>

Mills pointed out that Charles Horton Cooley's conception of the primary group is really a legitimation and justification of rural values.

Cooley took the idealist absolute and gave it the characteristics of an organic village. All the world should be an enlarged Christian democratic version of a rural village.<sup>27</sup>

In addition to the general imposition of rural values from the generally homogeneous rural background of American sociologists, the cultural lag theory associated with William F. Ogborn, for example, tends to have implicit built-in values from the point of view of a technocratic, not human notion of progress. As Mills put it, "notions of progress are congenial to those who are rising on the scale of position and income."<sup>28</sup>

Most interesting is Mills' critique of North American sociologists concerned with social problems who find social change to be problematic. For example, in books on social problems and social disorganization, we find the following statements in J. L. Gillin:

Social disorganization is a function of rapidly changing conditions of peoples' lives.<sup>29</sup>

From C.A. Ellwood:

. . . revolution is not a normal method of social change . . . it is not inevitable, but may easily be avoided by plasticity in social institutions and in the mental attitudes of classes and individuals . . .<sup>30</sup>

And, in H.W. Odom we get:

. . . if one reviews the general categories of social problems already listed in the previous chapters, it must be clear that most of them, or their present manifestations, are due to, or accentuated by the process of social change.<sup>31</sup>

The homogeneous class and rural background of American sociological criminologists is one reason they will generally agree that social change is, in and of itself, highly problematic and pathological. Little doubt is left as to why the basic class or even some other sort of structural critique



of criminality, such as linkage of criminality and law to the division of labor has rarely seriously been attempted by American sociology. One such attempt has been made in Europe by William Bonger,<sup>32</sup> but it was left on the shelf by American sociologists. The work of the "New Criminology"<sup>33</sup> has made advances over the old socialist criminologists in the area of an analysis of crimes against women due to the new feminist movement and its relationship to the new criminology, particularly in and around the study of rape. A second advance is in the area of crimes against minorities and Third World people as a result of the experience of the Chinese and Vietnamese revolutions of the twentieth century and the Third World national liberation struggles and their linkages to oppressed national minorities within the advanced industrial societies.

In addition to the analysis of rape and the analysis of crime vis-a-vis Third World populations, the new criminology develops partially in response to the development of what we might call a garrison state in American society, or a liberal police state, in which police power in large part comes to replace internally socialized normative patterns as the mode of social control.<sup>34</sup>

## NOTES

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