

CRIME, PATRIARCHY AND CAPITALISM

Suç, Ataerkillik ve Kapitalizm

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Özet:

Bu yazının amacı, suç ve ataerkil kapitalist sistem arasındaki ilişkileri tanımlamak ve bu ilişkileri tartışmayı amaçlamaktadır. Suçun nedenleri ve açıklamalarıyla ilgili çeşitli düzeylerde kuramlar varsa da bu çalışmada radikal kriminoloji yaklaşımı, bu kuramın suç nedenlerini toplumsal yapı ve toplumsal ilişkiler ağını daha geniş çerçeveden tartıştığı düşünülerek konuyu incelemek için temel alınmıştır.

Anahtar sözcükler: Radikal kriminoloji, Ataerkillik, Suç, Kapitalizm, Cinsiyet, Kapitalizm ve cinsiyet.

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1. Introduction

The main concern of this paper is to discuss and find explanations about the relations between crime and patriarchal capitalist system. Although there are several theories and explanations on causes of crime, radical criminology perspective seems a better way to investigate the issue since this theoretical perspective aims to find out causes of crime in a broader perspective and focuses on the system. Although some other theories also focus on the causes of crime, most of them mostly deal with more superficial issues rather than roots and social structure. Radical criminology is a strategy for analyzing crime and justice, which employs theories and practices grounded in a materialistic framework. As a theory, radical criminology attempts to explore and verify connections between social phenomena and economic reality (Taylor, et al. 1973; Young 1975, 1987; Lea 1987).

The main argument of this study is that people are products of society. Capitalist and patriarchal systems lay on the heart of the social structures of the modern societies. Thus, there must be some relations between capitalism, patriarchy and crime. In order to understand crime, it is crucial to understand its relationship to specific forms of socio-economic organizations and gender relations, which are main sources of power. Therefore, crucial unit of analysis can be taken as the mode of production, relation of production and gender relations.

This study assumes crime as "violation of fundamental human rights" rather than the criminal definitions of law. By this definition, the state, criminal law, and power relations are the primary targets of the discussions. Using this definition also gives a chance to investigate state and its institutions as "criminal". On this point, a short discussion and explanation of radical criminology will provide us a framework

2. Radical Criminology Perspective: Crime and Capitalism

In 1970's, a new school of criminological thought entered to literature. It is named as "new", "critical" "radical" or "Marxist" criminology. Although radical critiques to crime and its social arrangements had done before 1920's, after 1920's it disappeared since most of the radical scholars lost their university positions and they were oppressed by hegemonic powers. Although Marx' last study was seen about one century ago, during 1960's there has been a dramatic increase on the number of Marxist studies on crime. As Akers (1979: 534) says, "there has been a 'boom' in Marxist-oriented philosophy and analysis on

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criminology, sociology, political science and economics in the past decade (during 1960s and 1970s)".

Before starting discussion of contemporary radical criminological theory, it will be useful to look at the roots of Marxist perspectives. Marxist arguments are used to suggest that capitalism stimulates an important rate of all criminal behavior. The center of radical criminology is suggested by Marx (1859). Although Marx wrote sparingly on crime and law, he has some comments on crime and law. Furthermore Engels' works has contains many more references to crime and criminal behavior. Radical criminologists found more that they could extend Marx's theories to discussions of crime and law, using these theories to build alternative explanations and to criticize mainstream criminology.

In general, Marx proposes that there is a causal relation between capitalism and crime on the base of inequality. Initially, in capitalist system, there is a conflict between labor and capital. This conflict bases on inequalities those who own and those who work. Then, this structural inequality between labor and capital stratifies society into social classes. Among these classes, there is a difference in wealth, status, power and authority. Furthermore, these differences cause different opportunities to people who belong to different social classes. In last score, the chance or choices of becoming criminal are among these opportunities (Lynch and Groves, 1989:52).

Capitalism and crime are interconnected. In other words, criminal behavior is a direct reflection of the problems in capitalistic system. The main defender of this idea is Engels (1884). For him crime and capitalism are related to each other in two ways: The first one is unemployment, which is created by technological development under capitalism. Then, unemployment results in crime because in order to meet with their wants unemployed poor people are pushed into crime (Engels, 1884:173). The second one is that capitalist system produces competitive structural and psychological results. These results can also be harmful to society. In this sense, competition may occur in two situations: firstly, competition may be beneficial for capitalists by keeping wages low and productivity high. On the other hand, competition may be beneficial for working class if labor is scarce and employee is ready to pay high wages. More importantly, competition can be lived among workers besides competing with employee if there is a scarcity on jobs and resources. On the base of these views, according to Engels (1884), there is a high possibility that crime occurs due to competition for scarce job resources.

In general, created and supported by capitalism, egoism causes crime by all classes and/or stratus. On this point, Bonger (1916) indicates that, the political strength of ruling classes give chance to them to perform exploitative behavior without having those acts defined as crime. This is the main reason that lower class people are more likely to be processed by the criminal justice system. He also asserts that criminal behavior is a direct reflection of the strains associated with life under capitalism.

For contemporary radical criminologists, inequality in capitalist system inevitably causes crime, since crime is a response to social, economic and cultural unequal distribution of resources (Spitzer 1979, Sparks 1980, Shichor 1980, Taylor et al. 1975, Greenberg 1981, Gilbert and Kahl 1982, Michalowski 1985, Quinney 1980, Lynch 1988). Furthermore, according to Spitzer (1979) capitalism divides populations into classes/stratus in which some of them are excluded from economic, social, and cultural meanings. Those people who are excluded from these meanings are pushed into marginality and those people are most likely to join in criminal behavior. Moreover, capitalism also creates a demand for crime since criminal opportunity is related to capital accumulation according to Greenberg (1981).

There are several empirical studies supporting ideas of radical criminology. One of them is done by Blau and Blau (1982). One of their propositions was that socio-economic inequalities increase rated of violence and they conclude that inequality is the root cause of social disorganization and crime. According to their view, inequality increases alienation and undermine social unity: by creating multiple parallel social differences which widen the separations between ethnic groups and between social classes, and it creates a situation characterized by much social disorganization and prevalent latent animosities (Blau and Blau 1982:119). Michalowski makes similar statement: "inequalities tend to increase crime by weakening the social bond" (1985: 419).

On the other hand, some studies suggest that inequality affects other processes that in turn influence directly on crime. For example, Balu and Blau (1982) suggest that family disorganization mediates the effect of inequality. They found on their study that percent divorced was positively related to inequality. In addition, that percent divorced had the strongest direct effects on crime. A similar result was found by Rainwater (1970). He concludes that economically disadvantaged are more likely to suffer disorganized family structures, and that strains experienced in these types of families provide preconditions of increased rated of crime and delinquency.

3. Capitalism as a Cause of Crime

After these brief explanations, it is possible to analyze the question of the relationship between unequal distribution of means and crime. In order to answer this question it will be helpful to turn back to historical materialism and dialectical materialism. At first, it will be helpful to remember that Marxism criticizes capitalism in detail. Besides that, Marxism also analyzes other forms of production relations. On these analysis, it is seen that each economic system has something in common, this is the division of society into "have's and have not's", which divisions are conflicting each other. In Ancient Rome, free citizens were against slaves; in feudal time, nobles were against serfs; and lastly in capitalist societies, owners (bourgeoisie) are against workers (proletarian) and visa versa. For last point, it is seen that on each these economic systems, interests of rich people (have's) oppose to poor (have not's) people. In other words by using Marx's own expression "the history of all hitherto existing society is the history of class struggle" (Communist Manifesto in Tucker, 1978).

Historical materialism is the materialist interpretation of history that social, cultural, and political phenomena are determined by the mode of production of material things. As part of historical materialism, dialectic materialism express that development depends on the clash of contradictions and creation of new and more advanced synthesis out of these clashes. It involves three movements, which are thesis, anti-thesis, and synthesis.

These propositions are crucial to explain the relations of crime and capitalism. On the base of these propositions, it can be said that there are causal connections between political economy, inequality, and crime. Social stratification is the basis for the unequal distribution and choices available to people at different locations in the class structure. At the same time, it gives rise to differential allocation of incentives and motivations for both criminal and non-criminal behavior.

It is possible to define unequal distributions of socially valued items as prestige, power, wealth, income and authority. One of them, wealth distribution, constitutes one of the most important parts on the crime-capitalism relations. For example in Turkey top 10 % of population owns about 55 % of total wealth, but bottom 25 % owns less than 1 % of the total wealth; top 25 % owns 83 % of total wealth, on the other side bottom 25 % owns about 4.5 % of total wealth (Cumhuriyet, 2001). Beside wealth distribution, income is also distributed unequally. In Turkey, top 20 % of population earns more than 80 % of total income, on the contrary, bottom 20 % of population earns less than 5 % of total income (Cumhuriyet, 2001).

Quality of life is another indicator of unequal distribution in society; such as housing, mental health, perceived deficiencies in self-concept and happiness are closely related with economic power. According to Vold and Bernard (1986:132) "the lack of some fixed level of material good necessary for survival and minimum well-being" that causes criminal activities. On E. B. Patterson's study (1991), it is founded that severe conditions of material disadvantages raise levels of criminality.

Educational opportunity is another area of inequality. Quality of education, in some degree, determines income level and quality of life. On this point, it will be useful to remember Bourdieu's (1990) three forms of capital are economic capital (income, wealth), social capital (web of social and political relations), and cultural capital (education). According to Bourdieu, these three forms of capital are closely related and have some effects on to each other despite being different fields. Relatively most important one is economic capital since it is easier than other capitals to transform into other fields. Due to this nature of easy transformability of economic capital, it can be said that if someone has economic power s/he can get better education. Therefore, economic power gives chance to people who have it more advantages over most of the others who have not it. By using this advantage, owner of economic capital can improve his/her social and cultural capital much more than others. After these transformations, economic inequality at the beginning will produce more inequalities not only on the economic fields but also on the social and cultural fields.

To turn back the main subject, it will be helpful to remember a Marxist assumption in order to understand a society historically that we must understand it's mode of production and means of production. It means we have to understand firstly societies' economic systems and its way of production. Why is this so important to investigate mode of production and means of production? Firstly, we need to remember the conception of relation of infrastructure and super structures, which is one of the basic assumptions of Marxism approach. According to these relations, base structure, in other words economy, determines at last point super structure, in other words, economy determines laws, education, family, religion etc. Explanation of this relationship provides some tips on the connection of the crime and capitalism. To put more clearly, base and superstructure are the terms in order to analyze the relationship between the economy (infrastructure) and other social forms (superstructure). The economy includes three elements: first the laborer, second the means of production that comprises both the materials worked on, and the means by which this work is done, and third the non-worker who appropriates product.

All economies are characterized by these three elements, but only difference among economies is the manner in which the elements are combined. There are two kinds of relation that can hold between elements a relation of possession and a relation of property. Possession indicates the relationship between laborer and the means of production; either can be in possession of them, controlling and directing them, or not. In relations of property, non-laborer owns either the means of production or labor or both. Therefore, they can appropriate the product. On the other hand, superstructure is a residual category, which comprises such institutions as the state, family structure, the kinds of ideology prevalent in society, or judicial system.

As it is mentioned above, as to the relationship between infrastructure and superstructure, the character of superstructure is determined and shaped by the character of the base. As the nature of the base varies, so also the nature of the superstructure varies. Therefore, we can expect the feudal political structure to differ from the capitalist one because of the differences on these two forms. It is same for ideology, judicial system, content of law, and definition of crime inevitably.

From this point, it will not be wrong to say that "law tends to facilitate and legitimate economic interest" for the ruling classes (Lynch, 1989). Because, law is an instrument in order to be used by groups with power to secure and promote their political and economic concerns. Additionally, in other words, law is a system of rules and regulations, which determined by the economic system. This economic system reinforces economic and political power and structural views of law (Lynch, 1989). By this way, we have answered the questions of what the function of law given in historically specific mode of production is and whose order law promotes. Thus, we can explain the way law operates in a particular society at a particular time and whose interests are served by any particular law.

It is important here to remember that there is a contradiction between radical theorists on explaining the rules of state and law. There are two main explanations. One of them is instrumental Marxism, the other one is structural Marxism. According instrumentalists, law and state serves as an instrument to capitalists or bourgeoisie. Due to the fact that primary determinant of social relationship is economic structure. Thus, legal and political structures legitimate economic interests. Related to this point Richard Quinney (1974) says that "criminal law is an instrument of the state and ruling class, to maintain and perpetuate the existing social and economic order" (pg.16) and "law is used to repress might maintain their position of economic supremacy." (pg.19).

On the other hand, according to structuralist Marxists, the state furthers the interests of capital or capitalist class even though the state has relative autonomy of class. From this point of view instrumentalist sees the state as simply an outpost of the dominant class. Structuralists think that law is an outcome of the constraints and contradictions of capitalism. Capitalism has its own agenda and this agenda provides a paradoxical conflict between capitalist system and individual capitalist desires. However, on the long-term interest of capital, capitalism demands that law and state occasionally operate against the short term goals of special interest groups within the capitalist class. Thus, state has some degree of independence from desires of individual in ruling or capitalist class (Greenberg, 1981). In summary, we can say that according to structuralists although the law and state is not exclusively instrument of ruling class, it is designed to maintain the long-term interests of capitalism.

On the bottom line despite of some theoretical differences among radicals, they share the basic characteristics of state and law that it is closely related to its wider economic, political and class context. State and its institutions may have some relative autonomy but at the end, they serve interests of capitalist class.

On the base of these explanations, it can be said that there are certain class biases dealing with criminality definitions and punishments.

Lynch and Groves (1989) propose four important characteristics, which are used by radical criminologist as a base. They are, first as Lynch and Groves states (pp 52): "the capitalist system has at its core a conflict between labor and capital, which means that capitalism is one in a long sequence of historical systems based on inequalities those who own and those who work; second through this structural inequality between labor and capital, society becomes stratified into social classes characterized by huge differences in wealth, status, and authority; third, these differences constitute variable material conditions for life which offer peoples in different social classes vastly different opportunities in terms of life chances and life choices; fourth, among these opportunities are the chance or choice of becoming criminal."

The next part of the paper includes an attempt to explain relations among state, criminal law and gender relations.

4. State, Criminal Law and Gender Relations

State has important function for the capitalist system. One of them is to enforce others according to ruling class' benefits. In this sense, social control of crime is also a function of state to survive system. State helps to maintain

capitalist relations of production by subsidizing corporations through tax laws aiding in different ways to accumulate capital. Beside these, state also helps to maintain patriarchy by passing laws and policies that support masculine dominance. State acts to maintain both class and gender relations. Thus, political power reflects both class and gender division, since ruling class seems as the men dominated political decision-making apparatus in the state structure.

In class societies, the superstructure emerges from and reflects the development of infrastructure (economic forces). This superstructure preserves the hegemony of the ruling class through a system of class and gender control. These controls are institutionalized in the family, in the religion, media, schools, state and other institutions. This control mechanism provides a mechanism for coping with the contradictions and achieving the aims of capitalist development.

Through these organizations, people are created as easily manageable, if not labeled as criminal. According to Spitzer (1979), populations are treated as deviant in capitalist societies if they disrupt capitalist social relations. It is true for international relations also. If any country stands against powerful capitalist countries, they are labeled as terrorist country as it was seen in last couple of decades. Spitzer identifies two sources of criminality. First, one is economy, since capitalism creates relative surplus population, which is not needed for production. This population mainly functions to keeping wages down. Although this population is beneficial for capitalist (as it mentioned before) and it causes many problems for the system. Second, the cause of the problem populations is in contradictions in the superstructural institutions that are created to secure dominant class ideology, such as school.

Relating process of crime production with development of class society, crime must be understood in the relationship to specific forms of socio-economic organization and their impact on social life. Associated with these, Spitzer characterized some common features of the problem populations. First, "capitalist modes of appropriating the product of human labor e.g.: when the poor steal from the rich"; second "the social conditions under which capitalist production takes place e.g.: those who refuse or are unable to perform wage labor"; third "patterns of distribution and assumption in capitalist society such as those who use drugs for escape and transcendence rather than sociability and adjustment"; fourth "the process of socialization for the productive and non-productive roles e.g.: youth who refuse to be schooled or those who deny the validity of family life"; fifth "the ideology which supports the function of capitalist society e.g.: proponents of alternative forms of social organizations".

Therefore, it will not be wrong to say that patriarchal and capitalist structure of state exercise criminalization process according to ruling class benefit since criminal laws are ideologically constructed and they attempts to protect ruling class from harmful behavior. Criminal law tends to reflect both capitalist class and men in general, because they have more power to influence state.

5. Discussion: Capitalism, Patriarchy and Crime

As we know Marxism is the theory of analyzing power for understanding relations of production under capitalism, and capitalist societies are driven by the demands of accumulation. In this sense, production, under capitalism, is shaped by profit. Profit is the result of the exploitation because those who own and control the capital exploit labor power. These processes are also effect social structure. In other words, accumulation of capital transforms the social structure and relations of production in long-term.

The central concept in Marxist analysis is the social class. There are four main classes; the bourgeoisie (capitalist); the pretty bourgeoisie (professionals, and small business people); the proletariat (workers), and the lumpen proletariat (impoverished, non-or sporadically employed). Among these, the most important are the working class and the capitalist class. Because of the foundation of class analysis under capitalism, these two classes' relations of production are central. Capitalist class owns the means of production and employs land. The capital accumulates wealth in order to pursue profit. To gain their life, working class sells their labor power to the capitalist for wages. These production relations are historically exploitative, because capitalist class makes profit by paying less in wages than the value of what the working class actually produces. This is called as surplus value. Surplus value is the value remaining when the workers daily cost substance has been subtracted from that s/he produces.

These relations are also power relations. In Marxian sense, power is regarded as a structural relationship that exists independently of the wills of individuals. Existence of power is a consequence of the class structure of societies. Thus, power is the capacity of one class to realize its interests in opposition to other classes.

Under the light of these explanations, we can talk about some characteristics of power; for example power cannot be separated from economic and class relations; power involves class struggle, and not simply in conflict with individuals; and the analysis of power cannot be undertake without some

characteristics of the mode of production (Poulantzas, 1978). In the capitalist societies, the capitalist class exercises power over other classes by forcing other class members to work for its own benefit.

In general, while the capitalist class has an interest in maintaining a social structure that reinforces and increases its power, on the other hand, the working class has an interest in eliminating those power differentials. As a result, conflict is inherent in the class structure of capitalism, and capitalism creates a social system with irreconcilable class antagonisms. This class rule maintains both repressive and ideological institutions of the superstructure that are not directly based on production. In other words, military and criminal justice system (or state and its institutions) serve to capitalist class by the means of organized violence. Therefore, that capitalist class is able to repress behaviors, which challenge the status quo. Additionally, other institutions, such as educational system and mainstream media, expound on ideology that supporting the status quo. To be more explicit in class-stratified (capitalist) patriarchal societies, the ruling class controls the production of ideas as well as material production. At the bottom line, it will not be wrong to say that relations of production under capitalism have both material and ideological dimensions.

Patriarchy is a set of relations of power together with capitalistic relations. By patriarchy, men control the labor power and sexuality of women. On other word, women are controlled by men both at home and at labor market. In this point, it can be say that patriarchy is also a system of hierarchical power which provides control not only men over women but also among men. In other words in each social class men apply privileges over women at home. Consequently, capitalist class men gain privileges over all women since they control both women's labor power at home and benefit from exploiting women's labor power in labor market. These relations are the examples of how interdependent reproduction and production are in patriarchal capitalism.

These two important structural aspects, class relations (capitalism) and gender relations (patriarchy) interact with each other and produce different kinds of relations, which base on power relations. From these relations, some men receive more benefits from women's labor than other men do.

The sexual division of labor is also another important aspect of the issue. On this point, Burstayn (1983) has identified three important characteristics of the sexual division of labor under the patriarchal relations of production. First, the nature of labor performed by men and women is different. Men have labored primarily in the productive sphere; contrarily women have labored in both productive and reproductive spheres. Thus, we see that women's labor differs from men's but it is more extensive than men's are. Men (as a group)

appropriate the labor of women. Second, there is a masculine control over women's sexuality. According to Burstayn the important thing, here is that the normative heterosexuality "as the major psycho-sexual organizing principle of patriarchal gender relations".

The sexual division of labor, which is socially constructed, produced, and reproduced through social action, divides sexes into two mutually exclusive categories. It creates gender and enjoins heterosexual marriage for economic survival and biological reproduction. This is the ideology of patriarchal capitalist system in order to guarantee heterosexual marriage and by this way biological reproduction. This normative heterosexuality, institutionalized patriarchal gender relations tends to enforce women into motherhood. Additionally, economic survival for most women means learning to present themselves as sexual objects. In capitalist societies, heterosexuality institutionalized in patriarchal gender relations. This forces women into motherhood and double standard monogamy. Double standard monogamy restricts women and makes it easier for men to control their productive and reproductive labor.

The other characteristic of sexual division of labor is seen in economic, religious, political, and military systems, which are dominated by men. Women are excluded from these areas and positions. This exclusion is closely related to their relegation to primary responsibility for reproductive labor. This exclusion is major reason why women are relatively powerless in most public areas. Men exercise power over women by appropriating women's labor power and controlling their sexuality. Like capitalist system, patriarchal system is also based on power relations and exploitations. Patriarchal rules are maintained by the family, economic system, and ideological institutions of the superstructure, because men dominate this entire sphere. Other institutions, such as education, mainstream media, religion etc. support patriarchy. For last point, we can say that production relations together with patriarchy have material and ideological dimensions.

As it was mentioned before, capitalist system creates two main groups: powerless and powerful groups. On the bottom line, we see that powerless groups comprise working class and women, powerful groups comprise class and men. On this base, it will be helpful to say that social behavior is socially constructed. In this sense, people are affected from their class and gender. In other words, they must choice gender-appropriate and class-appropriate forms of behaviors. Thus, criminality is related to interaction of capitalism, patriarchy, and structural possibilities, which are related to patriarchal capitalist system.

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