

Valeria Vegh Weis, Marxism and Criminology: A History of Criminal Selectivity

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[See table of contents](#)

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non-food goods – significantly changed the retail industry. Hypermarkets replaced the skilled retail shop assistance with a “self-service” model facilitated by meticulously controlling the store layout and aisle displays. With these changes cashiers were similarly de-skilled through employer use of computerized till technology which also brought increased employee surveillance. By the late 1990s, a corporate culture of surveillance turned Black workers into criminals and outsiders in their place of work. Employees were intensely monitored for theft, and management further changed working conditions by cutting employee benefits and lowering employment standards. Hypermarkets challenged the sense of belonging retail workers associated with their worksite and their collective political category as *abasebenzi*.

In reaction to these changes, in Chapter 6 Kenny focuses on the exciting ways retail workers resisted the challenges that came during the global transformation of retail work (between 1990 and the early 2000s). A unique contribution of this chapter (and indeed the book) is in examining informal and creative acts of worker resistance that go beyond the formal institutional power of law and trade unions. Kenny argues that forms of retail worker struggle during this moment re-constituted the *abasbenzi*, but in a manner that was internally divided and reflected differences based on employment categories and the unique identities and skills of workers within them. Permanent workers, for instance, could resist management decisions and changing work conditions using tactics that were riskier for casual workers to engage in (such as stopping work). Kenny shows how the various ways permanent, casual, and contract merchandisers (employed by labour brokers) were able to resist reinforced workplace hierarchies and distinctions between employment

categories in ways marked by age, race, and gender relations.

Chapter 8 concludes by looking at Wal-Mart’s entry into South Africa through acquiring Massmart, and the subsequent construction of working-class Black consumers as the new market for Massmart’s low cost goods. In this new era of Massmart/Wal-Mart’s low-price consumer, retail workers experience even further deteriorating working conditions under the world’s largest private sector employer, which Kenny details relies on low wage workers and precariously employed contract staff supplied by labour brokers.

Kenny’s work is an impressively rich historical ethnography that covers nearly a century of retail worker politics. It brings attention to an underexplored and paradigmatic form of precarious work – retail work. The book furthers research on retail worker politics by illuminating the complex ways retail workers in Johannesburg have contested labour relations, even as low wage, low “skill” workers in spaces not typically associated with worker power. In order to understand retail worker resistance, Kenny shows us how significant it is to understand the ways in which race, gender, and class constitute *abasebenzi*, a collective political subject that mobilizes retail workers and fuels worker resistance.

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Valeria Vegh Weis, *Marxism and Criminology: A History of Criminal Selectivity* (Leiden: Brill 2017)

MARXISM AND CRIMINOLOGY is the type of book no historian would ever write, but that all historians of policing and the state should read. It is full of big ideas and meta-analyses that our monographs often lack, and it has many crucial insights

about the ways that the construction of “crime” have changed during the long history of capitalism. Vegh Weiss does not use sources in the way that a historian would, and that is both the weakness and the strength of the book, since it allows her to undertake a broader, more creative, and in some ways more insightful investigation as a result, but one that uses secondary literature rather uncritically.

Vegh Weiss traces the entire history of “crime” under capitalism through the lens of what she calls “criminal selectivity.” By this she means that in each phase of capitalist development, some types of socially destructive activities were “under-criminalized,” while other were “over-criminalized.” She illustrates how the laws defining “crime” changed over time to fit the needs of the ruling class, and explores how certain types of laws were over- and others under-enforced. She argues persuasively that criminal selectivity has been shaped by the class dynamics of capitalism, and the needs of capital accumulation at various stages, an insight that she reached by applying a Marxist approach.

This framework allows Vegh Weiss to trace the evolution of criminal selectivity through three large-scale phases of capitalist development. During the first phase of primitive accumulation, the brutal conquest of the colonies, slavery, and the enclosure of the commons were all “under-criminalized.” Resistance to colonial brutality, and petty crimes of survival by those who had been stripped of access to the means of subsistence were over-criminalized. During the second phase, which Vegh Weiss terms “disciplining criminal selectivity,” policing and punishment evolved. Crimes of brutal exploitation, further colonization, organized crime, and corruption were variously “under-criminalized,” while petty crimes and resistance by the working class were “over-criminalized.”

At the end of this period, Vegh Weiss argues that the development of the welfare state in the United States and Western Europe was a new form of social control that helped to discipline and divide the working class, supplemented by continued over-criminalization of the activities of those she terms “paupers.” Crimes carried out by the bourgeois state – imperialist wars in particular – continued to be under-criminalized.

The last stage, which is continuing to this day, Vegh Weiss terms “bulimic criminal selectivity.” In this phase, as capitalism has entered another era of crisis, it culturally swallows its paupers, while expelling them economically. In other words, poor people especially in the United States are included in bourgeois culture, while being denied the means to achieve the consumerism so central to it. Crime control, especially of those Vegh Weiss terms “social dynamite,” has become crucial to maintaining the bourgeois order, even as much more socially destructive crimes like those committed in the name of the War on Terror or the financial crimes that have become central to the functioning of capitalism are under-criminalized.

For each stage, Vegh Weiss differentiates between the manifest functions of a given system of criminalization and its latent functions. The manifest functions in the early stage revolve around religion and then an Enlightenment version of “equality before the law” that she draws on Marx to critique, before shifting to medical (largely racist) and then criminological theories to justify the functions of the “criminal justice” system. She shows how these manifest functions cannot adequately explain the actual criminal selectivity carried out by the state – which requires a deeper, Marxist analysis of the latent functions of criminal selectivity in a given stage. The latent function of the under-criminalization of the enclosure

movement and its violence, for instance, was its necessity to the rising bourgeoisie, whatever legal justifications might have been manifest. Despite the moral panics that manifestly justified the war on crime in the late-20th century United States, its latent functions included controlling the “social dynamite” and dividing the working class.

Marxism and Criminology is quite convincing in its overall argument that a long-range, Marxist approach to understanding how “crime” and “crime control” have evolved with capitalism has a great deal of explanatory power. There are some places, however, where I wish Vegh Weiss had sharpened her Marxist analysis. The book’s clear phases of capitalist development, laid out in charts in the introduction and conclusion, inhibit Vegh Weiss from fully investigating how they interpenetrated each other, and how the shift from one to the next was driven by both class dynamics and the economic evolution of capitalism. In other words, her book could use a more dialectical approach. Also, she largely draws from Marx’s economic works (especially *Capital*) and doesn’t engage with the historical texts where Marx really develops the concept of the bourgeois state and explores its dynamics. For instance, the “Socio-disciplining selectivity” of the early- to mid-20th century welfare state that Vegh Weiss describes had origins in the class conflict of the early English labor movement and in the French revolution of 1848, analyzed at length in “Class Struggle in France” and “The Eighteenth Brumaire,” in addition to *Capital*.

Vegh Weiss also takes analyses and examples from historians and social scientists in a selective and uncritical way, and this leads her to state as fact some ideas that are quite controversial, and at other places to dramatically overstate some of her points. For instance, in her discussion of the ways that “paupers” are

“super-culturalized” in consumerism during the phase of “bulimic criminal selectivity,” Vegh Weiss states that “people in some slums in the United States do not even know how to sign or write their names, but they know the names of very exclusive brands as Prada or Gucci because they are bombarded with promotion or advertising all day long.... These impoverished sectors ... watch television 11 hours a day. They share the obsession of a violent culture. They supported the U.S. incursions of the Gulf War. They worship success, money, wealth and status and even the racism of society.” (196) Taken by itself, this quote is the kind of vast overgeneralization that leads historians to reject the insights of many social scientists. I would need a lot more evidence to be convinced there are very many people who fit this description. In fact, throughout the book, Vegh Weiss herself has a much more nuanced approach to “paupers.” This overstatement comes from her uncritical and overstated use of Jock Young’s *The Vertigo of Late Modernity* (Thousand Oaks: Sage Publications, 2007). This one stands out, but there are similarly overstated passages and uncritical uses of secondary literature throughout the book that are annoying to a historian.

However, despite these critiques, Vegh Weiss’ book is essential reading. Its breadth of analysis allows *Marxism and Criminology* to take on the types of big questions that historical monographs often miss, and its openly Marxist perspective is refreshing in an era when many historians have retreated from any type of theoretical analysis.

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