ABSTRACT. The question considered is whether it is possible to trace a theoretical strategy for a criminal policy on the basis of Marx's work. The answer offered is that Marxian political and economic analysis does not supply any "general theory" of criminality and that any attempt to formulate such a theory (as in Lenin, Pašukanis or Gramsci) necessarily leads to authoritarian and regressive conceptions of crime and punishment. Nevertheless the authors maintain that it is possible to trace three theoretical suggestions within Marxian thought which allow of a fruitful approach to the criminal question. The first suggestion relates to the economic roots of many aspects of modern criminality; the second regards the Christian and bourgeois "superstition" of moral liberty and individual culpability; the third suggestion deals with the lack of a guaranteed "social space" as the prime root of crime. These theoretical suggestions permit clarification of the social character of penal responsibility and this character points to the need for the socialization (but not deregulation) of criminal treatment.

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There are two problematic areas which we wish to consider and which should be kept distinct. The first is contained in the following question. Is it possible to locate in Marx's own work and in later Marxist tradition elements of a "materialist theory" of deviancy and social control which can explain these phenomena as they appear in advanced industrial societies? The second area can be defined in accordance with a second question. Is it possible, and if so, on what basis, to trace a theoretical strategy for a criminal policy in the context of a socialist perspective?

* This essay grew out of a reply to a questionnaire drawn up by La questione criminale, an Italian review which tries to approach the criminal question from a Marxist standpoint.

Before answering these questions, we want to state the following. It is our opinion that the Marxian analyses of bourgeois society provide some theoretical elements necessary for an understanding of modern criminality and of current institutional processes of criminalization. We would contend, however, that, though indispensable to an explanation of criminality which does not view crime as a natural or moral phenomenon, these elements do not suffice for a "global" construction of the kind of theory of deviancy upheld by certain Marxist criminologists according to the classical theses of E. B. Pašukanis\(^1\).

A general theory of criminality demands, in fact, in our view, that what can be drawn from Marxian analysis should be integrated with those theories capable of empirically explaining the whole network of "superstructural" factors which play a part in the criminalizing process. Besides, the elaboration of such a theory requires a more general doctrine of social control in relation to the state and the law, which cannot be drawn from the heritage of Marxism, even in its more recent theoretical-political elaborations\(^2\).

It is first from this standpoint that we want to oppose as unfruitful the attempt to construct a "materialist theory" of criminality which is anchored to the classic Marxist texts and which is held up as a global alternative to the theoretical positions

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