International Journal of Law in Changing World

Volume 3 Issue 2 (2024) ISSN 2764-6068

Research article
JNL: https://ijlcw.emnuvens.com.br/revista
DOI: https://doi.org/10.54934/ijlcw.v3i2.100

MARX'S QUASI-CRIMINOLOGICAL SATIRE AND CURRENT THEORETICAL CONCERNS ON CYBERCRIME

Dimitris Kilakos
National & Kapodistrian University of Athens, Athens, Greece

Article Information:

Received
August 22, 2024
Reviewed & Revised
November 30, 2024
Accepted
December 1, 2024
Published
December 29, 2024

Keywords:

Marx,
cybercrime,
cybercriminology,
cybertechnologies

ABSTRACT | 摘要 | RESUMEN

This paper addresses theoretical concerns on crime and technological innovation enabling cybercriminal activities by reflecting on Marx's short satirical essay "Apologist Conception of the Productivity of all Professions" to discuss criminological challenges posed by cybertechnologies. To a certain extent, it could be argued that the epistemological challenges posed to criminological theories by the development of cybercrime stem from the mediational role of digital technologies and the social dynamics that frame their potentially criminal uses. Social studies of technology may arguably inform ways to meet such challenges. To address this issue, the paper discusses the case for the role of hacking in developing the so-called cyberculture and the technological devices enabling it. In this regard, it is argued that Marx's short essay may become insightful for discussing the relationship between crime and technological innovation, informing theoretical concerns that bear significant practical, criminological, legal and jurisprudential consequences.

FOR CITATION:

Kilakos, D. (2024). Marx's Quasi-Criminological Satire and Current Theoretical Concerns on Cybercrime. International Journal of Law in Changing World, 3 (2), 2-17. DOI: https://doi.org/10.54934/ijlcw.v3i2.100

1. INTRODUCTION

Marx's short satirical essay "Apologist Conception of the Productivity of all Professions" [18] is an insightful polemic against vulgar economic conceptions that put forth the idea that 'all labor is productive'. It has also been discussed from a criminological perspective, being "frequently quoted when criminologists were less bashful about drawing on Marx" [30]. Since the ongoing digital transformation of various aspects of social life urges for appropriate theoretical engagement with them and "rereading Marx in the age of digital capitalism" [10] has become a field of growing interest for social studies nowadays, this paper is meant to elaborate on whether the discussion on crime espoused by Marx's short essay may be utilized as an untapped source for insights regarding current concerns.

Specifically, I focus mainly on theoretical concerns on crime and technological innovation enabling cybercriminal activities and I reflect on challenges posed by cybertechnologies to criminological perspectives. It should be noted that these concerns also bear a real practical significance since a proper estimation of the transformations of the organisational life of crime that has been prompted by the advent of cybertechnologies is directly linked with the question regarding the efficient allocation of resources and legal powers, while the advancement of narratives on cyber-organised crime - in the media discourse, for example – affect public stances [16], which may infer serious political consequences.

As it has been argued, due to the borderless nature of the internet, and hence cybercrime, law enforcement becomes not only challenging but, in some instances, almost impossible, while artificial intelligence and developments in robotics are quickly changing the technological landscape [27]. It suffices to think that the indirect connection of the cybercriminal with the cybercrime, that is mediated by computer and the Internet, literally distances or even isolates the cybercriminal from the event of the crime, not only in terms of locality but also in terms of temporality.

Let us mention only three among the variety of aspects that highlight the intricacy and perplexity of the problem. At first, it is the complicated relations of agents and stakeholders who may be actively or passively involved. For example, there are governments, intellectual property owners, and technology companies that use the law to disrupt access to intermediaries used by financially–motivated cybercriminals, as well as law enforcers who use the courts, administrative procedures, and self–regulatory frameworks to execute deterrence by denial strategy, while seizing the financial rewards and

https://doi.org/10.54934/ijlcw.v3i2.100

infrastructures necessary for the operation of illicit firms to deter their presence, whilst achieving direct deterrence by punishment suffers from jurisdictional and resource constraints, leaving enforcers with few other options for remedy [14]. Secondly, the juridical treatment of a certain event may involve the differentiated and even incompatible legal structures of several countries. One should also take into account the different challenges that hamper different systems and levels of law enforcement with regard to their ability to respond to the challenges posed by cybercriminality. On these grounds, it seems plausible to acknowledge the fact that cybercrime legislation across jurisdictions is neither systematic nor uniform [25] as a theoretical concern that bears significant practical, legal and jurisprudential consequences associated with the fact that the dispersed legislation on cybercrime results in different weighting and consideration across different jurisdictions, that arguably hamper the effective coordination of national and international efforts to tackle cybercrime ([3], [32]).

Furthermore, the aforementioned changes in the technological landscape arguably incur significant transformations with regard to criminal-legal protection of social relations associated with them. The case of robotics is characteristic. Robotic devices can be objects of criminal infringements or means of committing crimes, and their exponentially growing introduction, along with other digital technologies, to various spheres of social life entails a complex of risks and threats against which the existing legal means are arguably insufficient [2].

Noteworthily, this discussion on cybercriminality may be seen as the other side of the coin of the discussion on the impact of digital technologies on criminal procedures. As it has been argued, the implementation of digital technologies in criminal proceedings may encounter different procedural features depending on the country and its legislation, while legal and ethical concerns related to the use of digital technologies in criminal justice touch upon issues such as confidentiality, data protection and fairness of sentencing decisions [26].

Following Završnik [34], I maintain that the different discourses, approaches or narratives on cybercrime are incoherent and arguably contradictory. Thus, this paper aspires to contribute to bridging the gap between the legislative discourse about cybercrime and the relevant scholarly discourse in philosophically and epistemologically inclined science and technology studies by drawing on the discussion on Marx's quasi-criminological satirical essay from the perspective of its potential to inform and enhance the conceptual and methodological apparatus at our disposal to deal with cybercriminological concerns.

https://doi.org/10.54934/ijlcw.v3i2.100

The main body of this paper consists of two sections. First, I revisit some aspects of the discussion on Marx's views, aiming to draw insights into the development and significance of hacking techniques related to cybercrime and cybersecurity. Then, I proceed to discuss the relationship between crime and technological innovation, in order to address the question of whether there is anything particularly special in cybercrimes that forces us not only to amend but eventually to disavow criminological theories stemming from the past of criminological science in favor of novel ones, tailor-made to deal with cybercrimes.

2. MARX'S VIEWS ON CRIME

In the aforementioned short essay, Marx employs his caustic and sarcastic style to ridicule the idea that all labor is productive – that is, that every kind of labor produces surplus value, an issue that is central to his elaboration on the capitalist mode of production and the inherent in it mode of exploitation of the working class, upon which he draws to deploy his views regarding the laws governing the development of bourgeois society and entailing its revolutionary overthrow as the starting point for the development of the communist society. The target of his irony is the ideas propounded by authors such as Mandeville, according to whom every possible kind of occupation is productive, as well as other apologists of bourgeois society who are eager to distort reality in their theoretical works in order to serve their causes.

Marx's irony is set forth at the very beginning of the essay, when he presents criminals as producers of crimes who contribute to a branch of production that plays a special role in the augmentation of national wealth, to the development of different lines of business and to the development of many categories of the social division of labour. Without criminals, there would be no professors of criminal law and no compendiums written by them and becoming commodities in the market. Moreover, without criminals, there would be no police and judiciary system and the relevant vocations, as well. In this sense, one should acknowledge that crime is indeed crucial in the development of several human capacities and the creation of new needs and new ways of satisfying them [18].

It has been rightfully commented that "[t]his fragment ironically refutes the intellectuals' pretension of producing superior values, or values *tout court*. *Mutatis mutandis* it suits all the contemporary apologists of capital, who justify all its manifestations by means of a theory of needs" [5].

https://doi.org/10.54934/ijlcw.v3i2.100

In the same line of reasoning, one could argue that it also suits all the apologists of supposedly socially neutral technoscientific advancements, including cybertechnologies, who also appeal to several theoretical schemes to justify the manifestations of capital in the respective domain. Furthermore, it arguably suits those apologetic theorists who account for the growth of digital platforms in terms of an allegedly unlimited and ever-increasing capacity of the capitalist mode of production to enable value-creating interactions via technological developments. The same holds true for those who appeal to technological developments to undermine the Marxist conception of capitalism as the last historical type of society that is grounded on human and labor exploitation by theorizing several post-capitalist, yet still exploitative and non-communist, alternatives.

It has also been suggested that the passage is an attempt to ridicule the 'vulgar bourgeois apology' wherein society is seen as divided morally into the 'upright' on the one hand and the 'depraved' on the other: "Marx teases these vulgarians with the proposition that the most upright citizens depend for their livelihood on the criminal classes" [13]. This may also be the case for the role of hacking in the development of the so-called cyberculture and the technological devices enabling it – or, at least, for some popular narratives and social representations of it.

Tentatively, a hacker could be defined as a highly skilled computer expert who employs non-standard means to achieve a goal within a computerized system. However, studies in the history of computers (and in their historiography, as well) offer us a more profound perspective.

Romantic narratives of 1970s computing "conventionally portray the technical culture of microcomputing as a populist movement aimed at wresting computing away from large, entrenched institutions and making it affordable and accessible for the everyday user" [8]. Early-days hackers have been championed as "heroes of the computer revolution" [17], portrayed as microcomputer enthusiasts who were both daring and versed enough to confront commercial monsters such as IBM by actively propounding their "hacker ethic" in which the "proper price for software [was] nothing" [17]. Thus, a significant role in the development of PC is attributed to "a motley collection of college dropouts, hippies, and electronics fanatics" who, being "obsessed with the idea of getting computer power into their own hands", "launched from their garages a hobbyist movement that grew into an industry, and ultimately a social and technological revolution" [9]. Of course, this is not the proper venue to discuss the truthfulness and verisimilitude of such accounts of computer history.

https://doi.org/10.54934/ijlcw.v3i2.100

However, it is striking that, while in those early days, the term ‘hacker’ signified enthusiastic and skilled computer programmers and technical experts, from the early 1990s onwards, the term usually signifies computer intruders who break into computer systems and access data with potential criminal intentions (needless to say that, within hackers’ community or among those fancying hacking culture, the initial use of the term is still regarded as the proper one).

The relevant literature points to the “Open Letter to Hobbyists” published in 1975 by the co-founder of Microsoft and former hacker Bill Gates in response to unauthorized duplication of Microsoft software as a turning point that “enabled enthusiasts and entrepreneurs alike to think about the problems of ownership, authorship, labor, and value brought about by software commercialization” [8].

Thereafter, while the hacker counter-culture, rooted in the early history of hacking, arguably remains active, there has been a great divide between those to whom the term refers: on the one hand, there are those who hack with arguably or allegedly criminal intentions (whatever their potential or intended crime may be) and the so-called ‘ethical hackers’, who are employed by organizations to penetrate networks and computer systems to find and fix security vulnerabilities. It could be rightfully argued that this diversification in the meaning of the term “hacker” is itself nothing more than the necessary outcome of the commercialization that stigmatized the culture within which hacking was brought about and remains (even unwillingly or counter-intuitively, in some cases) part of.

Drawing a sharp distinction between legal and illegal uses of hacking techniques is difficult, mostly because it is not the action performed by hackers, but the context within which it is performed that distinguishes one case from the other. Thus, the growing need for enhanced cyber-security against cyber-attacks in almost every organization, or vice versa, their growing vulnerability against cyberthreats due to the rapid digitalization of their activities, enhances the socio-economic impact of both ethical and non-ethical hacking – let alone other relevant issues, such as dark web(s), cyberwarfares, etc. Therefore, it could be argued that, even if our digitalized economies and societies bear almost no resemblance to the computer industry of the early days of hacking, the role of hacking becomes as central as it is deemed to be for the development of personal computers, despite the diversification of the meaning of the term.

However, such an approach is anything but nuanced, since it stems from the misrepresentations in the history of hacking by popular narratives thereof. These narratives were constructed mainly by personal interviews with protagonists and contributors to the early history of hacking, whose memories and

https://doi.org/10.54934/ijlcw.v3i2.100

testimonies, along with the social representations of computing technology and its development, contextualized the interpretation of the important historical and archival records processed in the relevant studies and surveys and arguably undermined their potentials – even without diminishing their contributions to the field.

Furthermore, the contextualization of the illegitimacy of hacking arguably calls for further analyses of how cybercrime is produced in terms of "norms in use" instead of the Durkheimian understanding of social norms as "faits sociaux" [6], since, as it has been rightfully argued, networked technologies facilitate deviance and crime through providing visibility and accessibility to alternative justifications and normative viewpoints on forms of cybercrime [28]. Moreover, it arguably underpins the need for cybercriminological theory to readdress the question of judging the deviant's behavior in moral terms and the corresponding issue of "moral indifference" about deviant subcultures and their relations with institutions of social control [22].

3. CRIME, TECHNOLOGICAL INNOVATION, AND THE DEVELOPMENT OF PRODUCTIVE FORCES

In his short essay, Marx proceeds by presenting criminality as if it affected the development of the productive forces of society. Indeed, as he pretends to argue, what else would be the reason for the development of very effective locks if not the threat of thievery or for the refinement of bank notes if not the threat of forgery? He further invokes the development of microscopes and chemistry in the same line of reasoning since they are crucial in the battle against fraud and adulteration of commodities. What is more, Marx ironically claims that crime gives rise to new methods of defense, proving itself as productive as strikes have been for the invention of machines [18].

Although his irony is quite obvious, Marx has often been misinterpreted as if he was meant to depict crime as performing an innovatory function and to suggest that 'the war against crime' fulfills a crucial role in sowing contradictions and problems in capitalist social structure [29] – a misinterpretation that reminds us the aforementioned discussion on hacking. It has also been argued that Marx further suggests that crime control has been a motor for technological innovation throughout history [4] by drawing on the fact that advances and innovation of crime become matched by advances and innovation

https://doi.org/10.54934/ijlcw.v3i2.100

in crime control, thus busting the myth that technology will protect us once and for all from violence and dishonesty [4].

However, while the continuing 'war against crime' undoubtedly calls forth new techniques of investigation, surveillance, control, etc., it might be exaggerated to argue for the centrality of crime in the development of new technological devices and machinery [29]. Indeed, it seems that Marx's considerations on the history of technology point in a different direction than the one argued for by these misinterpretations.

In a footnote that is regarded as a prelude in a critical history of technology from a marxist perspective that was envisioned but not written by himself, Marx defines history of technology as *"the history of the productive organs of man in society, of organs that are the material basis of every particular organization of society"* and argues that *"[t]echnology reveals the active relation of man to nature, the direct process of the production of his life, and thereby it also lays bare the process of the production of the social relations of his life, and of the mental conceptions that flow from those relations"* [19]. A few pages later, he approvingly cites Gaskell's comment that *"the steam-engine was from the very first an antagonist of' human power', an antagonist that enabled the capitalists to tread underfoot the growing demands of the workers, which threatened to drive the infant factory system into crisis"* and further annotates that *"[i]t would be possible to write a whole history of the inventions made since 1830 for the sole purpose of providing capital with weapons against working class revolt"*, mentioning the example of Sir Peter Fairbairn (1799-1861) who set up a machine factory in Leeds in 1828 and *"discovered several very important applications of machinery to the construction of machines as a result of strikes in his own factory"* [19].

Obviously, Marx neither argues that strikes are 'productive' (in the sense of producing surplus value, which is the meaning he attributes to productive labor), as he ironically mentions in the above-mentioned excerpt of his quasi-criminological short essay, nor considers strikes and crime to be productive forces. On the contrary, he argues that *"the production of absolute and relative surplus-value determines (...) the whole social and technical shaping of the capitalist process of production"* [20], while the productive forces, whose development the development of technology contributes to, are responsible for the generation of use-values, embodying human labor, whilst the labor-process becomes a process of extraction of surplus-value due to the relations of production that necessarily prevail in the capitalist society and determine it as such.

https://doi.org/10.54934/ijlcw.v3i2.100

Let us now turn to the discussion on the role of crime in technological advancements, focusing specifically on cybercrime/cybersecurity and the respective technologies by drawing on findings from crime studies and social studies of technology.

It has been noted that much of the online nuisance before the early 2000s was caused by boastful amateur hackers defacing websites in pursuit of bragging rights [24]. Since then, the advancements in digital technologies have been -and remain- rapid. As it has been argued, digitalization, anonymity, interconnectivity, decentralization, and interdependence structure not only the online world but also the opportunities for cybercrimes [1]. Thus, it is reasonable to infer that cybercrime becomes possible because ICT technologies and other technoscientific advancements that make possible the digitalization of various aspects of social life and societal institutions (which may be targeted by cybercrime) proved themselves sustainable and efficient within the prevailing set of relations in production in the context of which their development is driven.

Social studies of technology have shown that technology is not shaped instantly at the moment of the invention and design of an artifact since the feedback loop between the phases of design and the implementation shapes the actual manner in which an artifact may be adopted. They further point out that there are various social factors and determinants affecting which arrays of further technoscientific advancements arising from the existing stage of development of productive forces will be substantiated. In this process, new technologies affect the modes of the relations in which we become engaged with our natural and social environment. It has also been argued that they modify space, time, relationships, and types of communication that continue to co-exist with the other fields of knowledge inherent in a culture [7].

This point is of cybercriminological interest since it has been argued that cybercrime poses new challenges for criminological theory due to the novelties incurred by cybertechnologies. The ongoing debate regarding the effectiveness or unsuitability of established criminological theories and practices to account for them may be informed by reflections on this question.

It has been argued that “cybercrime deserves specific attention from a criminological perspective because of the unique character of the Internet” [15]. In this regard, the utility of ecologically oriented theories of crime causation about cybercrimes has been challenged because the digital environment within which cybercriminal activities are performed defies many of our taken-for-granted assumptions about how

https://doi.org/10.54934/ijlcw.v3i2.100

the socio-interactional setting of routine activities is configured [33]. The efficacy of positivist and constructivist (and constructionist, as well) studies in the field of cybercrime have also been challenged since they arguably tend to focus solely on the human agent, who is placed at the center of the criminological inquiry, even though a cyberattack can only be fully understood when we look at the various human and non-human entities that bring it together and when we consider their multiple associations [31].

However, I maintain that the efficacy of these critiques may be challenged if there is not a clear-cut distinction between cybercrimes and other types of crime, that enables us to distinguish which are these unique features of cybercrimes, which force us to deploy a novel theoretical perspective. Thus, the discussion on the typification of cybercrimes should be taken into account. For example, Grabosky [12] introduces an arguably efficient typification in which he distinguishes between crimes in which the computer a) is used as the instrument of crime, b) is incidental to the offense and c) is the target of the crime. Yet, a distinction based on the role performed by an item involved in a crime is arguably equally applicable in cases of crimes in which other tools or devices are involved. Let us consider different cases of crimes, in which a knife is involved. A knife could be the instrument of crime (i.e. a murder), or it could be incidental to the crime (i.e. a kidnapper may use a knife to threaten a victim who has recovered from the anesthesia and is tied to a chair, so as not to try to escape, without actually causing any physical injury to the victim by using the knife), or it could be the target of the theft (i.e. a knife that is a relic of historical value). There is a profound qualitative difference between the case of the knife and the case of the computer; however, the difference is such that it cannot be highlighted by the typification, even if this does not render the typification ineffective or worthless.

Gordon and Ford propose a continuous scale, in which cybercrimes are classified into two types. Type I is about crimes that are more technical in nature, whereas Type II is about crimes that rely more on human contact than technology. It is noteworthy that these authors state that ‘there are likely to be very few events which are purely Type I or Type II; these types represent either end of a continuum’ [11]. This idea of a continuum is interesting, since it allows us to attempt to trace what is special about cybercrime in general without abstracting ourselves from the particularities of each specific kind of cybercrime, the latter question becoming the object of such typifications, whereas the former question calling for interdisciplinary research, since it is not only technical aspects that should be addressed, but also criminological and sociological, legal, and even political ones.

https://doi.org/10.54934/ijlcw.v3i2.100

On their part, McGuire and Dowling distinguish between 'cyber-enabled crimes', which are traditional crimes being facilitated by the use of computers (i.e. fraudulent financial transactions, theft of electronic information for commercial gain, harassment, etc.), and 'cyber-dependent' crimes, which are crimes that would not exist without cybertechnology (i.e. malware attacks on databases, Distributed Denial of Service attacks, etc.) [21]. Nevertheless, the distinction between x-enabled and x-dependent crimes is also equally applicable to types of non-cyber crime. Let us consider, however, that traditional crimes were also facilitated by the use of drugs (i.e. rapes, burglaries, etc.), whereas certain types of crime would not exist without drugs (i.e. drug trafficking). The qualitative difference between drugs and computers is undisputed; however, it is arguably true that the difference is such that, once again, it cannot be highlighted by the typification.

By these, I do not mean either to undermine the merits of these, as well as others, typifications of cybercrimes or to argue in favor of any of the aforementioned theoretical perspectives. I merely attempt to highlight the aforementioned need for interdisciplinary research to inform theoretical concerns in cybercriminology and to further stress the need to focus on the epistemological aspect of this discussion. The significance of this epistemological aspect becomes apparent once it is acknowledged that the boundaries between cybercrime, cyber espionage, cyber warfare, cyber sabotage, and cyber terrorism are becoming increasingly blurred [23]. Moreover, as it has already been discussed, due to the potency of networking in the cyberspace, traditional crimes are committed in a new context, which further facilitate novel crimes and types of crime. Thus, cybercrimes, as a special kind of crimes, should by typified and classified as part of typifications and classifications of crime in general, while attempts to typify and classify the different kinds of cybercrimes may be more efficient if different criteria are employed, due to their special nature. For, if there was nothing particularly pertaining to cybercrimes from a criminological perspective, any discussion on cybercrime would be trivially reiterating what has been already known from our theoretical and practical engagement with other types of crime – and crime control, as its counterpart.

This problem is reflected on that the concept of cybercrime remains rather vague and not properly defined, arguably due to the diverse phenomenology of cybercrime, on account of which the identification and analysis of cyber threats becomes an arduous task [34]. Indeed, a very diverse set of offences and harmful behaviors has been identified in the growing relevant literature as falling under the umbrella term

https://doi.org/10.54934/ijlcw.v3i2.100

'cybercrime', including a combination of traditional crimes as well as crimes unique to the cyber landscape, while the phenomenon is continuously evolving, and the field is rapidly expanding [25].

The growing literature and concern on those issues, though, suffice to point out that there is at least something that deserves special criminological attention. In turn, though, this suggests that an epistemological breakthrough is needed; otherwise, research in the various fields of inquiry that are engaged with cybercriminality faces the danger of underdetermination by the distinct epistemological and methodological assumptions employed in distinct fields that contribute to interdisciplinary research that has not yet been integrated.

If this challenge remains unanswered, we may find ourselves in the incommodious place of those who were unlucky enough to be in the crosshairs of Marx's mockery.

4. IN LIEU OF A CONCLUSION

If one is meant to propound the uniqueness of cybertechnologies with regard to their criminological interest, then it is arguably the specifics of the mediation of cybertechnologies to potentially criminal activities that should be taken into account. It is the mediational role of digital technologies and the social dynamics that frame their potentially criminal uses that contextualize the discussion on cybercrime with regard to criminological theories, which flourished before cybercrime became a challenging issue for them. This line of reasoning suggests that our theoretical apparatus should be enforced with the deployment of the role and function of digital mediators in the interplay of natural, social, and digital spheres (the latter being conceived as a particular hybrid form of the natural and social sphere – however, this is not the proper venue to delve deeper into this point), which constitute the context in which cyberactivities are performed.

In this regard, social studies of cyber technologies may arguably contribute to the development of the conceptual and methodological apparatus at our disposal to deal with cybercriminological concerns by informing our understanding of the relationship between crime and technological innovation and, consequently, cybercriminology. This short paper is nothing but a timid attempt to suggest that Marx's quasi-criminological satire may become insightful for current theoretical concerns on cybercrime due to its potential to inform the theoretical means by which we try to cope with challenging cyberconcerns.

https://doi.org/10.54934/ijlcw.v3i2.100

REFERENCES

[1] Balkin, J.M. & Kozlovski, N. (2007) Introduction. In: Balkin et al. (eds)., Cybercrime. Digital Cops in a Networked Environment. New York/London: New York UP, pp. 1-10.

[2] Begishev, I. (2022) Criminal-legal protection of robotics: Notion and content. *The International Journal of Law in Changing World*, vol. 1 no. 2. https://doi.org/10.54934/ijlcw.v2i2.33

[3] Black, A.; Lumsden, K.; Hadlington, L. (2019) 'Why Don't You Block Them?' Police Officers' Constructions of the Ideal Victim when Responding to Reports of Interpersonal Cybercrime. In: Lumsden, K., Harmer, E. (eds.) Online Othering: Exploring Violence and Discrimination on the Web. Basingstoke, UK: Palgrave Macmillan, pp. 355–378.

[4] Bowling, B., Marks, A. & Murphy, C. C. (2008) Crime Control Technologies: Towards an Analytical Framework and Research Agenda. In: Regulating Technologies (R. Brownsword, K. Yeung, eds.). Oxford: Hart Publishing, pp. 51-78.

[5] Camatte, J. (1988) Capital and community: The results of the immediate process of production and the economic work of Marx (trans. D. Brown). London: Unpopular Books.

[6] Churchill, L. (1971) Ethnomethodology and measurement, *Social Forces*, vol. 50, pp. 182-191. https://doi.org/10.2307/2576936

[7] Combi M. (2016) Cultures and Technology: An Analysis of Some of the Changes in Progress—Digital, Global and Local Culture. In: Borowiecki K., Forbes N., Fresa A. (eds) Cultural Heritage in a Changing World. Springer, Cham.

[8] Driscoll, K. (2015) Professional Work for Nothing: Software Commercialization and "An Open Letter to Hobbyists", *Information & Culture*, vol. 50, no. 2, pp. 257-283. https://doi.org/10.7560/IC50207

[9] Freiberger, P. & Swaine, M. (1984) Fire in the Valley: The Making of the Personal Computer. New York: McGraw-Hill.

[10] Fuchs, C. (2019) Rereading Marx in the Age of Digital Capitalism. London: Pluto Press.

[11] Gordon, S. & Ford, R. (2006) On the definition and classification of cybercrime. J*ournal of Computer Virology*, vol. 2, pp. 13–20. https://doi.org/10.1007/s11416-006-0015-z

[12] Grabosky, P. (2007) Electronic crime. New Jersey. Prentice Hall.

[13] Hirst, P.Q. (1972) Marx and Engels on crime, law and morality, *Economy and Society*, vol. 1, no.1, February, pp. 28–56. https://doi.org/10.1080/03085147200000002

[14] Kesari, A., Hoofnagle, C., & McCoy, D. (2017) Deterring Cybercrime: Focus on Intermediaries, *Berkeley Technology Law Journal*, vol. 32, no.3, pp. 1093–1134. https://www.jstor.org/stable/26488978

[15] Koops, E. J. (2010) The internet and its opportunities for cybercrime. In M. Herzog-Evans (Ed.), Transnational Criminology Manual. Wolf Legal Publishers (WLP), pp. 735-754.

[16] Lavorgna, A. (2019) Cyber-organised crime. A case of moral panic?, *Trends in Organized Crime*, vol. 22, pp. 357–374. https://doi.org/10.1007/s12117-018-9342-y

[17] Levy, S. (184) Hackers: Heroes of the Computer Revolution. Garden City, N.Y.: Anchor Press/Doubleday.

[18] Marx, K. (1963) Apologist Conception of the Productivity of all Professions. In: Marx, K., Theories of Surplus-Value, vol.1. Moscow: Progress Publishers, pp. 387-388

[19] Marx, K. (1976) Capital, vol. 1. London: Penguin Books

[20] Marx, K. (1978) Capital, vol. 2. London: Penguin Books

[21] McGuire, M., & Dowling, S. (2013) Cybercrime: A review of the evidence: Summary of key findings and implications. Home Office Research Report 75. London: Home Office, October.

[22] Meuser, M. & Löschper, G. (2002) Introduction: Qualitative Research in Criminology, *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, vol. 3, no. 1, Art. 12. https://doi.org/10.17169/fqs-3.1.876

[23] Mihók, M. (2021) Methodology of cybercrime investigation, *Studia Prawnoustrojowe*, vol. 52, pp. 279-293. https://doi.org/10.31648/sp.6569.

[24] Moore, T., Clayton, R., & Anderson, R. (2009) The economics of online crime, *Journal of Economic Perspectives*, vol. 23, no.3, pp. 3-20. https://doi.org/10.1257/jep.23.3.3

[25] Phillips, K., Davidson, J.C., Farr, R.R., Burkhardt, C., Caneppele, S. & Aiken, M.P. (2022) Conceptualizing Cybercrime: Definitions, Typologies and Taxonomies, *Forensic Sciences*, vol. 2, pp. 379–398. https://doi.org/10.3390/forensicsci2020028

[26] Popova, E. (2023) Impact of digital technologies on criminal procedure in Russia and India: Comparative legal aspect, *The International Journal of Law in Changing World*, vol. 2, no.1. https://doi.org/10.54934/ijlcw.v2i1.43

[27] Sarre, R., Lau, L. Y. C., & Chang, L. Y. C. (2018) Responding to cybercrime: current trends, *Police Practice and Research*, vol. 19, no. 6, pp. 515–518. https://doi.org/10.1080/15614263.2018.1507888

[28] Stalans, L.J. & Finn, M.A. (2016) Understanding How the Internet Facilitates Crime and Deviance, *Victims & Offenders*, vol. 11, no. 4, pp. 501-508. https://doi.org/10.1080/15564886.2016.1211404

[29] Taylor, I., Walton, P. & Young, J. (1973) The new criminology: For a social theory of deviance. London: Routledge

[30] Tierney, J. (2013) Criminology: Theory and Context (3rd ed.). London: Routledge.

[31] van der Wagen, W. (2019) The Significance of 'Things' in Cybercrime: How to Apply Actor-network Theory in (Cyber)criminological Research and Why it Matters, *Journal of Extreme Anthropology*, vol. 3, no. 1, pp. 152-168, 2535-3241. https://doi.org/10.5617/jea.6895

[32] Viano, E.C. (2017) Cybercrime: Definition, Typology, and Criminalization. In: Viano, E.C. (ed.) Cybercrime, Organized Crime, and Societal Responses, Springer International Publishing: Cham, Switzerland, pp. 3–22.

[33] Yar, M. (2005) The Novelty of 'Cybercrime': An Assessment in Light of Routine Activity Theory, *European Journal of Criminology*, vol. 2, pp. 407-27

[34] Završnik, A. (2008) Cybercrime – Definitional challenges and criminological particularities, *Masaryk University Journal of Law and Technology*, vol. 2, no. 2, pp. 1-29

ABOUT THE AUTHOR

Dimitris Kilakos – Department of Primary Education, National & Kapodistrian University of Athens, Athens, Greece, African Center for Epistemology and Philosophy of Science, University of Johannesburg, Johannesburg, South Africa, Centre for Society and Policy, Indian Institute of Science, Bangalore, India
e-mail: dimkilakos@hotmail.com
ORCID ID: https://orcid.org/0000-0002-6174-6741
Web of Science Researcher ID:
http://www.webofscience.com/wos/author/record/AAL-9895-2020
Scopus Author ID: https://www.scopus.com/authid/detail.uri?authorId=57194268907

ABOUT THIS ARTICLE

Conflict of interests: The author declares no conflicting interests

https://doi.org/10.54934/ijlcw.v3i2.100

LA SÁTIRA CUASICRIMINOLÓGICA DE MARX Y LAS PREOCUPACIONES TEÓRICAS ACTUALES SOBRE EL CIBERCRIMEN

RESUMEN

Este artículo aborda preocupaciones teóricas sobre el crimen y la innovación tecnológica que facilita las actividades cibercriminales, reflexionando sobre el breve ensayo satírico de Marx, "La concepción apologética de la productividad de todas las profesiones", para discutir los desafíos criminológicos planteados por las cibertecnologías. En cierta medida, podría argumentarse que los desafíos epistemológicos que el desarrollo del cibercrimen plantea a las teorías criminológicas se derivan del papel mediador de las tecnologías digitales y las dinámicas sociales que enmarcan sus posibles usos delictivos. Los estudios sociales de la tecnología pueden, posiblemente, proporcionar enfoques para enfrentar estos desafíos. Para abordar este tema, el artículo discute el papel del hacking en el desarrollo de la llamada cibercultura y los dispositivos tecnológicos que la habilitan. En este sentido, se argumenta que el breve ensayo de Marx puede ser esclarecedor para discutir la relación entre el crimen y la innovación tecnológica, informando preocupaciones teóricas que tienen importantes consecuencias prácticas, criminológicas, legales y jurisprudenciales.

Palabras clave: Marx, cibercrimen, cibercriminología, cibertecnologías

马克思的准犯罪学讽刺与当前关于网络犯罪的理论关注

摘要

本文通过反思马克思的短篇讽刺文章《所有职业生产力的辩护士观念》，探讨了犯罪与技术创新促进网络犯罪活动的理论问题，以讨论网络技术带来的犯罪学挑战。在一定程度上，可以认为网络犯罪的发展给犯罪学理论带来的认识论挑战源于数字技术的中介作用及其潜在犯罪用途所涉及的社会动态。技术的社会研究可能为应对这些挑战提供见解。为了解决这一问题，本文探讨了黑客行为在所谓“网络文化”发展中的作用及其所依赖的技术设备。从这一角度来看，马克思的短篇文章可能为探讨犯罪与技术创新之间的关系提供启发，从而为具有重大实践、犯罪学、法律和法理学意义的理论问题提供参考。

关键词：马克思、网络犯罪、网络犯罪学、网络技术

https://doi.org/10.54934/ijlcw.v3i2.100