

CRIMINOLOGY AND SOCIAL ANTHROPOLOGY

As an anthropologist now engaged in research in the criminological field I have inevitably been interested in methodological similarities and differences between the two disciplines. They came closest together in the late nineteenth century, when, feeding on the primitive/civilised dichotomy evinced by evolutionist theory, Cesare Lombroso developed pseudo-scientific techniques, akin to those of physical anthropologists, for classifying the 'criminal type'. Indeed, Lombroso specifically compared 'criminals, savages and apes': the typical criminal was seen as an atavistic being, sharing with the other two groups features such as 'enormous jaws, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle shaped or sensile ears...' and so on.(1) Conversely, the anthropologist F. Galton turned his attention to criminology, writing in JAI in 1879 'On Composite Portraits', an attempt to get at the essence of the criminal face.

However, once it became clear to both disciplines that crude evolutionary theories were untenable, and that 'innate' character could not be equated with physical or racial features, the paths diverged significantly. Whereas ideas such as those of Lévy-Bruhl on 'primitive mentality' found no support in the new schools of social anthropology, being criticised by Malinowski, Durkheim and others for over-stressing individual psychology (and thus, by inference, merely new ways of confirming the otherness and inferiority of primitives), in criminology the traces of the evolutionist period were not so easily shaken off. Instead of rejecting the idea of intrinsic difference, Lombroso and his followers simply created new 'types': to the atavistic criminal were added the 'epileptic criminal', the 'insane criminal' and almost in the same breath the 'poorly educated criminal'.(2) No British criminologists 'stepped off the verandah'. The subject developed as the blinkered study of individuals in captivity and the quantification of suspect official statistics, separating itself from any wider-scale sociological analysis. Terence Morris complained in 1957:

'The founding of a school of "criminal anthropology" seems to have resulted in the total or near total eclipse of the work of sociologists in the criminal field. The genetic theories of crime which have subsequently been replaced by psychological theories of crime seem to have excited so much interest that sociological theories, especially in Europe, have been of secondary importance.'(3)

One explanation put forward for this state of affairs is the occupation of the field for most of this century by 'medical men', who originally moved into it attracted by Lombroso's widely publicised biological theories. Particularly in England and the Scandinavian countries, psychologists and psychiatrists have subsequently outlined the history of criminology as though it were a branch of medicine, tracing it through the works of Gall, Lavater, Pinel, Morel, Esquinol, Maudsley, etc., and ignoring the sociological theories of Guerry, Quetelet, Bonger, Marx, and others, writing before the 'Lombrosian myth' took hold.(4) Only within the last few years have sociologists made any real headway against the prevalence of pathological models of crime - and this has been largely due to the influence of American criminology, where Merton, Sutherland, Cressy and others have at least kept the sociological tradition alive.

However, a more fundamental reason for the continuing emphasis on flaws in the individual criminal rather than on social structures and definitions may be found in a comparison with the privileged position of social anthropology. Because criminal activity takes place as it were 'on our own doorstep', it has always been regarded as more of a threat to the accepted values of life in Western society than has the behaviour of 'natives' on the far side of the world. British anthropologists could afford the luxury of an ethically 'neutral' stance with regard to practices they studied in the colonies and elsewhere, although many of these (e.g. infanticide, mutilation in rites of passage, burial alive of Divine Kings) would have been treated as serious crimes at home. Most social anthropologists would endorse Pocock's statement:

'It is evident at the outset that the anthropologist working in another society (or in his own society regarded as "other") must take a certain stance quite different from that of, say, a government official or missionary, who is concerned to bring about changes in accordance with certain beliefs which he holds.'

(1971:86)

The word 'criminologist' could not automatically be substituted for 'anthropologist' in the above extract. Criminologists have generally had to justify their research to funding authorities as a series of attempts geared directly or indirectly to finding ways of reducing, or ideally eliminating, the incidence of crime in their own society, and have often worked closely with 'government officials and missionaries' (probation officers were originally known as 'court missionaries', interestingly). From the beginning, the dice were loaded against their chances of portraying criminals as ordinary healthy individuals acting in a specific socio-cultural space. The criminal act became stripped of meaning except as a futile response to weaknesses within the individual or, latterly, within his environment.

Thus positivist criminology developed and took hold. It grew out of an uneasy blend of sociological, psychiatric/psychological and jurisprudential thought (criminologists, like social anthropologists, coming to their subject from a variety of academic and professional backgrounds), and gradually took on a character of its own. The traditional method - which is by no means defunct - relied heavily on statistical analyses of official data about the background, character and offences of convicted individuals. 'Law-like generalities' were sought inductively through measurement and quantification, a procedure commonly justified by reference to a stereo-typed model of the natural sciences (criminologists have been far slower than social anthropologists to see the implications of the philosophy of science debate between Kuhn, Popper, etc.).

There is no need to repeat here familiar arguments about the positivist method, but two features and their consequences must be mentioned:

- a) the prevalence of deterministic explanations, and
- b) the obsession with finding 'real' facts.

a) DETERMINISM

The procedure of comparing a sample of convicted offenders with a control sample of 'normal' people, which has been a common method in criminology, not only creates a false dichotomy, but leads to the position that criminals are regarded as the product of various physical, psychological and/or environmental determinants. Recent examples are the 'discovery'

that more convicted criminals than non-criminals have an extra Y chromosome, measurements of 'psycho-pathic tendencies', 'social deprivation', 'broken homes', etc. The clear inference is that if experts were allowed a freer hand to alter such determining influences, the volume of crime could be reduced. Yet at the same time, the legal process in England still rests heavily on the 'free-will' model of human action, where a man is held responsible for his actions. There has been a fundamental ideological clash between the judiciary (and sections of the police and prison service) on one hand and criminologists and welfare workers on the other, for most of this century. In almost every criminal case the contradiction manifests itself: should the punishment fit the crime or the criminal? In practice, the conflict is mediated by a variety of devices, from the extremes of declaring a person 'unfit to plead' (thus relieving him entirely of free will) to detailed consideration of 'mitigating circumstances' (often based on reports by doctors and welfare workers). In effect the judge weighs up 'evil intent' against 'circumstances beyond the offender's control'. The general trend has been increasingly towards the hegemony of the deterministic model, with rapid growth of welfare services and acceptance of more non-custodial sentences, but occasionally heavy 'exemplary' sentences are handed out to defendants (e.g. the Train Robbers, the Krays, even 'vandals' or 'hooligans') who have been singled out as deliberately 'evil' criminals 'with no excuse': thus the free-will/punishment model reasserts itself.

Despite the humanist advantages of the policies which have followed from the positivist-determinist approach of criminologists the fact remains that by concentrating on behaviour to the exclusion of thoughts and beliefs of the actors it has not greatly improved our understanding of the phenomenon of crime. In the course of attempts to break down exotic myths about the nature of the 'criminal type', it has moved the concept of the criminal from that of 'other' to 'like us essentially, but ...' This is reflected in the concept of 'rehabilitation' - whereby an offender can be 'made fit again' for social life. Apart from the veiled insult to, for example, many drug-takers and 'political criminals' who would argue with the idea that they cannot help what they do, it has continued to support a consensus-view of western society similar to that which functionalist anthropologists held of primitive societies. 'Conduct norms' have been seen as given by society, and obedience to them the natural response of its members. Deviation from them is dysfunctional. Thus while social anthropologists were elevating the behaviour of one nineteenth century 'other' - primitives - to the status of 'normal' and 'healthy', criminologists were relegating the behaviour of the second 'other' - criminals - to that of 'abnormal' and 'pathological'.

b) THE OBSESSION WITH FINDING 'REAL' FACTS.

The more sophisticated positivist criminologists have recognised that official statistics on crime are extremely problematic. First, they are categorised in legal terms which regularly undergo minor changes, thereby making comparison over time difficult; second, they are based on 'crimes known to the police' and on individuals who pass through the complicated legal machinery, so that a large number of 'real' crimes and criminals appear to escape inclusion (and, conversely, through miscarriage of justice, some people who are 'really' non-criminals are included). How can the 'scientist' work with such shoddy material, it is asked. Another apparent problem is that ignorance or prejudice on the part of law-makers may produce definitions of crime at variance with the majority: many positivists would question the bland assumption made by Paul Tappan:

'The behaviour prohibited has been considered significantly in derogation of group welfare by deliberative and representative assembly, formally constituted for the purpose of establishing such norms: nowhere else in the field of social control is there directed a comparable rational effort to elaborate standards conforming to the predominant needs, desires and interests of the community.... Adjudicated offenders represent the closest possible approximation to those who have in fact violated the law, carefully selected by the sieving of the due process of the law.'

(in Wolfgang, etc., 1962:38-34).

Those who cannot accept this idealistic view have managed to guard their positivist position by making adjustments to the official figures. Sellin and Wolfgang, in an article entitled 'Measuring Delinquency', suggested ways of constructing an 'index of delinquency, that would, in contrast with traditional and entrenched methods in use, provide a more sensitive and meaningful measurement of the significance and the ebb and flow of the infractions of the law attributable to juveniles, taking into account both the number of these violations and their seriousness.' This included the establishment of a 'community jury' (composed of students, policemen, juvenile court judges and social workers!) who 'rated' offences according to their seriousness, awarding points for 'injury inflicted on a victim, intimidation and violence, value of property lost or damaged, etc.' (5); measurement of the rates of commission was also limited to those offences which were calculated to be most consistently reported to the police. Thus, the authors thought, official definitions could be side-stepped and a picture of 'true' delinquency and the 'real' extent of 'deviation from the norm' among juveniles could be calculated. Suitable action could then be taken to correct the situation.

This 'answer' of using conduct norms rather than legal criteria as a base for measurement reveals clearly the gap between anthropological and criminological thinking. Social anthropologists have for some time been looking behind empirically observed 'behaviour' and stated norms at the mechanisms (linguistic, social, political, ecological) producing the categories within which such 'facts' are framed. The 'correctional' perspective adopted by so many criminologists has put them into blinkers, allowing them to see only one reality.

LABELLING THEORY

Over the last decade there has been some headway against the prevailing tradition, inspired largely by American sociologists of crime. An approach which at first sight appears to be more palatable to a modern social anthropologist has grown up from the initial recognition that 'crime' and 'criminals' can be created or defined away by acts of legislation and decisions of policemen, juries, magistrates, etc. This is known as 'labelling' or 'social reaction' theory. The two names most notably associated with it are Howard Becker and Edwin Lemert. Becker's well-known statement of the position they start from reads as follows:

'The deviant is one to whom that label has successfully been applied; deviant behaviour is behaviour that people so label.'

(1963:9).

Another 'labellist', Kai Erikson, insisting that 'social process' is of more interest than individual peculiarity writes:

'the critical variable in the study of deviance is the social audience rather than individual persons, since it is the audience which eventually decides whether or not any given action or actions will become a viable case of deviation.' (1962:308).

Unfortunately, much of the work of these theorists does not live up to the promise of these interesting general statements. Instead of examining the generation and operation of the social categories ('thief', 'drug addict', 'psychopath', 'delinquent', etc.), they concentrate mainly upon the effects of the labelling upon individuals so labelled, thus reverting to a form of social psychology. One factor leading them in this direction is the questionable distinction made by Lemert between 'primary' and 'secondary' deviation: the first meaning simply rule- or law-breaking, the second, the social and psychological responses of the people 'processed' by the legal and penal system. Under his influence, labelling theorists have come to regard one of their main tasks as to trace the development from primary to secondary deviation, i.e. to document changes in self-identity from 'being normal' to 'being deviant'. The argument is that society confuses the act with the actor, so that a person arrested for primary deviation, e.g. a theft or a sexual offence, becomes regarded as a deviant personality, and consequently experiences rejection, contempt and suspicion which may not be merited. Eventually he may come to accept the labels thrust upon him. In Becker's words:

'Treating a person as though he were generally rather than specially deviant produces a self-fulfilling prophecy. It sets in motion several mechanisms which conspire to shape the person in the image people have of him. When the deviant is caught, he is treated in accordance with popular diagnosis of why he is that way, and the treatment itself may likewise produce increasing deviance.'

(1963:34).

Thus what Lemert means when he puts forward the provoking thought 'social control leads to deviance' is simply that the way society reacts to an offender may cause him to counter-react to its image of him, and as a part of this reaction, to offend again. But as Ronald Akers says:

'From reading this literature one sometimes gets the impression that people go about minding their own business, and then - "Wham" - society comes along and slaps them with a stigmatised label. Forced into a role of deviant the individual has little choice but to be deviant.'

(1967:46).

One of the fundamental confusions in the work of 'labellists' is of the same order that Ardener has discussed with reference to work on divorce.(6) They swing between two quite separate ideas of what 'deviants' or 'criminals' are: those labelled by society as such (irrespective of actual behaviour, true guilt or innocence, etc.) and those who really, 'out there', break rules or laws. At the beginning of the process they describe, it seems that the first idea holds - nobody is deviant until

caught and labelled. However, once social reaction has taken place, the second notion is brought in, and the person becomes a 'real' deviant (actually breaks the rules or laws) as a reaction to his label. One might ask how Lemert would regard an unconvicted bank robber setting out on his fifth 'job'. He has as yet experienced no official reaction, but, a) knows very well that his actions are against the law, b) if not arrested he will likely do it again, and c) he has a self-identity as a professional criminal... Is he 'really' a criminal or not?

Ironically, although labellists strongly criticise positivist criminologists for accepting official, legalistic definitions of criminals without reflection, they have not fully escaped the trap themselves. They set out on the road to an analysis of the labelling process, but quickly turn back to explanations of why officially-defined criminals actually commit crimes. Like the positivists, they have largely excluded meaning and intention from criminal acts. Our unconvicted bank-robber does not just happen to be pointing a shot gun at a cashier. This is part of a planned, rational action, in cooperation with others (the 'finger', getaway driver, etc.) and it has a definite meaning to him and to those he is robbing. This meaning is obviously dependent on the social arrangements of the time and the country in which he is acting - the existence of banks, cashiers, shot guns and the significance accorded to them by society.

Anthropologists have spent a great deal of time discussing 'rationality' and 'translation' of social meanings, but criminologists have lagged seriously behind. A bank robbery is relatively simple for most observers to understand, but where phenomena such as 'vandalism', 'hooliganism', 'drug-taking', 'silly' minor thefts, etc. are concerned, many observers cannot see any rationality at all in the actions. Certainly, 'social reaction' is an essential part of the analysis required, but only a part. The social reaction must be explained, not just given; and the intentions and projects of the deviants must be given social meaning. Labellists have dodged the first of these requirements by vague references to 'moral entrepreneurs' forcing their categories on the rest of society. As two modern deviancy theorists put it (L. Taylor and I. Taylor, 1968):

'The definers are (regarded as) a group of free-floating baddies.'

The second issue they have obfuscated by over-emphasising the individual's self-image as a rejected citizen.

AN ANTHROPOLOGY OF CRIMINALS?

Charlotte Hardman asked in an earlier JASO (IV.2:83): can there be an anthropology of children? If we substitute 'criminals' for 'children' in her question, how can an anthropological approach help in understanding crime? It may be fruitful to take note of M. Crick's stance in his discussion of witchcraft (JASO.IV.1:19):

'A sign of conceptual advance in this field will perhaps be our ceasing to write on witchcraft. So I disagree with Standefer, who saw the first problem as that of defining witchcraft: I shall endeavour to deny the phenomenon; to define it away.'

The concepts of 'crime' and 'criminals' have given so much trouble they too might initially be 'defined away'. Criminologists would do well to start at the other end from institutional definitions. Ardener writes (JASO.IV.3): 'It is always the major task in anthropology to find the actor's classification.'

I would say 'first task' rather than 'major task.' Anyhow, it is surely a good idea to look at specific cultural activities such as 'pilfering', 'safe-blowing', 'tax-fiddling', 'pot-smoking', 'house-breaking', 'picking pockets', or 'joy-riding', i.e. using the categories ordinary people accept rather than legal definitions. We can find people who consciously have taken part in such activities, convicted or unconvicted, and without calling them criminals, find out how they go about them, the terms they use to talk about them, and how their relationships with other people are affected. Some will be highly developed criminal 'trades' (e.g. picking pockets), others recognised as part of a definite 'criminal culture' (e.g. housebreaking), others virtually accepted as part of 'what everybody does' (pilfering at work, tax-fiddling). We can then go on to see how the actors' understandings fit with those of the agents of social control - police, magistrates, probation officers, etc. - and how both sides act out the cultural programmes produced by society as a whole.

There are many interesting categories used in casual conversation which merit 'unpacking'. For example, police tend to divide persistent criminals into two general categories of 'villains' and 'mugs'; 'ordinary' prisoners classify some people who have committed certain sex offences as 'nonces'; some people become known as 'grasses' while others who have informed in a similar way are seen as having legitimately saved their own skin under pressure. Official terminology is also a rich field: 'clients' (probationers), 'psychopath', 'treatment', 'delinquency', are all filled with social meaning and a discussion of any one leads into insights about general social divisions and assumptions.

With this sort of approach, we are likely to come up with better explanations of why some people and some offences are pursued with greater vigour by the police than others (cf. the 'alcoholic petty thief' with the 'expense-account fiddler'); why some attract public or press outcries and others sneaking admiration (cf. 'masked bandits in payroll snatch' with the Great Train Robbery); why certain phenomena suddenly cause 'moral panics' - 'mods and rockers', 'Hell's Angels', 'skinheads', 'telephone vandalism', 'mugging' - when they have continued for years before (and after) under a different name. (7)

Criminology has lagged behind anthropology since the development of fieldwork. Although some criminologists are now becoming aware of debates about the philosophy of science, rationality, meaning, etc., the discipline suffers the disadvantage of not having undergone a lengthy fieldwork period. The 'deviancy theorists', a group of mainly young academics who meet regularly at the National Deviancy Conference, are attempting to make revolutionary changes in the subject, and have produced some excellent studies of subjects like industrial sabotage, football hooliganism and drug-taking using essentially anthropological techniques linked with a Marxist perspective. (8) However, the danger is now apparent that lacking a substantial tradition of fieldwork, they will fall back into abstract social theory and 'lose the phenomenon'.

In any event, there is a pressing need for a readable and convincing alternative approach to be developed to combat the alarming implications of psychological positivist thinking as it has been developed by Hans Eysenck:

'The problem to be discussed is: how can we engineer a social consent which will make people behave in a socially adapted, law-abiding fashion, which will not lead to a breakdown of the intricately interwoven fabric of social life? Clearly we are failing to do this: the ever-increasing number of unofficial strikes, the ever-increasing statistics of crime of all sorts, the general alienation on which so many writers have commented are voluble witnesses to this statement. The psychologist would answer that what was clearly required was a technology of consent - that is, a generally applicable method of inculcating suitable habits of socialised conduct into the citizens (and particularly the future citizens) of the country in question - or preferably the whole world.'

(1969:688).

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NOTES

1. Cesare Lombroso, Introduction to Ferrara 1911: xiv
2. This change is observable even between different editions of Lombroso's famous work 'L'Uomo Delinquente'. Between 1876 and 1897 he modified his views considerably.
3. T. Morris (1957: 41).
4. This phenomenon was well described by Lindesmith and Levin as early as 1937, and their criticism is developed by Taylor, Walton and Young (1973) chapter 2.
5. In Sellin and Wolfgang (eds) 1969 pp. 1-6.
6. E. Ardener (1962).
7. The term 'moral panic' was coined by Stanley Cohen. (1971).
8. Cf. Cohen (ed) 1971.

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