

The International Behavioural and Social Sciences Library

SOCIOLOGY AND THE STEREOTYPE OF THE CRIMINAL



Classics from the Tavistock Press

SOCIOLOGY AND
THE STEREOTYPE OF
THE CRIMINAL

DENNIS CHAPMAN



First published in 1968 by
Tavistock Publications Limited

Reprinted in 2001 by
Routledge
11 New Fetter Lane, London EC4P 4EE

Routledge is an imprint of the Taylor & Francis Group

Printed and Bound in Great Britain

© 1968 Dennis Chapman

All rights reserved. No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

The publishers have made every effort to contact authors/copyright holders of the works reprinted in the *International Behavioural and Social Sciences Library*. This has not been possible in every case, however, and we would welcome correspondence from those individuals/companies we have been unable to trace.

These reprints are taken from original copies of each book. In many cases the condition of these originals is not perfect. The publisher has gone to great lengths to ensure the quality of these reprints, but wishes to point out that certain characteristics of the original copies will, of necessity, be apparent in reprints thereof.

British Library Cataloguing in Publication Data
A CIP catalogue record for this book
is available from the British Library

Sociology and the Stereotype of the Criminal
ISBN 0-415-26407-3
Crime & Delinquency: 10 Volumes
ISBN 0-415-26507-X
The International Behavioural and Social Sciences Library
112 Volumes
ISBN 0-415-25670-4

SOCIOLOGY AND THE STEREOTYPE OF THE CRIMINAL

Dennis Chapman

PH.D., B.SC. ECON. LOND.



TAVISTOCK PUBLICATIONS

London · New York · Sydney · Toronto · Wellington

Preface

The object of this essay is to present a study of a matter of great public and professional concern, using the methods of functional analysis.

The products of the essay are hypotheses and *not* conclusions. This is inevitable from the anecdotal nature of the evidence. It is, however, important to assert that many of the works in this field that have the appearance of system are in fact no more substantial, since they fail to take account of the social determination of, rather than the scientific discrimination in, the selection of the evidence.

Much of the data employed comes from newspapers. This method has been chosen not only for its obvious convenience, but to display the function of newspaper reporting in creating the stereotypes which control our thinking about crime.

The substance of the essay is an argument that much of the work done by social scientists in the field of Criminology has been unprofitable because it has begun with definitions – stereotypes – which have determined the course of the inquiry and the conclusions that have emerged. The result of this has been the production of a vast and complex literature, but no substantial progress in social change. Lack of progress has begun to lead to a reconsideration of fundamentals, especially in the U.S.A., but the commonest reaction in Britain is to argue that lack of success is evidence of the need of more studies for the same kind as those that have been made in the past. It would be arrogant to suggest that the literature is valueless, for not only has it provided much new information about such behaviours as shop-lifting or thefts from employers, but methods have been steadily refined, sampling methods have been improved, statistical significance recognized as important – if albeit a trifle reluctantly – and the values of objective tests and the necessity of replicability are now appreciated by many scholars.

The next step, the author would argue, is to establish by

empirical inquiry the extent to which behaviours that are disapproved or illegal are normal in the culture, and the extent to which they are functional or dysfunctional. This may well prove to be a great act of human liberation, such as the studies of Kinsey and his colleagues are slowly becoming recognized as being.

If this could be achieved, then a datum would exist for a critical examination of the institutions of social control and for their modification without further delaying for the diffusion of awareness to create what is called 'public opinion'.

The selection of the stereotype of the criminal for discussion was largely accidental – in that it had its origin in the author's childhood reading of Oscar Wilde's 'Soul of Man Under Socialism' and his 'Ballad of Reading Gaol' and was not fundamental to the main theoretical purpose of the essay, which is to show the consequences in society of the stereotype in determining social behaviour. Many other stereotypes await analysis, those, for example, of women, the poor, the rich, the coloured, and the Jew.

Acknowledgements

The author wishes to record his debt to a criminal organization, which, to its obvious advantage, served during the war as a unit of the National Fire Service, and as such was organized as a university extra-mural class, to which the author was a tutor. The members of this class, with their extensive knowledge of crime, their pride of craftsmanship, and their personal experience of the prison system and the police force, combined with a remarkable intellectual detachment, were largely responsible for reorientating the author's thinking on the subjects dealt with in the following pages.

The author must also acknowledge the help and forbearance of his colleagues, especially Mrs Carol Owen, Mr J. A. Banks, Dr Olive Banks, Mr Derek Jehu, Miss E. Gittus, Dr A. H.

Hudson, and Mr Norman Wilson, all of whom have helped in discussion and criticism.

Thanks are due to the individuals and publishers concerned for permission to quote passages from the following books and journals:

The Editor of *The Howard Journal*: 'A Behavioural Theory of Drug Taking' by L. T. Wilkins. George Allen & Unwin Ltd.: *Social Science and Social Pathology* by Barbara Wootton. Routledge & Kegan Paul Ltd.: *Authority and Delinquency in the Modern State* by Alex Comfort; *The Criminal Area* by T. Morris (published in the United States by Humanities Press Inc.); *Pentonville* by T. Morris and P. Morris, with B. Barer (published in the United States by Humanities Press Inc.). The Institute for the Study & Treatment of Delinquency and the Editor of the *British Journal of Criminology*: 'Delinquency Areas - A Re-assessment' by J. B. Mays; 'The Effects of Imprisonment' by A. J. W. Taylor. Liverpool University Press: *Growing up in the City* by J. B. Mays. John Wiley & Sons: *The Sociology of Crime and Delinquency* by M. E. Wolfgang, Leonard Savitz, and Norman Johnston. Professor T. C. N. Gibbens: *Psychiatric Studies of Borstal Lads* by T. C. N. Gibbens, A. Marriage, and A. Walker. George Weidenfeld & Nicolson Limited: *Causes of Crime* by Lord Pakenham. The Macmillan Company: *Human Society* by Kingsley Davis (Copyright, 1948 and 1949, by The Macmillan Company). The Editor of the *American Journal of Sociology*: 'A Comment on Hartung, F. E., White Collar Offences in the Wholesale Meat Industry' by E. W. Burgess; 'White Collar Offences in the Wholesale Meat Industry in Detroit' by F. E. Hartung; 'Institutions of Privacy in the Determination of Police Administrative Practice' by Arthur L. Stinchcombe. Macmillan & Co. Ltd. (for their series of *Cambridge Studies in Criminology* edited by Professor L. Radzinowicz): *Offenders as Employees* by J. P. Martin; *The Habitual Prisoner* by D. J. West. The Institute for the Study & Treatment of Delinquency: *Shoplifting* by T. C. N. Gibbens and J. Prince. The Editor of the *American Sociological Review*: 'White Collar Criminality' by Edwin A. Sutherland. Reprinted by permission of the World Publishing Co.: 'Social Inquiry and the Autonomy of the Individual' by E. Shils in *The Human Meaning of the Social Sciences* (edited by D. Lerner). The Editor of the *Police Review*: 'Suppressing Vice'. Penguin Books Ltd: *The Challenor Case* by Mary Grigg. Victor Gollancz Ltd.: *The Trial of Stephen Ward* by Ludovic Kennedy (Copyright

Sociology and the Stereotype of the Criminal

© Ludovic Kennedy 1965) (published in the United States by Simon & Schuster, Inc.). Dr William Sargant, and William Heine-mann Ltd: *Battle for the Mind* by W. Sargant (Copyright © 1957 by William Sargant). The Williams & Wilkins Co.: *Criminal Interrogation and Confessions* by F. E. Inbau and J. E. Reid. Michael Joseph Ltd: *A Calendar of Murder* by T. Morris and L. Blom-Cooper. University of Chicago Press: *The Professional Thief* by Edwin H. Sutherland. Sigmund Freud Copyrights Ltd., the Estate of Mr James Strachey, The Hogarth Press Ltd., and Routledge & Kegan Paul Ltd.: *Totem and Taboo* (1913) in Volume 13 of the Standard Edition of *The Complete Psychological Works of Sigmund Freud* (published in the United States by W. W. Norton & Co., Inc.). The Author, and the Editor of the *British Journal of Sociology*: 'Full-time Miscreants, Delinquent Neighbourhoods and Criminal Networks' by J. Mack. Holt, Rinehart and Winston, Inc.: *The Prison Community* by Donald Clemmer (Copyright 1940, © 1958, by Donald Clemmer). Mrs Pauline Morris, and the Editor of the *Prison Service Journal*: 'Staff Problems in a Maximum Security Prison', by P. Morris; 'It's the Prisoners who run this Prison', by T. Morris, P. Morris, and B. Biely. Mr D. L. Howard, and Methuen & Co. Ltd: *The English Prisons* by D. L. Howard.

The Author is also grateful to the editors of the *Daily Express*, the *Daily Mail*, the *Daily Telegraph and Morning Post*, the *Economist*, *The Field*, the *Financial Times*, the *Guardian*, the *Hoyle News and Advertiser*, the *Liverpool Echo*, the *Liverpool Daily Post*, *The Times*, the *Sunday Times*, and the *Observer*, for permission to quote from their pages and to the Press Association Ltd. to quote copyright material published in several of the above newspapers.

Contents

Preface	<i>page</i> ix
Acknowledgements	x
1 Introduction	1
2 The Stereotype of the Criminal and the Strategy of Social Investigation	25
3 Social Class and the Differential Distribution of Immunity	54
4 The Actions of the Police and the Courts as Causal in Relation to Crime	97
5 The Role of the Victim in Crime	153
6 Behaviour and Approval	167
7 The Prison, and the Criminal as Scapegoat	197
8 The Stereotype of the Criminal and Sociology	239
References	249
Author Index	257
Subject Index	259

CHAPTER ONE

Introduction

SOCIOLOGY AS A SCIENCE AND THE STUDY OF CRIME

Sociology is a science. It arises from the recognition of order in society. The discipline describes this order and its antecedents, and from these predicts the future course of human behaviour. A definition as austere as this is not readily acceptable to the layman or even to many social scientists because, first, it asserts that human behaviour is predictable and thus conflicts with ideas of free-will, and, second, it implies that all social processes are of interest to the sociologist and that he does not necessarily accept the popular valuations of different social processes that divide them into good, to be encouraged, and bad, to be discouraged.

Functional analysis in sociology describes the imperatives for the survival of a given social system and in particular examines the great variety of functional alternatives that have arisen with the increase of production over the needs of subsistence. This process has accompanied what was the central interest of classical sociology, the transformation of social relationships from status to contract, from *Gemeinschaft* to *Gesellschaft*, or from primary to secondary group relationships. The climax of this development in interest has been the concept of *anomie* and the associated concept of *alienation* in sociology and corresponding concepts in psycho-analytic social psychology. The process has been one in which relationships between one person and another give way to relationships between one person and groups, these groups becoming larger and more remote and nameless. The change is a continuous reduction in the element of identification with the 'other' in the relationship and a corresponding and increasing interest in the material products of the relationship.

This formulation derives from the concepts of *mechanical* and *organic solidarity* of Durkheim, the transformation of relationships from persons to positions, the concept of *bureaucracy* in Weber, the *Generalized Other* of G. H. Mead and the concept of *stereotypes* employed in social psychology (Mead, 1934). Relationships become a technique for the manipulation of symbols, the success of which manipulation produces advantage in status, power, or material. The criminal is discussed in his role as scapegoat; what remains to be explored is the relevance of role theory to the criminal's acceptance of and adaptation to the role of scapegoat.

Human society is characterized by rationality, that is, ends can be expressed symbolically and means can be appraised in terms of effort, and economical choices made; from past experience rules can be stated. Thus, over a wide range of behaviours, the best means for ends which command general acceptance are known and inculcated. Likewise, rules have been established that depend not on primary rationality, but simply on the basis that any rule that makes for predictability of behaviour increases the efficiency of society (even though there may be other rules that might be more economical). It is customary to describe such mechanisms as folkways and mores. Complex societies have, however, hierarchical social systems, with differential distributions of status, power, reward, and property, and, in that there is a high correlation between the possession of any one of these attributes and the rest, both customary and statute law tend to control behaviour in the interests of the groups with high scores on these variables. Social control is, however, not simply exercised through administrative and punitive organizations, but is supported by elaborate symbolic systems which are learned and become cues to behaviour. The control of the apparatus for the diffusion of the symbolic system is distributed in much the same way as status, power, reward, and property. In popular language this is described as the 'Establishment'.

The importance of this argument depends on the observation that actions need not be directed to ends but may arise from stimuli which may be symbolic, or may arise from conditioning (may be fetishistic), or may result from the reification or

personification of concepts. This corresponds to the concept of the displaced goal in social psychology.

The range of social control is large and complex, from inhibitions acquired in infancy before speech and rational thought – the conscience or superego – through ethics taught as a technique of social adjustment or as a part of divine revelation, to the control of law. Parents are the agents through which many of the mechanisms operate, and those elements of the ideology that can be implanted before rational thought is developed become a permanent addition to a continuously implanted ideology in successive generations.

In a society divided into groups with and without power, the legal system and the ideology function together to maintain the existing social structure. At the same time, the diffusion of the ideology, even among sociologists, makes a scientific appraisal of the situation difficult. Some inkling of this situation has, however, been possible when looking at other societies; thus we find the popular concept of the 'slave mentality' applied to the 'victims' of the ideologies of other social systems. It is therefore not surprising that 'crime' and 'delinquency' greatly preoccupy social scientists and that they generally accept the thesis that crime is bad, that society could function without crime, and that crime is a special category of behaviour with special discoverable causes. It is further believed that if these causes were known, crime would be prevented. There are many other associated theses, such as those concerned with the distinguishing characteristics of criminals or the modifications of the treatment of criminals that would transform them into non-criminals.

THE THESIS

The thesis of this study is broadly to argue the negative of all the foregoing. The thesis is, however, elaborate and must be presented in many parts.

1. That any behaviour that has a disapproved form also has objectively identical forms that are neutral or approved.
2. That if a behaviour is seen as goal-seeking, then the choice of the form of behaviour between objectively identical forms –

Sociology and the Stereotype of the Criminal

approved, neutral, or disapproved – may depend on chance, knowledge, learning, or training.

3. That apart from the factor of conviction there are no differences between criminals and non-criminals.
4. That criminal behaviour is general, but the incidence of conviction is controlled in part by chance and in part by social processes which divide society into the criminal and non-criminal classes, the former corresponding to, roughly, the poor and underprivileged.
5. That a 'crime' is a behaviour, defined in place and time, of a person, in some cases with another person (victim), with police, lawyers, magistrates, and/or judges and juries.¹ All these variables are causal in the scientific sense.
6. That all the foregoing operate to select individuals from a larger universe of individuals with identical behaviours, both objectively and symbolically cued, and that, therefore, no test of the familiar hypotheses about crime is possible unless the scientist selects his subjects independently of the social system.
7. That crime is a functional part of the social system. This part of the thesis has itself several parts. The first is that the designation of certain actions as permitted, tolerated, or condemned in different circumstances is arbitrary; the second is that there is a lack of correspondence between the ideology and behaviour; and the third is that there is differential treatment of different social groups for behaviours which are objectively identical, identical in that they transgress the same traditional mores, but different in their treatment at law. The designation and social isolation of a relatively small group of victims permit the guilt of others to be symbolically discharged; the identification of the criminal class and its social ostracism permit the reduction of social-class hostility by deflecting aggression that could otherwise be directed towards those with status, power, reward, and property. A special part of the ideology functions to prevent the designated criminal from escaping from his sacrificial role, and institutional record-keeping maintains his identity.
8. That, following this, there is a special problem of the immunity of certain members of society and certain groups. This arises mainly from the protective institutional environment in which they pass part, or all, of their lives, or in which

¹ 'A criminality which is regulated partly by chronology, partly by longitude, does not easily admit of scientific discussion' (Ellis, 1914, p. 2).

they spend part of their time or engage in some of their activities.

9. That associated with this are covert social processes which extend whole or partial immunity to, or reduce the impact of, the legal system on members of certain social groups.
10. That associated with the general thesis is a separate problem – that of the legal system as a crime-creating institution. That is, once an institution is created it develops a dynamic of its own and becomes involved in the behaviour with which it is concerned as a participant and, in special circumstances, as an instigator. It may do this in response to social pressures, e.g. the demand that ‘criminals’ shall be caught and punished.
11. Finally, that the general preoccupation with contravention of the mores in symbolic culture – except, perhaps, some of the graphic arts – can be functionally related to the real situation expounded in items one to ten.

The exposition of this set of related theses presents difficulties. To test many of them would require great expenditure of time and treasure, nor can many of them be verified from such data as are available from administrative sources, because the theses question the very basis of the administrative process. Published work in the field of criminology is of some assistance, but most of it accepts as a basis the results of the administrative, legal, and social systems which identify the criminal and again cannot be used to criticize these systems. In consequence, this study will present tentative arguments based on fragmentary and anecdotal data not crucial in themselves but persuasive enough, it is hoped, to compel consideration of the argument.

It is recognized that, while one or more cases chosen fortuitously may suggest hypotheses, they cannot establish theories. On the other hand, it is important to appreciate that a general theory must account for all the instances that are found.

THE FALLACY OF RATIONALITY

Much of the evidence that will be discussed arises from the application of naïve or mechanical concepts of rationality to the problems of social control; the assumptions, for example, that if there are criminals they must differ in discoverable ways from non-criminals or that if punishment fails in its aims then

penal reform is justified. Some sociologists do not study the changes in the penal system as a social process that is part of the larger social process, but as an evolutionary tendency towards enlightenment that is to be encouraged. Sociologists are thereby involved in reform movements, often devoting a major part of their texts to propounding preventive or remedial policies, or even in participating in the parliamentary process of law-making and in the administration of justice; in all this the fallacy of rationality is displayed. In this, sociology appears to be less effective than anthropology, which has successfully studied the processes of social control using functional analysis and appears to be able to avoid the 'rational' fallacy. Merton illustrates the issue thus: 'some conception like that of latent function has very often, almost invariably, been employed by social scientists observing a *standardized practice designed to achieve an objective which one knows from accredited physical science cannot be thus achieved*. This would plainly be the case, for example, with Pueblo rituals dealing with rain or fertility' (Merton, 1957, p. 65).

In criminology the existence of latent function is generally ignored.

Difficulties arise at every stage of the analysis, beginning with the identification of the data, behaviours or action, persons or actors.

Only brief reference need be made to the problem of definition: crime is defined in law; a criminal is a person convicted of a crime. Other authors have noted the extraordinary variety of possible crimes and the somewhat arbitrary nature of the division of crime into indictable and non-indictable offences, serious and less serious – or the apparently inconsistent pattern of punishment possible for different offences and the differences in the extent to which powers to punish are employed by judges and magistrates in different situations. Here is a rich field for sociological analysis, as yet only lightly cultivated, and, here again, it has been studied in terms of rationality or 'justice' (Wootton, 1963; Hood, 1962).

Dissatisfaction with the apparently arbitrary nature of legal definition, and the confusion arising from the inclusion of actions of such variety and the exclusion of many behaviours of

interest to some sociologists and psychologists, have led to attempts to extend the field to include 'social pathology' on the one hand and the study of psychopaths on the other – the term socio-path has not yet come into use, but the literature on 'problem families' and the like displays the fact that he has been identified if not as yet labelled. This has been the approach of Barbara Wootton, who defines social pathology in terms of action and expenditure by the administrative organs of the state. By so doing, she concentrates on the behavioural problems of the poor, since the agencies with which she is concerned are almost all derived from the Poor Law: in consequence the behaviour of those who can maintain themselves is not considered (Wootton, 1959, p. 14). A valuable attempt to solve the problem appears in the 'Report of the Committee on Homosexual Offences and Prostitution' (1957, pp. 9 and 10) which states:

'There appears to be no unquestioned definition of what constitutes or ought to constitute a crime. To define it as "an act which is punished by the State" does not answer the question. What acts ought to be punished by the State? We have therefore worked with our own formulation of the function of the criminal law so far as it concerns the subjects of this enquiry. In this field, its function as we see it is to preserve public order and decency, to protect the citizen from what is offensive or injurious, and to provide sufficient safeguards against exploitations and corruption of others, particularly those who are especially vulnerable because they are young, weak in body or mind, inexperienced, or in a state of special physical, official or economic dependence.'

Useful though this is, it does not get over the problem that the discernment of offences for scientific purposes must be independent of administrative processes.

AN ANALYTICAL MODEL

To cope with these difficulties what is needed is a set of operational definitions which would make it possible to identify behaviours and to account for the degree of approval or disapproval they invoke and the social consequences of approval or disapproval.

In a scientific analysis (outside sociology) any phenomenon that occurs as the result of the interaction of many variables can be studied by reference to the part played by any one of them. If the absence of any variable is accompanied by the absence of the phenomenon, then the variable may be considered as causal. Such a model would lead, if applied to crime, to such a conclusion as that the cause of crime is legislation – a conclusion that might at first sight appear irritating or even absurd. Yet the modification or repeal of laws is frequently advocated to achieve this end, as witness the recent attempt to raise the age of criminal responsibility of children from 8 years to 12 (which has resulted in a typically British decision to fix it at 10).

In spite of the offence to common sense of using the scientific model, it will be persisted in, in the hope that the result will justify the means.

Thus for any behaviour we may isolate the following variables, absence of which, or variations of which, may be crucial in determining crime or non-crime.

1. The actor.
2. The action.
3. The object of the action.
4. The result of the action.
5. The place of the action.
6. The time of the action.
7. The social environment of the action.
8. The observation of the action.
9. The reporting of the action.
10. The reference of the action to the courts.
11. Trial and conviction.
12. Appeal and confirmation.

Two simple illustrations will serve to exemplify these arguments. The crucial importance of the actor is evident when it is considered that no action of the royal Head of State can be criminal, and there is much legislation which designates actions as legal or illegal depending upon the time of day or the day of the week when they take place.