

## Ethnography and cultural criminology: What makes a research method critical?

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Whether you view it as original and exciting with a bold political message, or alternatively as a romanticised and even degenerate version of critical theory (Hall and Winlow 2007, O'Brien 2005), no one could dispute that cultural criminology has been easily the most exciting intellectual movement within critical criminology in the last two decades. Unusually, it has also placed considerable emphasis on methodological issues. Jeff Ferrell, Keith Hayward and Jock Young (2008) have argued that mainstream criminology has become both highly conservative, and also boring, in requiring researchers to collect and analyse quantitative data. They advocate that critical criminologists should conduct ethnographies, or use qualitative methods in analysing cultural processes. Although this is a controversial and deliberately provocative viewpoint within critical criminology<sup>70</sup>, it raises issues about how we should conduct research and produce criminological knowledge that are not usually raised by other traditions.

This paper will not consider every issue relating to cultural criminology, but will focus on the arguments made about method. It will start by reviewing the history of ethnography, and qualitative research more generally, within critical criminology. It will also review how this is understood by cultural criminologists as a critical method that is ethically superior to quantitative research, but also to interpretive approaches that only describe how people understand their own lives. This tradition in critical ethnography seeks to address lived experiences, with a particular focus on the emotions, but understands this within a theoretical and political programme that promises social change.

The rest of this paper approaches these issues from a different direction, through discussing some uncomfortable moments during an ethnographic study about sentencing young offenders in children's courts. These illustrate the tensions and contradictions within cultural criminology in seeking to combine interpretive and critical traditions. They also make one think about the ethical basis<sup>71</sup> of critical ethnography as an intellectual pursuit that seeks to produce a better world. The paper concludes with some observations on the claims made for ethnography as a means of reviving critical criminology.

### ETHNOGRAPHY AND CRITICAL CRIMINOLOGY

As some critical scholars, including the feminist Anne Oakley (2000) have noted, there is nothing intrinsically conservative about quantitative methods, and one can add that there is nothing inherently critical or progressive about ethnographic methods. To give an example, Albert Cohen's (1955) *Delinquent Boys* describes the mechanisms through which working class youth subcultures were reproduced in an American city during the 1950s. He explains and theorises these developments using Robert Merton's strain theory, which attributes crime to consumerism and the barriers to advancement in a class-based society.

Surprisingly, Merton is presented in some collections and handbooks of critical theory since the 1990s, especially in the USA (for example, Lynch et al 2000) as a critical theorist, even though he supported both the existence of inequality as a motivating force in a capitalist society and the need for continuous economic growth<sup>72</sup>. My point here, however, is that ethnography can be used as a vehicle for advancing any political viewpoint, or no political viewpoint (although if you have strong political views, there cannot be a neutral position). Nevertheless, it has more often than not been employed or advocated by progressives against mainstream criminologists who employ quantitative methods and support established institutions and

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<sup>70</sup> One criticism of cultural criminology is that it focuses on lived experiences, without advancing a systematic analysis of the economic and social processes that produce inequality in current times (for example, Hall and Winlow 2007).

<sup>71</sup> This has nothing to do with how ethnographic research is assessed as ethical or risk free by ethics committees.

<sup>72</sup> This refers to another potential tension within critical criminology at the present time, ignored in most collections even if they contain a chapter on green issues. Traditional left wing political parties seek a fair distribution of income and wealth within an industrial society. By contrast, the radical wing of the environmental movement questions whether our present way of life is sustainable.

economic elites. This statement needs, however, some unpacking since interpretivists, critical realists and postmodernists have each understood criminology and ethnography differently.

### *Interpretivists*

The interpretive tradition sees itself as the heir to Max Weber (1978), and other thinkers who have believed that social science should address the meaningful nature of human group life. It includes symbolic interactionism and ethnomethodology in sociology (themselves diverse traditions), approaches with similar assumptions in anthropology and socio-linguistics, and philosophically driven traditions of reflection and empirical enquiry such as phenomenology and hermeneutics. The crucial assumption, most explicitly advanced by Herbert Blumer (1968) in symbolic interactionism and Harold Garfinkel (1967) in ethnomethodology is that researchers should study how people engage in their everyday social activities in Garfinkel's terminology "without irony". Most sociologists, whether they have conservative or progressive political views, view social actors as deficient in some way. In the Marxist tradition, they suffer from false consciousness. In the functionalist tradition, they are not aware of the latent functions of social institutions. But the interpretivist is only interested in how criminal justice practitioners or those charged with offences understand their own actions.

### *Critical realism*

Critical realism is an epistemological position, associated with Marxism, that is based on the view that there are real social structures and processes that have causal effects, and can be investigated using scientific methods<sup>73</sup>. From this perspective, interpretive ethnographies were strongly critiqued by critical criminologists from the late 1960s. In championing the underdog, interactionists were accused of accepting both capitalism and liberal democracy. According to Gouldner (1975), those commissioning and facilitating such studies had a personal and professional interest in the perpetuation of poverty and deviance. Interactionist studies were also criticised for their alleged focus on individuals rather than the social structures that underpinned inequality and discrimination<sup>74</sup>. There was even fiercer criticism of ethnomethodology for its policy of indifference towards moral and political questions (Garfinkel 1967).

Nevertheless, critical criminologists have often drawn on interactionist methods and concepts, while incorporating these within a theoretical framework that recognises and explains structural inequalities. Pat Carlen's (1976) study of a magistrates court in Britain demonstrated how one could employ interactionist methods and concepts in researching the oppressive treatment of defendants at the "micro" level, within a Marxist analysis of law as a "macro" institution. She went on to pursue a feminist critique of the penal and welfare systems based on interviewing women about their experiences (for example, Carlen 1983). Although there have been relatively few critical ethnographies, based on long periods of fieldwork, that focus on criminal behaviour or the criminal justice system, any in-depth study that recognises structural constraints normally generates considerable interest. Perhaps the best known critical ethnography in recent times is by the anthropologist Philippe Bourgois (2003) who lived among crack cocaine dealers in Spanish Harlem, New York. Another example in England that was well received among the critical community was Dick Hobbs' (1988) study about the relationship between criminals and detectives in the East End of London. Although the subject matter of these studies was very different, they each described a social group carefully using ethnographic methods, and theorised this using a Marxist theoretical framework.

### *Postmodern ethnography*

Postmodernism is a diverse, intellectual movement that questions philosophical assumptions underpinning social science disciplines, such as the idea of progress and the pursuit of truth. These ideas have not influenced the conduct of criminological research, although the work and ideas of Michel Foucault have been incorporated into discussion of theory mainly by critical criminologists. In anthropology and sociology, postmodernism has influenced how some researchers practice and conceptualise ethnography, and led to lively debates with realists (for example, Clifford and Marcus 1986 and Gubrium and Holstein 2003). Despite their apparent commitment to relativism, postmodern ethnographers often advance similar political viewpoints to those held by critical realists. But they also attempt to subvert or make trouble for how conventional researchers represent social institutions. Some sociologists have, for example, written up their

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<sup>73</sup> For an influential statement of this position, see Bhaskar (2008).

<sup>74</sup> For an interpretivist view of social structures, see Dennis and Martin (2010).

findings as plays which are directed against what is portrayed as boring and politically conservative, mainstream research (for discussion, see Hammersley 2008, chapter 1).

## CULTURAL CRIMINOLOGY AND ETHNOGRAPHY

Cultural criminology is a mix of ideas from different traditions, and one can admire the skilful way these are developed and packaged into a criminological position. Cultural criminologists believe, like previous critical ethnographers, that "existing subcultural and interactionist perspectives only gather real explanatory traction when integrated with historical and contemporary criminologies of power and inequality" (Ferrell et al 2008, p.5). They have also drawn on the work of interpretive ethnographers, such as Jack Katz (1990), and postmodernism at a theoretical level, in recognising the importance of the emotions. This inclusiveness, however, comes at a price. Cultural criminologists do not usually acknowledge differences within the traditions they combine<sup>75</sup>, or work through possible tensions between them. The contradictions can be demonstrated through reviewing their criticisms of quantitative research, and then considering how their own ethnographies represent lived experience.

### *A critique of quantitative methods*

Many criminologists today not only believe that exploratory qualitative research through ethnographic case studies has little practical value (for example, Wiles 2002), but they seem uninterested in everyday actions, motivations or social processes. Ferrell et al (2008) argue that quantitative methods assist in portraying offenders as deviants. According to them, the articles published in mainstream journals, based on analysing statistics, present a reductive, de-humanised account of criminal behaviour as caused by social structural factors or psychological and even biological deficiencies. Instead, ethnographies conducted by cultural criminologist reveal that offenders obtain emotional satisfaction and thrills from, for example, shoplifting or criminal damage. They make it possible to view criminal behaviour sympathetically as a response to inequality.<sup>776</sup>

One response might be that cultural criminologists offer an equally idealised, selective and politically motivated view of crime. Nevertheless, it is difficult to contest the central argument that quantitative studies cannot address the lived experiences of offenders. Moreover, Ferrell et al (2008, p.166) note that conventional studies cannot address the experiences of victims: "the vivid experiential agony of crime victimisation transmogrifies into abstract empiricism" (Ferrell et al 2008, p.166). I would go further and argue, as an interpretivist, that it is also important to investigate the experiences of practitioners, even if this does not normally involve heightened emotions.

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<sup>75</sup> To give an example, ethnomethodology is mentioned by cultural criminologists at various points, but there is no discussion of the distinction between ethnomethodological ethnography and conversation analysis. Similarly, there is no discussion of feminism as a distinctive tradition (theoretically and methodologically) within critical theory.

<sup>76</sup> For a similar view, see Taylor, Walton and Young (1973). Jock Young played a central part in this influential critical project during the early 1970s as well as in developing cultural criminology. Interestingly, he was also a left realist during the 1980s, and at that time was less sympathetic towards working class offenders, siding instead with their victims.

### ***Cultural criminologists and lived experience***

What though of the implicit claim that cultural criminologists know more about crime than the people they are researching? It should be evident that strain theorists or control theorists do not have a monopoly when it comes to imposing their political views on a messy social reality. Ethnographers can also interpret the actions of their subjects in ways that bear little relationship to how they understand their own lives. One contradiction that seems to arise from trying to combine interpretivism and critical theory is that cultural criminologists seek to address the meaningful character of human group life, while at the same time claiming to have a greater insight into the structural forces that shape our actions than their research subjects.

These difficulties are, to some extent, acknowledged by Jeff Ferrell (1993) in his critical ethnography about graffiti artists in Denver<sup>77</sup>. In the following passage, he argues that it is important to understand their activities and viewpoint. But he also claims to understand the structural forces that shape their actions:

"Does this imply that every broken window...every Krylon-tagged alley wall...signifies an act of politically conscious resistance? Absolutely not, and maybe yes. Our answer depends, at least in part, on what we mean by 'conscious'...The question thus becomes, not 'Is this crime or resistance,' but 'In what ways might the participants in this event be conscious of, and resistant to, the contradictions in which they are caught?' Whatever the answer, two things seem certain. The first is that we must take the time to pay attention to what people are actually doing when they are sticking up liquor stores, shoplifting shoes, or spraying graffiti. The second is that political-economic structures - and thus power, control, subordination and insubordination - are embedded in these events as surely as in governmental scandals or labor strikes" (Ferrell 1993, p.172).

In their discussion of method, Ferrell et al imply that that there is something democratic about participating in different social worlds, and particularly about sharing in the experiences of offenders:

"To engage in ethnography...is to humble oneself before those being studied, to seek and respect their understandings, and to take note of cultural nuance because it matters" (Ferrell 1993, p.176).

It is, however, not always clear how the critical ethnographer differs from mainstream criminologists in imposing a political interpretation over the lived experience of offenders or criminal justice practitioners. If ethnography is a critical method, superior to conducting surveys or analysing statistics, it is not without its own problems. For one thing, the messy and complex nature of the social world makes it difficult to advance a critical, political viewpoint while addressing different perspectives and experiences. There is also, arguably, an ethical problem that arises today, but did not exist during the 1960s or even the 1980s, in justifying research that provides a one-sided, political account without engaging with these complexities. This is because there currently seems little prospect of transforming the capitalist system through political action. The next section will explore the issue of what makes ethnography critical through considering an interpretive study about sentencing in Australian children's courts.

## **AN ETHNOGRAPHY OF SENTENCING YOUNG OFFENDERS**

I conducted this ethnographic project on children's courts in Tasmania, Victoria and New South Wales during the period 2005-2010. It was based on observing hearings and interviewing practitioners, with the aim of understanding the practical and legal considerations in sentencing young offenders (Travers 2010, 2012). The analysis is not informed by conflict theory. It is not even critical in the same way as labelling theory through siding with young offenders against the police and courts (a central element in cultural criminology). In focusing on what happens inside children's courts, it could perhaps be criticised as a "courthouse ethnography" (Ferrell et al 2008, p.165), although this term as used by Polsky (1967) refers to corrective studies informed by the perspective of official agencies.

Nevertheless, through adopting an appreciative stance towards the experiences of young offenders, and looking carefully at the nature of professional work, particularly that of magistrates in sentencing, this ethnography does address the complexity of offending and the social response by welfare agencies and courts.

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<sup>77</sup> There are, in fact, few ethnographies by cultural criminologists, outside the work of Ferrell (1996, 2006) and a few collaborators (for example, Ferrell et al 1998). Owing to the difficulties in doing longterm fieldwork at the present time, students are encouraged to do "instant ethnographies" based on the political interpretation of street scenes or current events, or cultural commentary informed by an "ethnographic sensibility" (Ferrell et al 2008, p.179).

It can be contrasted with statistical studies that present young people as deviant, and have recently been used to call for a tougher response to offending in New South Wales (for example, Wallace and Jacobsen 2012).

### *Some uncomfortable moments*

Any study by a middle class researcher about the social experiences of marginalised groups will produce some uncomfortable moments, both because you come across people in distress, but also because you sometimes feel like a voyeuristic outsider in a different social world (an ethical problem). The following examples raise issues about our own privilege, and the extent to which we understand the lived experiences of our subjects:

#### *A young girl screaming in court*

During one morning in court, a 14 year old girl who had run away from a care home, and committed some minor offences, was sent to Ashley Youth Detention Centre as a temporary measure for her own protection. She was brought into the court building hand-cuffed. After the hearing, when she was cuffed, she was screaming with anger and complete despair. I felt disturbed observing this, but noticed that for practitioners this was a normal part of their work.

#### *A young offender gives me the finger*

While observing a hearing, I noticed a young offender in cuffs, waiting at the entrance of the tunnel from the police station. He could only be seen from where I was sitting. I had not seen this before, and was intrigued by how he was able to sign a document while wearing the cuffs. He saw me looking, and gave me the finger<sup>78</sup>.

#### *An Indigenous offender asks for help*

In one hearing in New South Wales, an Indigenous young person in detention was given the opportunity to attend the Youth Drugs Court. He had been in care and suffered abuse, and was wary about welfare programmes. I had been identified by the magistrate as a researcher. During the hearing, he looked at me several times.

### *Addressing lived experiences*

From a critical perspective, it is easy to see these defendants as members of subordinate groups responding as best they can to an oppressive court system. If, however, one considers these events in more depth, it should be apparent that social reality is more complex. In the first example, the only person who was disturbed during this hearing, aside from the young girl, was the researcher. The practitioners had encountered distressed defendants many times before. They did not see sending her to a detention centre as ideal, but they were adopting a caring, professional approach to a vulnerable young person. Similarly, cultural criminologists often portray male defendants as engaged in an act of unconscious rebellion against the capitalist system. But how did the offender who gave me the finger actually understand his own life and criminal activities?

Cultural criminologists complain that statistical studies are "carefully designed for neat execution and clean results" (Ferrell et al 2008, p.59). But similar criticisms can be made of critical studies by interpretive or postmodern ethnographers. It is hard to resolve the tension between addressing meaning in all its complexity, and offering a political reading that is at some remove from how offenders and practitioners understand their own actions.

### *The ethical basis of critical research*

These experiences also make one think about the ethical justification for researching the life experiences of subordinate groups. There is much talk about ethical considerations these days in universities. Ferrell et al (2008, pp.164-5) see the ethics system as presenting "endless impediments" to qualitative researchers while supporting standardised quantitative research. To talk about ethics in a more interesting way, it seems important to recognise that social science research seldom causes physical or psychological harm. This is why ethics review is often viewed as unnecessary or burdensome. Nevertheless, it remains important to ask ethical questions about the value and purpose of social scientific research.

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<sup>78</sup> What seems intriguing or disturbing is not simply the manual dexterity of the defendant, but the way the police did not bother to remove the cuffs until immediately before a short appearance.

two decades (see, for example, the preface to DeKeseredy and Dragiewicz 2012). But they also know that they are struggling to get heard in an increasingly conservative intellectual and political environment, and perhaps also that there are few contributions with the anger and bite, or intellectual depth, found in the best critical theorists from the past.

There is, undoubtedly, much work for critical criminologists, at the present time, as the world struggles with massive problems, including the continuing global financial crisis and the possibility of environmental collapse. Ethnography will not, by itself, revive the critical project: this needs hard, theoretical work. But ethnography can reveal the experiences of subordinate groups, and make one think critically about the gap between ideals and realities in the criminal justice system. It becomes a critical method when used for these purposes.

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