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DELINQUENCY

ALEX

COMFORT

INTRODUCTION

The article which appears below was first published by Freedom Press in 1951, being the text of a lecture delivered by Alex Comfort on Delinquency in 1950 to a gathering of anarchists.

The basis of what he is saying, however, remains applicable today notwithstanding a length of time which has seen the rise and fall of perhaps more 'fashionable' but less critical approaches to the same problem.

This is not to say that all Dr. Comfort's ideas, would meet with the full approval of the more radical criminologists today, particularly those who are at present developing the transactionalist theories of deviance: (probably Alex Comfort's use of the Medical analogy, and his notions regarding the persistent offender, would today be criticised) Nevertheless, the central theme of his paper, i.e. his analysis of the relationship between patterns of authority in both family and society, and the creation of delinquency, remains valid, and is being expanded in an attempt to reach a more meaningful and critical understanding of criminal deviance and deviance as a whole.

Alex Comfort's proposition in 1950 that,

"... while some delinquents commit crimes, those who do are quite arbitrarily selected by the form of law at the time, and that others of identical make-up are either unpunishable or are essential members of our present type of society. They may even make the laws which determine the selection." ¹⁾

has been in essence taken up in 1968 by Howard Becker who states,

" Social groups create deviance by making rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender"." ²⁾

1. See Alex Comfort p.1. below.

2. See Howard Becker, Outsiders 1963 p.9.

(ii)

and similarly by Denis Chapman when he says,

" Crime is a functional part of social systems..... designation of certain acts as permitted, tolerated, or condemned in different circumstances is arbitrary." ³⁾

Thus contemporary exponents of the transactionalist and other theories are raising questions of political importance as to the structure and dynamics of a society which enables this process to occur.

Ideas and experience from whatever source which may help us to understand and answer some of these questions should be investigated.

It is worth noting however , that , " political anarchism is now as it was in the past important in diffusing ideas which call into question the accepted system of beliefs about the criminal."

3. See Denis Chapman. Sociology and The Stereotype of the Criminal 1968. p.4.

4. Ibid. p.248.

ORIGINAL INTRODUCTION

In the years following the Second World War, there has been a great deal of concern about the increase in crime, more especially juvenile crime in this country. It seems likely that crime has increased in all countries of the civilised world, and this fact alone would be sufficient to suggest that there are underlying causes of such behaviour beyond the "wickedness" of the increasing number of persons who commit criminal acts. But the work of Freud and of other psychologists has made everyone today far more conscious of the mechanism of motivation than was conceivable sixty years ago. And, as a result, it is no longer possible to dismiss criminals as evil creatures who ought to be punished. Instead, most of us are uneasily aware that "there, but for the grace of God, go I."

Of course there are die-hards who still think in the old way, just as if Freud had never existed. A surprisingly large number of them are to be found in the legal profession, at the Bar and on the Bench. But their utterances only give point to the changed attitude because they seem so utterly out of date and out of touch.

Punishment therefore seems less and less a satisfactory way of dealing with those who break the law, especially when they are juveniles. Increasingly the question of causation intrudes itself. What makes them do what they do? When they act in disregard of common humanity, what has made them lose this human characteristic?

It is not difficult to see that the legal die-hards react in an outmoded fashion partly because they are on the defensive. The law in its majesty sets the bounds of conduct and chastises the transgressor. White is white and black is black. But once the intruding spirit which seeks to understand appears on the scene this cut and dried aspect begins to have blurred outlines and the comforts of dogma are overturned. Hence the hostility of the legal mind towards the psychiatric mind: hence the bombinating absurdities of the Bench and Wig.

Viewed with the knowledge of motive, of social upbringing and the host of other factors which a psychiatric approach to crime and criminals uncovers, the law cuts a rather unpleasant figure, old-fashioned and over-righteous, and very much lacking that warm quality of understanding which is part of human social warmth and solidarity.

But the law is not the only quasi-sacrosanct institution that a study of criminal motivation and origins brings

into a certain disrepute. Society itself, with its conventions and prohibitions and imperatives, its arbitrary economic pressures, its varying opportunities afforded to different groupings and classes: society itself must also bear its share of responsibility for what its members, even the so-called criminal ones do. Often, in the light of the new insights, society appears as the superstitious mass treating the criminal as the scapegoat for its own concealed sense of guilt. (My emphasis J.F.)

But society is not abstract conception. It means aggregates of men, women and children, all individuals with their own responses, their own fears and hopes, joys and unhappiness. The more one understands the well springs of criminal behaviour, the more light is shed on the motives of individual conduct.

Hence there is far more in the study of crime than appears at first sight. Yet, as Dr. Comfort shows in this lecture, there are yet wider horizons. For crime is only breaking the law; but the concept of delinquency covers any persistent anti-social behaviour whether forbidden or sanctioned by the law. The realms of delinquency thus extends into many fields of activity usually regarded as normal: business and political activity present many examples of delinquent, if not - by present legal enactments - criminal behaviour.

In the space of this brief lecture, given at the Anarchist Summer School of 1950, Alex Comfort makes far clearer the problems presented by delinquency. In doing so he shows that these problems are by no means simple. If the die-hards regard criminals as fundamentally untreatable, the tendency of the more sentimental progressives is to be altogether too optimistic, for they often seem to think that a more just and equal form of society will abolish the delinquent. With the revolution they see the problem disappearing overnight. In its extreme form it is a wishful, puerile, conception: on an intellectual level almost as low as the die-hard's.

The study of delinquency uncovers the social forces which favour such delinquent tendencies, and exposes the frustrations which turn children and adolescents from natural warmth to a reactive hostility towards society. In doing so it points out to us the direction which an ideal society should take. Alex Comfort rightly draws an analogy with epidemic diseases. We have largely eradicated these by understanding their causes. The eradication of delinquency, of anti social behaviour may be far harder because it runs into conflict with such established institutions as the law, the authoritarian family and the sex denials of society. But it can only succeed by adopting a similar approach. (J.H.)

DELINQUENCY

The Mikado, you may remember, prided himself on making the punishment fit the crime. If he had been one of the more progressively-minded English Home Secretaries, he would have talked about making it fit the delinquent. A great many people use the word as a rather genteel term for criminal. I want to begin by pointing out that this is technically incorrect. Crime is something which the law punishes, and that is all it is. (My emphasis J.F.)

You probably know that the leading maxim of criminal law is that nothing is punishable unless the law expressly forbids it: crimes are those actions which are prohibited and which are punishable, and the term is a legal one. Delinquency is a psychiatric term, and it usually means that kind of behaviour disorder which expresses itself in injury to other people, or general mischief to society.

Now it is delinquency, and not crime, which psychiatry studies. I think you will see that this must be so—statistical data on the prevalence of crime, for example, are almost meaningless, because any action can become a crime or cease to be a crime overnight. If parliament passes a Bill, or the Minister issues an order, forbidding the sale of herrings less than four inches long, it is going to reflect itself in the criminal statistics. I'm choosing an extreme instance to illustrate the distinction. In most societies, including our own, it is quite true that most crimes, at least the important ones, are acts of delinquency, but in the last hundred years this has become very much less true, owing to the growth of a very large body of administrative law. And the distinction becomes highly important as soon as one begins to try to use psychiatric methods in dealing with those whom the courts convict. It must be quite obvious, I think, when we hear people saying that all convicted criminals ought to receive psychiatric treatment, that psychiatry would have very little to say to Robin Hood convicted of shooting the King's Deer, or to the man who steals when he is starving, or to the Tolpuddle martyrs, or to an individual who is convicted of street betting. Those are not extreme instances. In the last few years we have seen psychiatrists being asked to rehabilitate people and readjust them in society because they refused to drop bombs on civilians or to conform to the Nazi racial laws. I don't think I need say any more to stress the distinction between the criminal and the delinquent, except to point out something I am coming back to later, that while some delinquents commit crimes, those who do are quite arbitrarily selected by the form of law at the time, and others of identical make-up are either unpunishable or are essential members of our present type of society. They may even make the laws which determine the selection. (My emphasis. J.F.)

I want to begin, however, by confining myself to the delinquents who are criminals, in the sense that they persistently fall foul of society and of the people round them in ways which bring them into conflict with the law, because they present a definite challenge to the ideas of society which we, at this conference, have been discussing. One of the standing arguments in favour of the coercive power wielded by the State is that delinquents of this type exist, and that we need to be protected against them. Now I know that most of us here don't accept that argument any more than we accept punishment. What I want to do to-day is to give you a clearer idea of the evidence which, to my mind, justifies our rejection of it, but nevertheless I feel, from reading a good deal of our literature, that we are in danger of under-estimating the activity of these delinquents, and of assuming rather blithely that in a society of the kind we envisage they will disappear and give no more trouble. It is quite true, I believe, that we can eradicate this kind of delinquency almost entirely by altering the form of society, but only if we have a very clear idea of the exact causes which produce them. If we talk in general terms about getting rid of capitalism or of coercion, we are really being just as vague as the elderly magistrates who talk about improving the moral standards of the nation. The only hope of getting rid of delinquency, in an anarchist or in any other, depends on our having as accurate a picture of its causes as we have of the causes of epidemic diseases, and we can get that information by exactly the same methods. I want to look at some of the ideas of causation in delinquency which have been held in the past, then at more recent studies, and lastly at the implications of this work in any planning of new social patterns which we undertake.

During the period when our criminal law was formed, the normal explanation of delinquency was that it arose from spiritual wickedness. In other words, it had a supernatural cause. So long as that view persisted, attempts to analyse this construct any further were rather limited and scattered, though they were not by any means absent. With the growth of deism and rationalism, the idea of original sin and of the Devil did not decay at all rapidly - they became translated into the ideas of a basic human tendency to relapse into aggression against others, and in the idea of antisocial instinctual drives which had to be curbed. We no longer accept the "basic human tendency", or rather, we recognise that aggressive impulses are normally the obverse of social impulses, but we have to accept the idea that some people have strongly-developed antisocial impulses - the starting-point of rational criminology came when individual workers began to try and

ascertain where these impulses originate, why some people show them more strongly than others, and how they can be remedied. The book which is usually regarded as the start of modern psychiatry of delinquents is Beccaria's Dei Delitti e Delle Pene, published in 1764, but that book is a plea for humane treatment rather than a study of causes. Perhaps the first serious study of causes, though it was rather a mistaken one, came from the physiognomist Lavater, who originated two of the longest-lived and most misleading ideas in psychology, that of the criminal type and that of the personality-trait, which he claimed to be able to recognise in the face. His influence is very manifest in the work of Lombroso at the start of the century. The tendency of Lombroso's work, as you probably know, was to assume that crime was an innate predisposition, similar to artistic proficiency or high intelligence. Ideas of this kind did much to limit the attempt to treat delinquents with a view to cure, by assuming that the man who commits crimes is genetically different from the man who does not, but it did rest on one very important observation, which still holds good, that those who commit crimes fall into two very sharp groups- those who commit one crime from a fairly obvious cause, who steal when they are hungry or murder someone under the influence of extreme provocation, and those who are recurring decimals and commit crime after crime, very often identical in detail.

I think it is important to recognise this fact, when we try to assess the claim of political theory that the law and the coercive forces of the State are our main protection against delinquents. Quite apart from any consideration of Anarchism, the facts shew that a relatively large proportion of crimes which occur, and which are delinquent crimes, as opposed to administrative offences, are the work of a relatively small number of people. The evidence which we have to-day suggests that any of us here to-day are good for one criminal delinquent act, given sufficient provocation the fear of punishment may play some small part in keeping us in order, but if it were withdrawn, very few of us would rush out to steal something or kill the person we like least. Our internal standards of conduct would stop us from doing so. On the other hand, there is this very definite group of individuals who repeatedly do such things, and who do them in spite of the law, in spite of repeated punishment, and very often without any great personal advantage accruing to them. The problem of crime is not the problem of stray, innate, or natural antisocial impulses. (my emphasis J.F.)

Stable societies control these very effectively without coercion by the same kind of group-customs which would

make any of us here very loth to walk down Oxford Street naked, even if we would not be arested for doing so. The problem of crime as a serious menace to individual life and rights is the problem of the persistent offender, and the only protection the state gives us against him is that which we get from his absence in jail. I don't need in the present company to argue against mere incarceration for preventive purposes. If we can rehabilitate these people, we ought to- there is quite as good a case, on grounds of policy, for imprisoning those who have tuberculosis, but we don't consider it just or equitable to do this. From our point of view, the important thing is that this threat to society, upon which the States bases so many of its claims, would disappear if we could ascertain why individuals become persistent offenders, remove the causes which make them so, spot and rehabilitate the early case, and thereby remove the supply, even if we did nothing to rehabilitate the hardened cases.

The second thing which Lombroso recognised, and which led him to regard crime as congenital, was that the persistent offender invariably begins his antisocial activities at a very early age. And it is generally agreed that if we can focus our attention on the juvenile delinquent, pick out the group who are going to become persistent offenders, as opposed to the naughty boys, and arrest the process there, crime as an administrative problem will virtually disappear. That is why so much psychiatric attention is being focused on juvenile delinquency today.

Now you'll notice that I have not been talking in specifically revolutionary or anarchist terms about this problem, because most of the work which is being done to-day is not being done by revolutionaries, but by psychiatrist who are trying to work, if not with, at least in, the existing order. I think their work is important, and for this reason - delinquency is not limited to crime. The further we go in the anthropology and psychology of delinquency, the clearer it becomes that the mechanisms which make some people into thieves or persistent murderers are not dynamically different from the mechanisms which make people into the other kind of delinquent, the socially accepted and unpunishable delinquent, with whom we are at odds whenever we criticize power and coercion as institutions. This is not a theory peculiar to anarchists. It has a very wide, and, I believe increasing acceptance in psychiatry. As anarchists, the desire to dominate is the "crime" that worries us most. We recognise that at the moment the delinquent activities of government, and of individual psychopaths in them, are a greater threat to social advance than even the most serious examples of punishable crime.

The individual who is clever or lucky as well as delinquent may be able to express his basic character-disorder in an unpunishable form- if he is unlucky or of low intelligence he will express it in what is commonly known as crime. In another context, the aggressive psychopath who bashes people and robs them may be psychodynamically identical with the sadistic warder who bashes people and is allowed to do so, or the nucket-shop proprietor who goes to prison, with the demagogue who rises to be head of his party.

For this reason, a scientific attempt to ferret out the actual, concrete factors in society, the family, and the individual which lead to " crime " of the delinquent type is in itself a revolutionary activity, if by revolution we mean the attempt to alter inadequate social patterns by deliberate action, and any contribution to this study, even if the people who make it do not realise its wider significance, is of vital importance to us as revolutionaries. And it has another side. We're not always very logical. Most of us, I think, refuse on principle to be indignant, and to react by demands for revenge, against bandits or murderers, because we say that their behaviour is the outcome of defects in society. On the other hand, we are very often indignant, and we may react equally sentimentally, at the activity of power groups or of individual rulers - or, perhaps more characteristically among anarchists, at the activity of a class, or of the whole group of rulers, who seem to us to be acting brutally or wickedly in their own fields. I don't want to suggest we should lose our healthy social indignation, any more than I suggest we should come to shrug our shoulder when we come across a multiple murderer, but I do feel that any revolutionary movement which is able, as I believe we are able, to ground itself in psychiatry should thereby acquire a balance and a principled approach to social evils which it can get in no other way. I believe that there is only one possible kind of revolution, a revolution based on a scientific study of the things we wish to foster and the things we wish to eliminate, and their adjustment by means which would call psychiatric, not political, and those are the criteria which we have to fulfil if we are to make a contribution to human progress. And it goes further than that - it is known to-day that not only governmental power but revolutionary activity itself is a very common cloak for psychopathic tendencies in the participants. We all know the psychopathic crank, to our cost, and being a minority movement we have to guard against him: for all I know, I may be one. The application and reapplication of rational criteria to our own response and opinions is a positive duty, and an extremely difficult and arduous one.

Is our hatred of coercion or authority based on evidence, or is it a discharge of aggressive tendencies which might have landed us in Dartmoor or in the Cabinet? It's a point I won't pursue, but we should mention it in passing.

"The Delinquent" or the psychopath is invariably someone else, not the person who uses those words. (My emphasis J.F.)

Now the crucial question for us is this - can we hope to interfere effectively to prevent the development of the delinquent type of behaviour disorder? Is it, as Lombroso suggested, and as a very few penologists still suggest, an innate defect? I think we can answer that with an unqualified "No." There is no significant evidence whatever to support such a view, except in a very limited number of mental defectives and organic psychotics who are destructive and troublesome, and even these can to some extent be trained as well as restrained. Is it, then, an economic effect? Does poverty breed crime to the extent we formerly believed? Up to a point it does, though some of that crime is hardly delinquency - crime, as I hope to show in a minute, is a breaking-down or breaking-out process, and like other explosive forms of behaviour many non-specific stresses can contribute. But poverty is by no means the only cause, and any simple economic view is not enough.

If you read the press, you will see that the causes of crime, especially juvenile crime, are known to practically everyone - bishops, magistrates, doctors, social workers, postman, and editors. Unfortunately, no two of these agree what they are. The most commonly cited are low moral standards in the home, either through lack of religious teaching or through the supposed growth of pilfering, fiddling and so on, lack of what is termed parental discipline, and the notorious fact that children steal because they want things - if they pinch sweets it is because they want sweets but won't save up for them, which is the spiritual-commonsense theory in another form.

The only way to deal with this kind of assertion is by proper observation, to see if it is true. I'm going to devote the rest of my time to one particularly important study on these lines which has just been published, that undertaken by Stott for the Carnegie Trust. So far as I know he is no anarchist, so I can quote him without any charges of special pleading. His series of cases covers 102 youths between 15 and 18 in English approved schools - this is a smallish sample, but the results and the method were both of general importance. I can't unfortunately do more than summarise Stott's findings, but the book can be obtained

from public libraries under the title Delinquency and Human Nature, and I commend it to everyone here.

Stott's primary finding is that in almost every case the actual offences, whatever they were, whether sexual, larceny, or other, represented breakdown-reactions to enormous internal stress. In no case did a boy steal because he wanted something- unwanted objects were stolen, stolen objects given away. Parental discipline ranged from very severe to absent. Religious upbringing was indifferently present or absent. In Stott's own words, delinquent breakdown is an escape from an emotional situation which, for the particular individual and with various conditionings of his background, becomes at least temporarily unbearable. The motives of the offences Stott summarises as avoidance-excitement, which is apparently particularly associated with housebreaking, inferiority-compensation, delinquent-attention, resentment against parents, desire for removal from home, in that order. One important deduction from this finding is that criminal parents are not an important determinant, for this reason: the satisfaction or relief which the delinquents got from their offences were not concrete ones, like gain or advantage, but depended almost wholly on the fact that crime is something which society rejects, which brings punishment, gets them sent away from home, or scandalises parents. The boy whose father is a burglar does not try to spite him by stealing. The largest number (53%) engaged in crime as a means of forgetting their home problems in a round of adventure. Others deliberately courted detection to spite their parents or to escape from home. I think that a reading of the 102 detailed case histories here gives us a truer picture of what we are up against in dealing with the persistent criminal than does any examination of the later part of the process. The old lag has a hard shell- he is in equilibrium with himself, and one can't easily break in. But he is the end result of the same process. Stott shows very clearly that delinquency is a neurosis, if by neurosis we mean a repetitive kind of response to a situation we cannot cope with, which is in itself inappropriate and useless, but which has become fixed as a habit.

For our purposes, we need to go further, and see what the stresses were which produced this pressure. They were all in essence tensions within the family. Summary gives little idea of them - to realise what these boys had to contend with, in "good" (respectable) homes for the most part, one has to turn to the case histories; Stott gives us broad headings which indicate the type of anxiety source, but not its intensity or the total absence of any real means

of escape for the victim : anxiety over parents' health, desertion threats, being unwanted, estrangement from parents, unsatisfactory parents, neurotic, hysterical, stupid over-severe; homes upset by quarrelling, separation, re-marriage and so on. Under these one can make out, if one wishes, some of the more classical Freudian outlines. There is no one paramount cause-- any major stress which impairs the stability, the confidence or the affection in a family can , under the right conditions, produce delinquency, some more than others, but in every case the aggression irresponsibility of the delinquent is the outcome of learning - it is a response he has acquired, not as a character-trait, but a way of reacting to a situation. And behind the family structure lies the structure of Western Urban social-democracy, a pattern of communal life in many respects non-viable, a society which tends to consume, not reinforce its children because it has become socially non-cohesive. And the treatment which is required this being so, is one of deconditioning, of "placing the delinquent in an environment in which his emotional wounds can best heal ". How far this is from orthodox legal ideas of punishment, need hardly be stressed. As to the asocial society to which he must then return, the reform of that is already our prime concern as advocates of freedom and mutual aid.

I have neither the time, nor, I think , the authority to try to apply the lessons of what I have been saying to our ideas of changing society, except to point out to you once again that the family, in view of its part in character - formation, and the whole nexus of personal relationships which contribute to it, is the key not only to the problem of delinquency in its limited sense but in all the wider social and political contexts which interest us in our desire to found a noncoercive society where individuals respect one another without external sanction. There is plenty of room here for discussion and study.

There are two points I would like to make. First of all, modern work in this field seems to me to give us extremely strong ground for encouragement. The political field, and the type of revolution by a levee-en-masse, which earlier radicals looked for, have never been bleaker in prospect: the new knowledge and study of the machinery of human societies and of individual character formation gives us, I think, not only a field in which to work with every hope of success, but also an assurance that the ideas which we have espoused, for various reasons, conscious or unconscious, since the time of William Godwin, are becoming increasingly the currency of scientific thought. Secondly, I want to stress

