

Special Issue on Ethnography, Crime and Criminal Justice

Editors: Max Travers, Judy Putt, Deirdre Howard-Wagner

Introduction

There was a period in the US and Britain between the late 1960s and 1980s when many ethnographies were published in criminology, socio-legal studies and the sociology of deviance about different criminal subcultures and the criminal justice process. Today, the main criminology journals mostly publish quantitative studies, with the exception of evaluations that tend to portray programs in a positive light, and do not normally describe the work of practitioners in much depth. There are exceptions, such as Philippe Bourgois' (2003) *In Search of Respect*, which was based on spending a year, as a covert observer, participating in the daily activities of a crack house, although without taking drugs or engaging in acts of violence. This ethnography by a critical anthropologist received a great deal of praise from criminologists, and is often recommended to undergraduates. This is the exception to a neglect of ethnography and, perhaps more importantly, a lack of interest among mainstream criminologists in the methodological issues that arise when employing this research method and in qualitative research more generally.

One reason we have edited this special issue is because we enjoyed *Qualitative Criminology: Stories from the Field* (2011), a collection that demonstrates that qualitative research, including fieldwork studies pursued over a long period of time, is alive and well in Australia. The focus was on the practical issues that arose while conducting qualitative projects. In this special issue of *Current Issues in Criminal Justice*, we are interested in pursuing further some of the themes or issues raised in that book. We are interested, first, in the nature of ethnographic research as a distinctive method that involves the immersion of a researcher in different social worlds, and managing the tensions between an insider and outsider perspective. This is not always appreciated in criminology and can lead to a dismissal of ethnography without critical engagement with the intellectual foundations or objectives. Second, we are interested in how ethnographers understand their work as being rigorous and scientific. This is a methodological issue for ethnographers and we are aware that there are postmodernist traditions in ethnography outside criminology that contest this whole way of thinking (see, for example, Clifford and Marcus 1986; Gubrium and Holstein 2003). Nevertheless, there are many qualitative researchers in sociology and anthropology who seek to produce objective or reliable findings.

A third issue that interests us about ethnographic research is ethical issues and the question of ethics review, but not simply in the sense of contributing to the many published complaints about ethics regulation. A fourth issue is how we can establish qualitative criminology as a sub-field informed by a better understanding of ethnography and other qualitative research methods in a way that advances the discipline in Australia and internationally. We are therefore hoping that this special issue will contribute to a growing interest in qualitative research methods in criminology, as indicated by the publication of texts such as Westmarland (2011) and *The Sage Handbook of Criminological Research Methods* (2012). We also hope that this special issue will be seen as a contribution to

criminology as an applied discipline concerned with scientific rigour and social justice, as exemplified in the work of Sandra Egger.

Ethnography and immersion

Ethnography developed in the discipline of anthropology in the past century as both a research practice involving participant observation in a particular locale, and an account that described and interpreted the place and people through a cultural 'lens'. Fieldwork in the unfamiliar or the foreign was an integral component of research practice whereby the ethnographer became 'immersed' in this socio-cultural context to better understand and translate the social ordering and meanings within the milieu. As ethnographic techniques, and in particular participant observation, were increasingly adopted by other disciplines in a range of settings and to investigate a broad range of questions, the degree to which the researcher or research team became 'immersed' became a subject of reflection and debate. The first paper in this special issue by Judy Putt reviews the history of this research method in criminology, and the value of the approach, not least by presenting the cultural logic and subjective world views of those who are subordinate or marginalised.

The central ethnographic method and objective is that the researcher gains access to some social group as an outsider and, through conducting fieldwork, to some extent becomes an insider (Bruyn 1966). After some months in the field, the researcher leaves the group and writes about it for different audiences as an insider/outsider. This method has some distinctive features when compared to survey research, the analysis of quantitative data sets, policy research or historical research in archives. First, ethnography often places high emotional demands on the researcher, who has to balance the tensions between being an insider and outsider while conducting fieldwork and writing up data for different readerships. Second, the ethical issues that arise in any type of research are more acute because the ethnographer has over time gained the trust of particular groups, but must always to some extent betray this trust by seeking to write objectively as an outsider or by seeking to address the perspective of other groups in the same setting (Goffman 1989).

The papers in this special issue refer to various forms of immersion and associated ethical, practical and moral challenges. As outlined by Janet Chan in her paper, there is at the outset of the process an assumption of distance between the research and the researched, what the anthropologist Clifford Geertz terms the 'experience-distant' and 'experience-near' (Geertz 1993). The researcher is not a homeless person, a biker, a conference facilitator, a police cadet or a young person out on the town for the night. Almost all the studies discussed in this issue share the common characteristic of a long and/or intense period of observation as an engaged and interested 'outsider'. For example, Sarah Ciftci in her book review of Carla Barrett's *Courting Kids* describes the study's method of interviews and observations as 'immersion in the law in action'. However, as Helena Menih notes in her paper, this positioning can be challenged over time as people get to know the researcher and situations arise that confront the self-consciously adopted neutrality and non-involvement of the researcher.

The process of becoming more close, known and trusted increases the probability of being a participant. Jasmine Bruce does not take on a formal role in conferences, but more informal interactions occur with key actors that enable her to become aware of the 'backstage' work of conferencing. However, there are often limits to what can be observed, related to both acceptance and access. With the latter, Chan comments that there was an awareness of boundaries in the three projects she refers to. Members of the various research

teams were denied access to some people and some events. Within any 'field' there will be the subterranean, the interactions not visible to the researcher, who may not be able, or want, to acquire sufficient nearness or shift in role to enter.

Being a participant is often less well captured in accounts of method. In their paper, Julie van den Eyne and Arthur Veno describe how Veno changed through his increasing immersion (depth and time) in the outlaw motorcycle lifestyle. As an insider, his sense of identity was re-formed and took on a different character, not an unfamiliar experience for those who do participant-observation. Becoming a participant may involve taking on or slipping into implied roles and identities, and David Calvey in his comment underlines how often there can be an unacknowledged covert dimension to immersion. As ethnography is fluid, exploratory in orientation, with an emphasis on the research adapting to circumstances, it may be inadvertent.

According to Calvey, another way that 'covert' observation occurs is through autobiographical accounts, with the practitioner/insider offering retrospective insights once he or she is on the outside. David Dixon in his book review refers to the rather cautious account of some aspects of policing in Christine Nixon's autobiography, where her narrative seems circumscribed by loyalty and probity to reflect on her experiences without damning other individuals. Nevertheless, qualitative data of this kind also offers a valuable, but perhaps neglected, source of data for criminologists (Shover 2012).

Achieving objectivity

In contrast to quantitative research, ethnography does not promise or guarantee objectivity. Since there are different perspectives in any institution or social group, and because insiders and outsiders may have different understandings of the same events or activities, the ethnographer may have to take sides (Becker 1967). This also raises potentially difficult issues relating to relativism. Since there are different perspectives, there cannot be a complete or true way of understanding or describing what takes place in any social setting.

The papers in this special issue by van den Eynde and Veno, and by Chan, are each explicitly concerned with the issue of objectivity, although in ethnographic research this is closely related to ethical considerations. The authors were trained in particular fieldwork traditions respectively within community psychology and sociology, and have each made an important contribution to criminology in well-known studies. In these papers, they write reflectively about methodology and, in particular, how to achieve objectivity by employing a systematic ethnographic method.

Van den Eynde and Veno are not part of administrative criminology, the research tradition within the discipline that accepts the official view of crime as deviant behaviour. They were not invited to conduct research by the police or a government agency investigating organised crime. Instead:

the president of a major international motorcycle club approached Veno to seek advice on how to defuse a serious and escalating violent conflict between OMCs [outlaw motorcycle clubs], the police and the government. Over the previous year, tensions between police and OMCs had amplified to such an extent that OMCs members were planning retaliative attacks against police.

As a result of this situation, the authors ... set two goals for a community-wide conflict resolution strategy: to reduce escalating tension and violence between police and the OMC; and to neutralise a state government's initiated moral panic.

How objective is this type of ethnographic research based on 'immersion' into a particular subculture? One could argue that it cannot be objective since the researchers are only concerned with addressing the perspective of what an outsider might see as a deviant group. But this rather misses the objectives of ethnography as a scientific method. It would certainly be possible to conduct a study about outlaw motorcycle clubs based on 'immersion' in the police or a government agency. From this perspective, there is no moral panic. Biker gangs are committing criminal offences, the problem is worsening and an urgent response is required by official agencies and law makers. But van den Eynde and Venno chose not to address this official viewpoint. Instead, with scientific seriousness and ethical purpose, they set out to investigate the perspective of outlaw motorcycle clubs. This does not, however, mean accepting uncritically the views of informants. It should be apparent that van den Eynde and Venno have a scientific purpose: they want to understand the activities and perspectives of motorcycle clubs and write about them for wider readerships, including official agencies.

Chan offers an interesting contrast regarding objectivity. She does not see making a choice between different perspectives as problematic, or at least does not discuss the problem in this paper. Instead, she addresses the criticism, often made by quantitative researchers, that ethnography is anecdotal and impressionistic. Drawing on three projects, she demonstrates how 'the use of multiple methods and multiple sources of data can improve the trustworthiness and authenticity of ethnographic accounts'. To give an example, when researching crime reporting in newsrooms, in addition to conducting fieldwork in newsrooms, Chan and her co-researchers conducted a qualitative content analysis of newspaper reports. She also recommends the value of conducting ethnography as a team, so that observations can be discussed and checked.

The purpose of combining data sources ('triangulation') and using teams is to improve validity, informed by the assumption that ethnographers can achieve a kind of objectivity using a systematic, scientific method. But one can also argue that any thoughtful and reflective analytic framework is a means of achieving objectivity and revealing insights not available to participants. Bruce looks at restorative justice conferences, employing the analytic framework developed by Erving Goffman (1959). The legacy of phenomenology and social-interactionism is evident in many studies that employ ethnographic techniques, not least because of the focus and the kinds of questions that are being examined. However, for many ethnographers and field researchers, including Chan, the theorising of Bourdieu (for example, 1977) provides a coherent framework for the capacity of participant observation to capture both structure and agency. Imbued with a practical resonance, the concepts of 'the field' and of 'habitus' give legitimacy to a research practice that should be seen as rigorous and valid.

Ethics and ethics regulation

Mark Israel's seminal book *Ethics and the Governance of Criminological Research in Australia* (2004a), his powerful and frank article 'Strictly Confidential' (2004b) and later book co-authored with Iain Hay, *Research Ethics for Social Scientists* (2006), document the quandaries faced by ethnographers conducting ethnographic research on crime and criminal justice, particularly in relation to maintaining participant confidentiality via non-disclosure of criminal activities disclosed to or observed by the ethnographer. Israel (2004b) discusses how the ethics process becomes further complicated if the researcher, undertaking research in a public space, risks exposure to illegal activity. It is now standard for Australian ethics committees to ask socio-legal scholars, sociologists and criminologists undertaking research

in domains where there is potential exposure to information about illegal activities how they will handle this disclosure or observation. On the one hand, ethics committees now require us to gain approval to conduct research in public spaces, which may include gaining consent from organisations, such as local governments. However, they recognise that naturalistic observations in which the researchers are unable to know all or maybe any of our subjects are considered of minimal risk to participants and do not require consent from each person. Menih explores this from a different angle in the context of public spaces in which it is difficult to control who enters the field, as well as detailing the complications in conducting an ethnographic study of homelessness in public spaces. She also alludes to the difficulties certain ethics requirements pose for the more fluid aspects of ethnography, such as at stages when the ethnographer is attempting to establish rapport that will lead to the potential to interview participants. This relationship building is an important aspect of overt participant observation complicated by requirements imposed on researchers by Australian ethics committees.

It seems as though this is an ever-changing ethics landscape in which Australian ethnographers of crime and criminal justice face a growing raft of ethical considerations, making types of covert participant observation next to impossible in the current ethics landscape. If an ethnographer is successful in getting an application through an Australian ethics committee, the constraints imposed on him or her, such as the layers of informed consent (from consent of organisations through to consent of participants), make the notion of the 'covert' researcher near impossible. In the Australian context, ethnographers are more or less restricted to two types of research: overt participant observation or participant as observer (in which the ethnographer is an outsider and onlooker (Genzuk 2003:2)).

While there are significant advantages to approaching ethnographic research from the position of an overt participant-observer in that it provides the capacity to 'go-along' and interact with key informants, asking questions, listening and observing (Kusenbach 2003:463), there are equal advantages to being an outsider and onlooker. The limitations of an insider positionality have been well documented, and include both 'becoming too close to one's informants, side-stepping relevant theory in favour of accenting popular assumptions about one's informants' (Wacquant 2002, cited in Snow et al 2003:183) and the contrived nature of go-alongs or hang-outs (Kusenbach 2003:464).

Calvey provides a compelling reminder of the value of covert unobtrusive participant-observation and the important contributions and richness that this approach offers. He reminds us of the significance of covert unobtrusive participant-observation, revisiting an extensive list of exceptional contributions to this tradition of law/rule-breaking undertaken by classical and well-known scholars of the likes of Howard S Becker's famous paper 'Whose Side are We on?' (1967), Goffman's *Asylums* (1961), Laud Humphreys' *Tearoom Trade* (1970), David Rosenhan's *On Being Sane in Insane Places* (1973) and Stanley Milgram's *Obedience to Authority* (1974).

As Calvey reminds us, 'it would be erroneous to view danger and risk as endemic to covert research as if overt research were strangely immune from it', which Menih confirms in her discussion of the dangers and risks involved in an overt participation-observation of homelessness, which included her exposure to law-breaking.

An emerging sub-field in criminology

The editors and contributors to this special issue are all committed to ethnography, and qualitative research more generally, either because they have a background in qualitative

traditions in sociology, anthropology or psychology, or have come into contact with these traditions while teaching criminology or conducting qualitative research in law schools. As Max Travers argues in his contemporary comment, criminology would benefit from using more of these qualitative approaches, including immersion ethnography; this might become possible if there was a greater emphasis on teaching the scientific basis, and methodological issues, in research methods courses. Although it might be going too far to describe qualitative criminology as an emerging sub-field or movement within criminology, other criminologists, including the contributors to Copes (2012), have advanced similar arguments in the last few years. We each have an interest in learning more about different qualitative methods, improving the quality of research studies, and arguing for their value in studying crime and the criminal justice process. We are hoping that this collection will interest researchers in criminology who come from different disciplines, including sociology, anthropology and legal studies. And we also hope that international readers will be interested in the arguments and issues raised by these Australian researchers.

Max Travers is Senior Lecturer in sociology in the School of Social Sciences, University of Tasmania. Recent publications include *Understanding Law and Society* (Routledge, 2009) and *The Sentencing of Children: Professional Work and Perspectives* (New Academia, 2012). He is currently researching bail decision-making, and hopes to conduct comparative research on the challenges facing youth courts in East Asian countries. Email: max.travers@utas.edu.au.

Judy Putt is a Senior Research Fellow in the School of Social Sciences, University of Tasmania. She has undertaken and published research on a wide range of topics, including crime prevention, environmental crime and violence against women. Currently, she is involved in major evaluations of community safety and service delivery in remote Australia, and a project on how women have transformed criminal justice in the past 40 years. Email: judy.putt@utas.edu.au.

Dr Deirdre Howard-Wagner is a Senior Research Fellow in the Department of Sociology and Social Policy, University of Sydney. She is a sociologist and socio-legal scholar who has undertaken a number of field-based studies, including two ethnographic studies in Newcastle (the progressing of Aboriginal rights and young adult alcohol-related criminal and antisocial behaviour in inner-city public spaces). She is currently undertaking a multi-method in-depth place-based study of urban Aboriginal success across the seven Closing the Gap building blocks in Newcastle, which includes an in-depth study of community safety and criminal justice initiatives and services. Email: deirdre.howard-wagner@sydney.edu.au.

The Special Editors would like to thank all of the authors and reviewers who contributed to this special issue, and the Editors of *Current Issues in Criminal Justice*, Associate Professor Murray Lee and Dr Arlie Loughnan of Sydney Law School.

References

- Bartels L and Richards K (eds) (2011) *Qualitative Criminology: Stories from the Field*, The Federation Press, 2011
- Becker H (1967) 'Whose Side are We on?', *Social Problems* 14, 239–48
- Bourdieu P (1977) *Outline of a Theory of Practice*, Cambridge University Press, 1977

- Bourgois P (2003) *In Search of Respect: Selling Crack in El Barrio*, Cambridge University Press, 2003
- Bruyn S (1966) *The Human Perspective: The Methodology of Participant Observation*, Prentice Hall, 1966
- Clifford J and Marcus G (1986) *Writing Culture: The Poetics and Politics of Ethnography*, University of California Press, 1986
- Copes H (2012) *Advancing Qualitative Methods in Criminology and Criminal Justice*, Routledge, 2012
- Gadd D, Karstedt S and Messner S (2012) *The Sage Handbook of Criminological Research Methods*, Sage, 2012
- Geertz C (1993) *Local Knowledge: Further Essays in Interpretive Anthropology*, Fontana Press, 1993
- Genzuk M (2003) *A Synthesis of Ethnographic Research*, University of Southern California Center for Multicultural Research Digital Paper Series, 2003
- Goffman E (1959) *The Presentation of Self in Everyday Life*, Doubleday, 1959
- Goffman E (1989) 'On Fieldwork', *Journal of Contemporary Ethnography* 18(2), 123–32
- Gubrium J and Holstein J (2003) *Postmodern Interviewing*, Sage, 2003
- Humphreys L (1970) *Tearoom Trade: Impersonal Sex in Public Places*, Chicago, 1970
- Israel M (2004a) *Ethics and the Governance of Criminological Research in Australia: A Report for the New South Wales Bureau of Crime Statistics and Research*, NSW Bureau of Crime Statistics and Research, 2004
- Israel M (2004b) 'Strictly Confidential? Integrity and the Disclosure of Criminological and Socio-legal Research', *British Journal of Criminology* 44, 1–26
- Israel M and Hay I (2006) *Research Ethics for Social Scientists: Between Ethical Conduct and Regulatory Compliance*, Sage, 2006
- Kusenbach M (2003) 'Street Phenomenology: The Go-Along as Ethnographic Research Tool', *Ethnography* 4(3), 455–85
- Milgram S (1974) *Obedience to Authority: An Experimental View*, Tavistock, 1974
- Rosenhan D (1973) 'On Being Sane in Insane Places', *Science* 179(4070), 250–8
- Shover N (2012) 'Life Histories and Autobiographies as Ethnographic Data' in Gadd D, Karstedt S and Messner S (eds) *The Sage Handbook of Criminological Research Methods*, Sage, 11–22
- Snow DA, Morrill C and Anderson L (2003) 'Elaborating Analytic Ethnography: Linking Fieldwork and Theory', *Ethnography* 4(2), 181–200
- Wacquant L (2002) 'Scrutinizing the Street: Poverty, Morality, and the Pitfalls of Urban Ethnography', *American Journal of Sociology* 107, 1468–532
- Westmarland L (2011) *Researching Crime and Justice: Tales from the Field*, Routledge, 2011