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# Crime as social excess: Reconstructing Gabriel Tarde's criminal sociology

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## Abstract

Gabriel Tarde, along with Durkheim and others, set the foundations for what is today a common-sense statement in social science: crime is a social phenomenon. However, the questions about what social is and what kind of social phenomenon crime is remain alive. Tarde's writings have answers for both of these capital and interdependent problems and serve to renew our view of them. The aim of this article is to reconstruct Tarde's definition of crime in terms of genus and specific difference, exploring his criminology as a case of his general sociology. This procedure shows that Tarde succeeded in creating a comprehensive theory of crime and criminals founded not only on his most well-known concept, imitation, but also on his equally important concepts of invention, opposition, social logic and social teleology. For Tarde, crime is a complex phenomenon related to criminal inventions, criminal propagations, the production of penal laws, the execution of controls and punishments, and the collective reactions to all these.

## Keywords

crime, imitation, invention, opposition, Gabriel Tarde

By the late 19th century, various specters haunted Europe and America, creating problems for both the social order and theoretical reflection. Crime was among the most important. The very foundations that sustained the modern penal codes and strongly supported the opinions and decisions of experts and lay people alike were seriously called into question. Lawyers, doctors, psychiatrists, penitentiary experts, even philosophers, began to challenge the legitimacy and efficacy of a penal system based on a notion of

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free will. Despite great differences between them, all agreed on the necessity of reforming the precepts, methods and aims of penal institutions. This meant establishing a scientific understanding of the causes of the criminal phenomenon as groundwork of any and all reform (Nye, 1984). Regardless of the changes to penal systems that this would effectively provoke, it is important to note that this paradigmatic crisis, and the efforts to reframe the forms of knowledge and action in the criminal field, were an essential part of the historical circumstances from which different scientific discourses on crime in particular and society in general arose (Foucault, 1979, 1999). In other words, it is necessary to make explicit that, at least in France, the foundation of social sciences was strongly linked to the very battles for social order that the criminal question involves.

Yet despite this birthmark, one cannot lose sight of the diversity of theoretical positions that existed then, nor of the possibility of isolating some among them for contemporary re-evaluation and application. This seems particularly true in the case of Gabriel Tarde, a provincial aristocrat and Roman Catholic magistrate whose interventions in some political and cultural polemics of his time suggested a conservative slant (Mucchielli, 2000). This slant (his misogyny, for example), in addition to his identification as champion of the ‘psychologist party’ by the Durkheimian school (Bouglé, 1905), perhaps serves to explain why Tarde became a long-forgotten classic.

Now, however, his works are being republished, a growing number of papers cite him, and we see more theoretical and even empirical researches drawing on his sociology (e.g. Candea, 2010; Latour, 2005; Borch, 2005; Lazzaratto, 2002; Deleuze, 1994). These researches find valuable tools there for conceiving of the social realm as inevitably open and dynamic. This is because what are important to Tarde are not the finished social structures but their generative networks. Tarde’s metaphors are not so much mechanical or biological as they are hydraulic, astronomical and energetic. He asserts that all social structure hides within it a constellation of beliefs and desires, which are open to other equally open social structures. In his sociology, the diverse currents of faith and passion are the materials that configure – as well as exceed and transform – institutions, groups and individuals. It remains to be seen whether his criminology can still challenge us, and whether it is worth being part of the contemporary rescue of his work. To do so, we first must reconstruct it both conceptually and contextually. This article intends to contribute to this task by bringing to light and articulating overlooked aspects of the criminological perspective that Tarde produced throughout this prolific intellectual life. In doing this, I will attempt to address a significant gap in most, if not all, methodical or incidental commentaries on his sociology of crime. The few but important existing works on this matter, indicate how Tarde’s publications and interventions have encouraged a sociological comprehension of crime in opposition to the biological and utilitarian positions (Vine, 1973; Nye, 1984; Vold and Bernard, 1986; Jones, 1986; Beirne, 1987, 1993; Toth, 1997). Nevertheless, when describing and analysing the theoretical structure of the Tardean criminology, they focused exclusively on the concept of imitation. This is, certainly, a key concept. The arguments of *Criminalité Comparée* [Comparative Criminology] (1886) and *La Philosophie Pénale* [Penal Philosophy] (1890) are basically organized around it. In those books, written in the heat of the mentioned polemics, Tarde sought to demonstrate that crime has an entirely social nature. Since for him society is, in

the first place, imitateness, and crime is a branch of the social tree, then it must necessarily be an imitative phenomenon. But if crime is a social phenomenon like industry, art, or philosophy, then a major theoretical problem arises: What differentiates it from other phenomena of this genre?

The difficulty here is that the answer to this is not immediately available in Tarde's writings. He never fully systematizes its abundant criminological developments (not even in his late article 'Qu'est-ce que le crime?' [What is Crime?] [1898b]). However, I believe that it can be done, and this is the major aim of this article. For that, the strategy I have chosen is more systematic than historical – although some references to context are unavoidable. I have tried to identify the main elements of this criminal sociology and articulate them in a coherent framework. That is, I have tried to (re)construct its syntax and its vocabulary. In this way I have found that it includes not only the much-discussed concept of imitation but the other equally important concepts of invention, opposition, social teleology and social logic. Articulating them, it is possible to provide a Tardean definition of crime in terms of genus and specific difference.

## Sociology and society

Tarde succeeded in formulating an original sociological theory, and his criminal sociology depends on these major theoretical developments, at the same time that it stimulates them (Gurtvich, 1942). Thus, in order to understand his criminology, it is essential to establish the main features of his general sociology.

In Tarde's view, society is, first and foremost, the outcome – unstable and temporary – of social life. This does not mean, however, that he sees the individual as the irreducible basis of social life. Rather, the individual is likewise an outcome – and also, in a certain sense, unstable and temporary. For Tarde, 'heterogeneity, not homogeneity, is at the heart of things' (1903: 71). As regards the individual, this means that one is born equal neither to others nor to oneself, but becomes similar over time. And the same applies to society. It is primarily established by affective and evaluative bonds, but here the coincidence of convictions and passions in a large number of individuals does not refer to organic inheritance or to a natural law contract. Nor does it refer to the social fact as Durkheim understood it (coercive and external to individuals): 'I argue that the thorough conformity of the spirits and wills that constitute the foundation of social life, even in more turbulent times, this simultaneous presence of many precise ideas, many aims and means in all the spirits and all the wills, is the effect . . . of suggestion-imitation' (ibid.: 75).

Imitation is a key notion in this sociology, as the way that this 'becoming similar' takes place is linked to the elemental social action of repeating an example. Here the language, the nation, the economic market and the government are nothing but imitative networks. And, as we shall see, the same can be said of the practices of fraud, robbery and murder. But in no case is the individual the final cause of these phenomena. According to Tarde, the imitable and the imitated are not so much a person as the beliefs and desires that a person bears or produces – whether she or he wants to or not, whether consciously or otherwise. Where, then, do these imitated beliefs and desires come from? The answer is in the concept of invention. Tarde (1902: 563) understands that all forms

of doing, feeling, or thinking spring from an invention and have the tendency to propagate as fashion and take root as custom. All invention is individual, but once again, the individual is not its source: what is new happens in an individual, but she is not exactly its origin. The individual is a place of passage and sedimentation of collective desires and beliefs that repeat themselves in the form of judgments, will, memory and habits. But it could happen that the imitative streams that course through the individual, constituting her or him, combine themselves in an unexpected way. In this case an innovation – great or small, blatant or unnoticed – arises. Thus, the innovator is the *locus* of an unexpected co-adaptation that gives way to a new form of doing, feeling and/or thinking – a new difference. Then this difference can become, in turn, a focus of imitative radiations.

But in every given social space, there are multiple inventions competing with each other – as well as with prior inventions that now reproduce themselves in the form of traditions. There are always multiple exemplary focuses that can complement as much as neutralize each other. This neutralization, which for Tarde can only be temporary, is the nucleus of the phenomena of opposition. Opposition is a type of social relation defined as ‘a very singular kind of repetition, that of similar things ready to destroy each other in virtue of their very similarity’ (Tarde, 1898a: 33). That is, here two social currents clash with each other not by being completely different but by being ‘counter-similar’.<sup>1</sup> For this micro-sociology, every time an individual hesitates between two ways of doing, feeling, or thinking, an infinitesimal opposition is produced within him. And when two currents of faith and desire, transmitted through decisive individuals, oppose each other, then polemics, competition, or wars take place. As we shall see, crime is a phenomenon of this type too.

Now we can understand why, for Tarde, society never remains static and closed. But we must not conclude from this that for this enemy of totalities and substantialism, the social field is just shapeless variation and dissemination: there is also a social logic and teleology (Tarde, 1895a). There are social systems, and they are produced by distinct currents of belief and desire that come to structure themselves in the form both of collective judgments (a social logic) and of collective ends (a social teleology). Law, religion and economy are systems, ‘more or less coherent, more or less stable, of implicit or explicit propositions that are confirmed or that do not contradict each other too much, and of confessed or unconfessed purposes that reinforce each other or that do not contradict each other too much’ (Tarde, 1893a: 375). Those systems swell or shrink according to whether their ranges of influence increase or decrease, whether they provide greater or lesser logical and teleological orientation to social life. When relations between two systems (e.g. morality and law) are dealt with, it should be taken into account that the existing bonds between them are always multiple and irregular.

Sociology must be the cartography of the ‘flows’ or ‘rays’ of collective passion and faith that interweave with each other as well as oppose or differ from each other; a kind of knowledge whose essential dominion lies in the study of ‘all the facts of communication between minds and their effects’ (Tarde, 1893b: 515); a science whose task consists in mapping the creation, conservation, distribution and metamorphosis of the streams of convictions and wills produced by, and productive of, the ‘inter-mental’ relations between individuals and groups.<sup>2</sup> If crime is one of the forms in which the multiple currents of social life are channeled, then criminology must be a case of this sociology.

## Crime and criminology

Tarde (1893a) notes, critically, that crime is said to be the most individual thing in the world. The paradigmatic exponents of this claim were the natural law school, classical political economy and, in its own way, Italian positivism. The building blocks for these theories are, respectively, individual responsibility, calculated interest and biopsychological anomalies. Tarde's criminology was developed to combat these premises and their corollaries. Confronted with these approaches, he sought to account for the imperious force that comes neither from biology nor from individual psychology (be it rational or irrational) but rather from inter-individual or, better put, inter-mental relationships. An astronomical metaphor illustrates his anti-individualist stance: if there were no superior force of attraction in a central star, the planets of a system would not form regular trajectories. *Mutatis mutandis*: if individual initiative were free of all social attraction, the regularity registered by the annual criminal statistics would not be possible – not to mention the statistics of conformist behaviors. Tarde (1890) does not see bigger inconveniences in classifying criminogenic factors as biological, physical and social, as does, for example, the positivist Enrico Ferri (1884). What he firmly rejects is the biological determination affirmed by the Italian *scuola*. In his opinion, the *impulse* of certain social actions may emanate from biological impulses, but the *direction* of these actions proceeds from imitation, adaptation, or counter-imitation of other social actions.

Tarde (1893a: 350) dedicated his work to calling attention to the social aspect of the acts that individuals 'attribute to themselves without reason'. And crime seems to him paradigmatic of this attitude. 'The difficulty' – he writes – 'does not consist in finding crimes that are collective, but in discovering crimes that are not, that is, crimes that do not implicate, in some sense, the complicity of the medium' (ibid.: 349). Then, far from belonging exclusively to an individual delinquent that would be its source, crime arises from the magma of opinions, feelings and interests that constitute the fabric of social life. These currents of collective convictions and passions are the real drive of criminal action: real social forces that, in their deployment, may lead any psychological and/or physical configuration toward socially condemned means or ends. Thus, for example, the hereditary criminal tendencies that Ferri finds in certain Sicilians are no more than 'tradition that has infiltrated blood' (Tarde, 1890: 137). The crimes characteristic of that region are, more than anything, products of the automatism of customs, those that demand to avenge the honor (a fully social passion). Therefore, the criminal is, as any individual, always captive to the social influences that direct her or his actions. It is for this reason that one of the elemental principles of Tardean criminology consists in affirming that social communication actualizes forces and potentialities that, being isolated, would otherwise remain inactive. But these forces, although promoting prohibited acts, can never be seen as the emergence of savage instincts or anomic impulses removed from cultural norms: they are always thoroughly social sentiments and judgments, desires and convictions, as intimate as they are collective.

Having said that, it is necessary to add that crime is a complex phenomenon, implicating not just criminal behavior but the production of penal laws, the execution of controls and punishments, and the collective reactions to all these. Criminology must analyse each of these interrelated networks of social actions, paying attention to their

different origins and dynamics, mapping them in detail, seeking to give a precise micro-analysis following the various levels of articulation that configure the intricate criminal phenomena in a given society. Then, in order to advance with this understanding of crime, it is necessary to approach it from the three micro-sociological dimensions of which it is composed: invention, propagation and opposition.

## Crime as invention

From the micro-sociological perspective, it is legitimate – and necessary – to ask: Where do the idea and desire to perform an act prohibited by penal law originate? The answer, for Tarde, is that the primary idea of a crime is either an original invention or the imitation of an existing invention. As mentioned, an invention is the co-adaptive meeting between two imitative series, a ‘fortunate interference’ that brings a new difference to the social world. In other words, it produces new desires and beliefs (Tarde, 1902). This applies to all inventions, including criminal ones. A new form of robbing or killing, for example, can be innovative either in its technical or its motivational dimensions, or in both at once. In any case, every criminal invention implies an original combination of judgments, sentiments and/or interests already present in the social field. This amounts to saying that each new technique but, above all, each new motivation invents a new crime, even if the penal type remains the same. That is because the values defended by the latter are not always equal – either by degree or sign – to those that motivate its transgression, and the criminologist should take this into account. Thus, two criminal actions that the law labels as identical may in fact be radically different due to the motivations that generate them. Tarde (1890: 434) claims, for example, that burning someone’s house down out of revenge and burning one’s own out of greed are alike only in name. For him, all social activity (crime certainly included) is profoundly transformed if it involves new convictions and passions or if it has adopted new social functions, even when it conserves the same procedures and denominations.

But where does the ‘idea for a crime’ come from? The philosophy of natural law, utilitarian political economy and criminological positivism coincide, in spite of their unbreachable differences, in their general response to this question: in the individual. French sociology, and Tarde’s in particular, emerges, among other things, as an attempt to refuse this egocentric illusion. He treats crime not only by reassigning its causes to the social field but also by putting the very status of the individual into question. In order to arrive at this understanding, his point of departure is radical: there are no individual crimes, even if they have been committed by one person. This is true as much for criminal innovations as for crimes that imitate fashions or traditions. For him the radiating focuses of penal transgressions are ‘the principles and necessities, the maximums confessed or unconfessed, and the passions, cultivated more or less openly, which reign in the ambient society, not always in society at large but in narrow society, so much denser, where one has been thrown by chance’ (1893a: 377).

Tarde proposes, then, to see the crime not as the property of a closed monad but as a behavior copied or learned from a determinate cultural context – and, as we shall see, this includes ‘face to face’ relations as well as ‘remote’ influences and interactions. But that is not all: he asserts that even the ‘zero point’ of crime, its invention, is not a creation *ex*

*nihilo*, the exclusive product of an autonomous entity. As any other new social action, the criminal invention is, in large part, a ripe fruit from the social tree, and the innovator is the one who can pluck it. Like the scientist or artist, criminal inventors are social cross-roads. And, like them, they can be characterized at the same time as being dominated by curiosity, passion, or violent ambitions. For these reasons, they are able to produce the convergence of desires and beliefs that cohabit, in an inconsistent way, in all other individuals of their time. Like other inventors, they are capable of venturing through the 'timidities of the soul' or 'moral repugnancies' that restrain the average individual within the field of conventional imitations (Tarde, 1893a: 376). Thus, if there are differences between imitators and innovators (of any kind), they are differences of degree in their openness to new connections, as well as in their logical and teleological strength.

Nonetheless, the important point is that every new idea, passion, technique, or practice (permitted or prohibited) has its genesis in the composition of others coming before it, which are adjusted in a novel manner in an individual that is the *locus* of this encounter. Thus it is possible to assert that, in the moment of his criminal invention, the most solitary transgressor finds himself captive of a radical otherness. That otherness, however, is nothing but the cultural currents present in his social milieu: collective judgments and purposes that, co-adapted in a new manner, overwhelm his subjective space and lead him to act in a new (prohibited) way. Contradicting the Italian positivists and the early Durkheim (1984[1893]) as well as a certain Freudianism (e.g. Friedlander, 1947), Tarde postulates that the relation between the criminal and the society is a question of excess, not absence or deficit. Here there is neither a lack of socialization nor the hatching of solipsistic instincts: in nobody is society so present as in those who violently oppose it. A particular type of socialization works on the criminal who invents – and also, as we will see, on the criminal who imitates. This derives not only from the particular permeability of the individual in question; it also relates to the degree of affective intensity and conviction with which she invests certain common premises and the rigor with which she thinks and enacts them. That is why the Tardean criminal inventor would be a hyper-logical individual. If she transgresses the law, it is in order not to be inconsistent with the meaning of the social vectors that have captured her. This criminal is someone who has extracted all the consequences of certain fundamental values of her social space; someone who has gone to the very end of the common passions and convictions; who has implacably deduced the results of certain central axioms of her time. Thus Tarde asserts that 'the men of genius of a society belong to it, but so do its criminals: if the society rightfully honors itself with the one, it must also blame itself for the other, even though it has the right to blame them for their own acts' (1893a: 367).

Now if, for Tarde (1898a: 132), an invention is a co-adaptation that tends to systematize dispersed, inconsistent, or antagonistic social currents and, propagating itself, works to promote a certain coherence within the social milieu, criminal novelties cannot be considered inventions in the fullest sense. Or rather, all new crime is a co-adaptation of the first degree but not of the second: the primary elements co-adapted for the production of crimes are not adapted to its societal environment – an environment that is nothing but a system of co-adaptations. From this perspective, as we will see, crime is a phenomenon of opposition. The innovative criminal has adapted with such rigor certain general ideas and desires, has eliminated in such a way the existing contradictions and

incongruities between some of the most widespread cultural premises, that he has become violently unadapted to his milieu. Criminals oppose themselves to their society in part because that society is not as logical or consistent as they are. Yet that does not prevent 'their' crime from being propagated imitatively.

## Crime as imitation

According to Tarde, crime is a branch of the social tree, and like any other social activity, it takes place under the reign of the example. This example can be repeated from one individual to another, becoming fashion (a criminal epidemic), and can institutionalize itself, becoming tradition (a criminal culture). This is true not only for minor and moderate delinquency but also for serious crimes. 'One kills or one does not kill, because of imitation', declares Tarde (1890: 358), adding a spectacular example: 'In 1825, in Paris, Henriette Cornier cruelly killed a child she was caring for. Soon after, other nannies obeyed, with no other reason, the irresistible tendency to cut the necks of their employers' children' (ibid.: 376). Here again, the image of the individual as an entity for whom society would be merely an external environment to confront with her rational or irrational volition, is not re-established. Here the social field is not exterior to the individuals, nor are those individuals closed units of instincts, will, and/or thought. I will try to articulate fully the criminological consequences of this statement in the conclusions of this article. Let us say for the moment that, for Tarde, all crimes share the main features of any social action: they are inventions that might disseminate and then might take root by imitation. There would be no difference in this point between the practice of robbery or murder and the practice of philosophy, religion, or work. Then, no individual or group can be constitutionally and essentially predatory or wicked: they can be so only by imitating others (as well as themselves in the form of habit). For Tarde, the 'natural-born' criminals of positive criminology are, in reality, nothing more than individuals engaged in an illegal routine: they are oriented toward forbidden means or ends by custom or profession. And 'occasional' criminals are those who, oriented habitually toward legal ends, infringe on the law accidentally, inspired by an invention that does not repeat itself, or captured momentarily by a criminal fashion.

We have seen that a criminal invention emerges from premises available in the culture in which it occurs. We have seen, too, that every new form of crime is originated in an unsuspected co-adaptation of those premises through an individual who is particularly rigorous in a certain respect. Now we must ask why, in Tarde's view, some criminal events spread to the point of becoming epidemics, while others remain nothing but legally punishable and socially unfortunate inventions. What makes a criminal example propagate? Tarde (1890: 322–31) invites us to distinguish between two types of causes: the logical and the extra-logical. With respect to the first, it can be said that, where there is a criminal propagation, there always exists certain compatibility between the main characteristics of the illegal example in question and some of the social values in force in the milieu where this example is repeated. Put before two innovations, an individual would imitate that one which accorded more with the principles already present in her cultural configuration in the form of learned habits, fashions and customs.



Hence, we can note in passing, the heuristic value of the phenomena of criminal propagation. The emergence and diffusion of new – or the revitalization of ancient – criminal behaviors speaks of their logical affinity with the changing cultural framework of a given society. Each society, then, would have its corresponding criminal epidemics.

There are also extra-logical reasons for which an imitative criminal current could be disseminated. The most important are related to what Tarde calls the ‘cascade principle’ or the imitation of the superior by the inferior: faced with various possibilities, the individual will imitate examples radiating from focuses considered socially higher. In other words, for Tarde, an important cause of the imitative diffusion is the prestige of the source from which the example emanates. Thus he can write: ‘As strange as it seems, there are reasons to assert that the vices and crimes located today in the last ranks of the population have fallen there from on high’ (Tarde, 1890: 53). A second type of extra-logical condition for propagation is linked not to the hierarchical but to the psychological distance existing between the imitator and the imitated. This rule asserts that the most compelling example, whether legal or illegal, will be the most psychologically near. It is important to note that this does not necessarily entail co-presence in a physical environment. Tarde saw clearly that, in modern urban societies, psychological contiguity transcends geographic localization, inasmuch as the broadcasting of mass media, the currents of opinion, and rumors constitute territories of immediacy, where imitative flows achieve the highest velocity and potential. The habit of public contact, the decrease in traditional ties, and the impersonality of the urban civilization make the urban dweller an individual particularly apt to suffer the rapid contagions of political, religious, or criminal fashions.

## Crime as opposition

We have seen that Tarde postulates decisively that crime is a social phenomenon and, therefore, subject to the same laws as any other phenomenon of this kind. Now we must note that this does not imply classifying it among normal social phenomena, as Durkheim (1982[1895]) did. Tarde believes that the universality and even the generality of crime do not imply normality. In a journal debate with ‘the learned professor from Bordeaux’, he stated that crime is ‘a conflict between the great legion of honest men and the small battalion of criminals, and both act *normally* given the goal which each pursues. But, as their two goals are contrary, the resistance they mutually offer each other is perceived by each of them as a pathological state which, although permanent and universal, is still painful’ (Tarde, 1895c: 152–3). This reference to pathology should not confuse us. For the positivist *scuola*, criminality was a pathological phenomenon, and its cause should be sought in the morbid constitution of some agents (the criminals); while for Tarde (as for Durkheim), the criminal is not necessarily sick or abnormal. The ‘sickness’ in question refers to a form of social relation, not to individuals: the relation between imitative propagations that form collective dominant values and the imitative propagations that contradict those values. Therefore, it is better characterized as opposition, and this is the principal element from which the specificity of the criminal phenomenon can be derived. For Tarde, an action is defined as criminal because it is opposed to the most widespread and prestigious beliefs and desires of a given society

– even when, because of its origin, motivation and mode of execution, that criminal action is social; that is, even when it owes its existence to the imitative currents that animate its context.

As mentioned above, Tarde does not understand the oppositional relationship as a maximum of difference but as a counter-similarity. Crime, we now know, perfectly responds to this notion of opposition. An act is defined as criminal if it contradicts the system of judgments and propositions collectively deemed superior; but this conflict is due to its similarities with that system, not its differences from it. In other (more comprehensive) words, according to Tarde, crime is a conflict between convictions and volitions consecrated by public opinion and sanctioned by legal norms, and the acts that oppose them, by sign or by degree, producing a tendential disequilibrium in the logical and teleological prevailing order.

The relativity of this opposition explains why, from one society to another – and, within one society, from one epoch to another – there are variations in the acts characterized as criminal, as well as in their degree of punishment. In each historical moment, the act considered most criminal is the one most contrary to the ‘reigning dogma’, just as the act that conforms most to this dogma is the most reputed. Thus, in 17th-century Europe, witchcraft and blasphemy were punished by death, but murderers often paid fines to the benefit of the royal authority; while ‘in our century of individualism, of democracy, the major crime is homicide, regardless of the condition of the victim; the most sought-after goods are electoral functions, the pleasure of the senses; everything affects a realistic, individualist, popular air’ (Tarde, 1890: 160).

Tarde completes his characterization of crime as a social phenomenon of opposition by stating that a criminal act is an attack, done consciously and voluntarily,<sup>3</sup> by an individual on the general values of his own group. This group, in turn, reacts with alarm and indignation to the attack, for it harms the sources of faith and desire that keep social life healthy. But not every act contrary to the logical and teleological organization in force is criminal. Such is the case of economic competition, where the innovation of a businessman, for example, tends to hurt the other contenders in its branch of activity. A crime is an action which harms interests, convictions and aspirations legally protected; and this protection must also be supported by the public’s intellectual and moral adherence. But, moreover, every effective criminal attack must be carried out by an agent considered a member of the community in question. That is why, from the point of view of the social ensemble, the criminal is always an ‘internal enemy’ (Tarde, 1898b: 572).

The public reaction to crime is characterized, then, as much by alarm as by the indignation. The co-associated fear alarm at the possibility of the act’s propagating itself imitatively. They fear this criminal example because it is considered contagious – and in that, says Tarde, they are correct. Nothing in human acts would be more suggestive than their assertive and willful dimension: ‘In the origin of all habit, custom, and fashion, there is an act of will and an act of faith. No incidental prejudice tends to become habitual or be reproduced by imitation’ (Tarde, 1898b: 548). Alarm is related, then, to the indefinite power of proliferation that all imitative repetition entails. The crime gives rise to alarm when it is perceived as an opposition of degree between criminals and non-criminals. This is so because the forbidden acts that are more in line with the general configuration of its milieu are propagated more easily. Such would be case, for example,

with the fraudulent breakdowns in a mercantile social order. Collective indignation, on the other hand, arises in the exceptional cases when a crime is perceived as an opposition of sign. Atrocious crimes, for example, would produce more indignation than alarm. This indignation is a kind of 'social nausea' that seeks the 'excommunication' of those who appear radically different from the average (*ibid.*: 571). In either of its two oppositional variants, Tarde concludes that crime undermines the system of expectations that permit the predictability and regularity of social relations. If the stuff of which institutions are made consists in a certain quantum of common faith and desires that produce a field of shared truths and security, crime constitutes an attack on that reserve of social stability.

### **By way of conclusion**

For Tarde, crime is one of the many forms in which multiple and dispersed collective desires and beliefs become social action. From here he derives his more general characterization: crime is a social phenomenon because of the way in which it is defined as prohibited action, the way in which this action is actualized, the modes of its diffusion, as much as the reactions it provokes. Its cultural and historical transformations are also derived from this point; that is, the variability of actions condemned as criminal, as much as the infinitesimal variability of its technical procedures and its motivational content. This means that, when the general values of a social ensemble are modified, the legal rights protected by the political authority and public opinion also change, as well as the passions and desires that lead individuals to commit crime. But this also means that both series – those of the social conducts that reproduce the moral and juridical dominant frameworks and those that contradict them – are neither always isomorphic nor isochronous. Put another way, the 'soul of crime' and the 'soul of punishment' do not always coincide in their content, nor are their historic transformations always correlative (Tarde, 1890, 1894). Crime has a history, but this history is not only patterned by transformations in the codes of law. Observing it up close, considering it in its elemental detail, one sees that its changes depend on the variable juridical definitions as much as on the recurrent emergence of criminal inventions and their social propagation.

Summing up Tarde's criminological positions, it can be said that the criminal phenomenon involves two imitative currents that oppose each other: on the one hand, the currents of creeds, dogmas, interests and passions that, upon spreading and homogenizing the social space, are the basis of authority and law; and on the other, the imitative currents that contradict them by bearing the same contents in a different degree or by bearing counter-similar contents.

This criminal sociology is, then, partially analogous to that formulated by Durkheim almost contemporaneously. The two coincide in understanding (1) that penal law expresses 'strong and defined' states of the collective conscious, (2) that these states constitute values that are socio-historically relative, (3) that the action qualified as criminal is the one that attacks such values and (4) that the collective reaction to this attack forms part of the definition of the criminal phenomenon. Nevertheless, given his micro-sociological perspective, Tarde can confront several always-problematic challenges to Durkheimian functionalism: first, the 'political' origin of the collective values and,

hence, of criminal law; second, the possibility of difference, even conflict, between morality and juridical order; and finally, the conflicts of power always present in the formulation, interpretation and execution of penal laws.

Moreover, this criminology shows itself to be more comprehensive than the Durkheimian one – which perhaps is, above all, a sociology of punishment. This is because it provides, additionally, a theory of criminal action and propagation, and of the delinquent as a professional type. We have seen that, for Tarde, criminal actions and practices both find themselves subject to the same general principles that rule the social world as a whole. A criminal action would be, then, either the product of the novel co-adaptation of existing imitations or the copy of a criminal invention that offered itself as example. This example can disseminate like a fashion in all the cultural spaces that are in some way related to it. But, this implies also that, being a phenomenon of imitative diffusion, criminal activity can organize itself, establish itself as a cultural pattern and habitual practice of certain groups and reproduce itself as tradition. This is why Tarde (1885) affirms that the delinquent type is nothing more than a professional type, a social role available wherever illegal activity is repeated with certain regularity, producing customs, codes and hierarchies.

From all this we can conclude that crime is not an anti-social but an anti-societal action – that is, opposed to the dominant logical and teleological configuration of the social field. Furthermore, we can conclude that the delinquent is not someone driven by psycho-biological instincts or anomic desires released from any social influence, but a hyper-logical and hyper-socialized individual. In truth, it is possible to find in Tarde's works two theories on this issue: one of the delinquent who invents, and another of the delinquent who imitates. The first presents the penal transgressor as someone overwhelmed by unexpected connections between pre-existing cultural premises. And this can take place as much in a technical as in a logical sense. Tarde (1893a: 364) sees in Giuseppe Fieschi a model of a technical innovator, and Ravachol was his model of sociological innovation in crime. The first built a device composed of 25 gun barrels, an 'infernal machine' with which he tried to assassinate the king of France on 28 July 1835. The second elaborated a defense during the trial that later condemned him to death, declaring that, by taking human lives, he had done no more than follow the social mandate of the 'constant fight' between individuals that dominates capitalist societies. In a certain sense, these two criminals belong, by right, to the family of scientific, artistic, or religious inventors that were condemned for going further than the moral limits of their time. The prototype here is Socrates.<sup>4</sup>

With respect to the so-called occasional delinquents, i.e. individuals not socialized in criminal roles, they also appear to Tarde as placed 'out of themselves' for collective (local, national, or international) currents present in their environment. But in these cases, these currents, far from co-adapting to each other, are reduced and absolutized. For Tarde, those imitative criminal acts occur under the form of fascination: they involve the unilateral imitation of a single example that captures the imitator's entire force of belief and desire. Here the reciprocal and complex suggestions that characterize social life are replaced by a unilateral influence that carries a scarce number of ideas and emotions – at the limit, one idea alone charged with intense emotion. The subjects of such communication become violently possessed by fervent images and symbols, and only

after that – one could even say, only because of that – do they become violently active. This time, Tarde's models are the multitude as well as the public; that is, forms of sociability where individuals act as sleepwalkers, 'magnetized' by an example without counterpart. This focalized communication multiplies the intensity of the beliefs and passions transmitted from one individual to another and, at the same time, accelerates the habitual rhythm of imitative propagation producing a rapid contagion. Thus, when a single emotion and a single faith dominate the entire ensemble, the individual conscience turns unconscious, and reflexivity is transformed into automatism.

For Tarde, the source of criminal action is a sort of dogmatism more than a moral madness, neurosis, or anomie. Those who rob, swindle, or murder do so for unilateral and exaggerated reasons. And this hyperbolic and completely social drive is the result of forces acting on the surface of the culture, visible to all. One loots or murders for riches or pleasure, for hate or love, for religion or ideology: thoroughly social obsessions and convictions – the more social the more diffused they are, and, for the same reason, the more susceptible to precipitating violence.

But there is more. Tarde (1892) understands that criminals are not just good imitators – they are also excellent 'magnetizers', and even catalysers, of social energy. They are the fascinated who fascinate. They act as reducers of the complexity of surrounding examples and, exacerbating a social value, polarize the field of imitations. This may cause the propagation of a criminal fashion that becomes stronger the more it is repeated, and whose possibilities of establishing itself as lasting tradition grow. But along with this, he argues that all criminal propagation will inevitably encounter the obstacle of the great variety of honest examples that will end up detaining it (Tarde, 1898b). For the same reason, he understands that, if penal punishment is given the task of obstructing this propagation, it can only partially succeed. The truly efficient form of detaining a current of criminal (or whatever other type) examples, lies in the production of alternative models with positive impact over social actions.

These are the key points of Tarde's criminal sociology. He defended these postulates against the classical juridical school and Italian positivism. But his position also differs – at least to a certain extent – from Durkheimian developments and from the Freudian understanding of the criminal phenomenon. Reconstructing it systematically, we have seen that crime is a social phenomenon because of its definition as prohibited action, and because of the ways in which this action is actualized. This implies that, like any other form of social activity, crime emerges as an invention capable of spreading itself as fashion, which, in turn, can establish itself as tradition. In this main feature, crime is equal to industry, art, science, or religion. But unlike them, it is also a phenomenon of opposition: that is, contradictory to the dominant logical and teleological organization of a particular society. Therein lies, for Tarde, its specificity.

## Notes

1. Tarde (1897) distinguishes three types of oppositions: of series, of degree and, the most important, of sign (formed by two forces going in opposite directions on the same line).
2. For a recent attempt at a systematic reconstruction of Tarde's sociology I allow myself to refer to Tonkonoff (2013).

3. This assertion implies the theory of responsibility developed by Tarde. This important and controversial topic *cannot be addressed here*. It can be found in ch. III of *La Philosophie Pénale* (1890).
4. An important topic in Tarde's debate with Durkheim was the relationship between the criminal and the genius – a form of problematizing the possible relationship between forbidden action and social change. The discussion took place around the figure of Socrates. For Durkheim (1982[1895]), the Greek philosopher was the representative of an emerging morality contrary to the dominant values of his time, and he was therefore seen as a criminal. Tarde (1895b) accepted this but argued that it is necessary to distinguish conceptually between the criminal and the genius, because, from the moral point of view, it involves the distinction between good and evil – and, we may now add, from the sociological point of view, the difference between invention and opposition. In spite of this emphasis on these differences – which he made in the heat of debate – we should not forget that, for Tarde, criminal inventions are co-adaptations of the first degree in conflict with the prevailing system of morality and law, while non-criminal inventions are co-adaptations of both first and second degree.

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