

The Gabriel Tard's theory of imitation and enforcement of imprisonment punishment

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ABSTRACT

Criminal acts are usually done through imitation which is based on observational experiences. The subject of this paper concerns imprisonment impacts on prisoners in the light of Gabriel Tard's triad of laws of imitation. The aim of this paper was to offer an appropriate guideline in order to avoid imprisonment negative impacts. One of the environments that affect people's reactions is the prison environment. Due to specific conditions of the prisoners and the prison environment, there is always the risk of offences and criminal activities in the prison environment. The origin of this imitation in the first stage is more caused by the relations that the prisoners will adopt some behavioral and verbal characteristics by getting along with each other and the negative effects they leave behind in transferring deviancy. In the second stage, people with more ill records who have served more prison terms will by exercising power and influencing new imprisoned people and by transferring their own experience to others even after release from the prison carry out their criminal activities through acquaintance with people and by forming criminal groups and gangs outside the prison environment. In the third stage, the presence of criminals alongside each other and transference of new crime commission models will precipitate the removal of the old crime commission patterns, thereby resulting in the criminals to exchange information with each other and apply new ways and tactics for committing crimes.

Keywords: Imprisonment penalty; Theory of imitation; Gabriel Tard

1. INTRODUCTION

The phenomenon of imitation was for the first time discussed by Adam Smith (in a work called Emotions) and then, Spencer in the book "Laws of imitation" and the Belgian

Kettle in the book "Social system" analyzed the said phenomenon. However, Gabriel Tard was the pioneer of the school of "Mental bond" who considered it as the basis of his works and attached special importance to it and founded all of his principles and theories on that basis. For Tard, in sociology everything is reduced to relations between people. Thus, the society is comprised of a group of people who are busy imitating each other. Gabriel Tard founded the Theory of Imitation. Tard, the French Judge by examining the nature of different crimes, considered imitation as the true and fundamental cause of social crimes and extended its scope so that he could not conceive of the society without imitation. Tard observed that the degree to which people conform to a new thought is often subject to an S shape curve line. People, at first get accustomed with the new idea and then the people's adaptation due to comparisons will increase with innovation, because few people remain for adapting to new innovations.

The theory of laws of imitation, forty years after its establishment constituted the basis of the famous theory of the Roger's innovation dissemination and the Albert Bandura's social learning theory. Gabriel Tard who had some scientific investigations and experiential information in treating prisoners and converting the prison to a corrective environment revealed the theory of imitation as causing the appearance of abnormalities and illegal behaviors. The present research with a critical criticism into the issue of imprisonment and accumulation of prisoners statistics and while exploring unfavorable effects of prisoners sought to elaborate some guidelines in the light of the Gabriel Tard' triad laws.

Section I: Concept, nature, necessity and types of imitation

Part I: Concept and nature of imitation

"Imitation literally means to hang to the neck, to hang on the neck and to follow someone else without deliberation, as if the imitator hangs the speech and behaviors of the latter like a collar to his own neck" (Dekhoda, 1984).

Imitation is to follow, obey and quote and to make something after another and follow up the latter's behavior. The idiomatic meaning of imitation:

"Imitation is considered one of the human's relation aspects wherein man after perception and intuition will repeat the behavior or a state of another one. Imitation has been defined to mean an active rebirth of qualities and characteristics perceived by the latter. A large part of human learning is done through imitation. Hence, all people, including children, youth, the middle age and the elderly are concerned with imitation. In all areas they learn speaking, lifestyles, companionship and the way they think from their parents and their relatives" (Karami Noori, 2007). Imitation is defined in some psychological books: "doing a behavior based on a pattern" (Abbas Moghadam, 2008). Concerning the nature of imitation, various perspectives have been raised which are as follow:

A) Instinctive theory

The instinctive theory is regarded as the first theory about the nature of imitation. For the psychologists of the early 20th century and those who have worked in a classic framework of psychology, imitation has been thought of an instinctive issue. William James and Baldwin are two famed psychologists advocating this theory. Some other psychologists maintain that imitation is neither an instinctive nor an inherent issue which has gone with man from the very beginning until the end life. In other words, imitation is not a predetermined mechanism.

B) Externalization theory

The other perspective about the nature of imitation is the theory of externalization. Man in dealing with the environment will usually acquire something, i.e. by providing a picture of reality; he will reflect it in his own behavior, wherein this process is called externalization. From this perspective, externalization is an activity that leads to adaptation to environmental conditions and imitation is of this type: Jean Piaget, the well-known psychologist regards imitation as a category of externalization. On this issue, Gabriel Tard writes that behavior and acts of any person in the society are caused by imitation. People by imitating the behaviors and conducts of others will establish their own social relations. Memory, intelligence, custom and conducts highly contribute to imitation and all the social developments, including powers, civil, legal, economic, moral developments and finally life are results of imitation. As he states the society is constituted by a group of people who imitate each other. Humans either imitate themselves which in this case, they regenerate or repeat their own past conducts or imitate their fellow members, particularly the inferiors who follow their superiors wherein their acts will be irrational and subject to their inner feelings. In any way, a society without imitation cannot be conceived of and all the affairs are caused by an exchange of people. Special conversation of delinquents, tattooing and gang formation are among the impacts of imitation (Mehdzade, 2007).

Part II: Necessity and types of imitation

Concerning necessity of imitation, Gabriel Tard states: "Imitation is a basic and a social event and three are laws that characterize nature and impacts of imitation. Social development engenders people to imitate that which are new and amazing and to sum up there is no society without imitation". "Imitation might be vague and exact or that whether the law or procedures are followed and they are accompanied with reproduction where this will complicate the civilizations where in this case imitation is more exact or it becomes confusing. We might perceive the more we move forward in imitation, the more complicated the human relations will be. Despite this, the contrary holds true and this necessitates a continuation of human progress "(Tard, Gabriel, 1890). It seems a society without imitation cannot be perceived, because people have forcible needs that in order to meet those basic needs, they have to turn to the experts of various fields of study, because, it is evident that no one in a social context can acquire the expertise and skills needed and cannot put away imitation." Upon the necessity of imitation and the social need for the inexpert humans' imitation and obedience of the expert humans and scholars, Tabatabaee states that whoever who imagines that he has experienced no imitation and will not imitate anyone is faced with a false and funny illusion and hence deceives himself" (Tabatabaee, 2000).

Types of imitation in terms of imitators' age:

A group of psychologists have categorized imitation in accordance with the age of the imitator into three classes:

- a) Unknowing imitation which starts from the time of birth until two years of age
- b) Imitation in a specific meaning: the same unknowing imitation which begins from the age of two to seven years of age.
- c) Adaptation or knowing imitation which starts after seven years of age, "i.e. repeating an act with enough awareness of the individual's good work. This type is the highest type of imitation order and is totally knowing, purposive and with intention; like a young person who by looking at the behaviors of others chooses the better behavior

and produces reasons for that choice". The third type imitation occurs with the aim of accommodating with the environment and adapting with others. (Tard, Gabriel, 1890).

Section II: Relation of laws by Gabriel Tar an enforcement of imprisonment enforcement

Part I: The law of environment and its position and concept in criminology

According to this law the effects of the prison physical environment and the existing relation between people are discussed in applying the imprisonment penalties. The origin of this subject goes back to the prisons wherein humans live together and they gradually discover about the behavioral and verbal characteristics which are effective in the way they deal with the environment and their behaviors, functioning and their encountering with various issues. In his criminal philosophy, Tard has attached importance to the impact of the environment and relatives in the delinquency of the person.

"Tard in the book "Laws of imitation" having examined the main imitation laws and the mutual relations of the environment and people's imitation within the bottom of the society refers to the role of observation in imitation and writes that we have just raised the general concepts of imitation after studying the main imitation laws and that which renders in the strengthening of the relevant theory is the role of observation that leaves behind a universal and continued result and these observations will result in endurance of these behaviors in a social context, wherein the primary observation effects will be lasting in the people's subsequent imitation and that of the later generations" (Najafi Abrand Abadi, 1992).

The prison environment is an environment imposed in which the person is restricted and cannot expose little power out of himself. This environment includes detention centers, corrective centers, a closed environment, and solitary confinement centers. In fact, imprisonment and the resulting impacts cannot lead to the correction of the person by themselves, rather it will add to his corruption, because in these environments there are expert and professional people who live with each other and even those who are not criminals at all will be known as criminals by the rule of law.

A) The literal meaning of environment

The Dehkhoda dictionary literally defines environment as this: "environment stands against the surrounded which includes, encompasses, circles and that which encompasses a circle. A closed curve line whose total of its points is equidistance from a point called center" (Dehkhoda, 1984).

B) The idiomatic meaning of environment

The environment is a set of conditions and circumstances that would result in the personality perfection and development of any living creature which lasts overtime, because the environment lasts and is focused attention by criminology. The environment in criminology means a set of events, affairs and circumstances which are in their own offences, but they operate in form of an organized group with duties already divided. It is the same issue that would make the environment is significant for criminology within monograph studies form. The environment stands against surrounding; surrounding is an instable situation that has surrounded the person and is passing and fleeting. Because the environment is continued, it is of importance for criminology, but surrounding like a family, faculty and associations are fleeting. For same reasons, they are not of significance for criminology (Tard, 1980).

2. POSITION OF ENVIRONMENT IN CRIMINOLOGY

Environment in the Western terminology refers to a set of circumstances, affairs and events with a criminal aspect and it has also been compared with companies, trading corporates and faculties. It is said that should these environments are well organized the criminal environment will operate in the commission of crimes with the same principles and organization. In this sense, one can refer to the Mafia and the Red Berligard which are operating in Italy where the environment has its own special meaning. The environment in criminology means a set of events, affairs and circumstances which are in their own offences, but they operate in form of an organized group with duties already divided. It is the same issue that would make the environment is significant for criminology within monograph studies form (Najafi Abrand Abadi, 1992).

The French physician, Lakasani argued that within a sociocriminology framework and by giving importance to the individual environment, one can prepare the ground for the elimination of crimes or make it conducive for the commission of crimes; he stated that as a microbe grows in a suitable environment, the same thesis holds true for the criminal sociology. According to this theory, the criminal is a microbe and when the environment is conducive, dissemination of delinquency will be much easier. In this regard, studies have been carried out concerning the social pathology within the social school and the issue has been raised, where no agent is preferred over the other agent, but attention to the uncontrolled growth of the urban life and the creation of a new social environment which has been the origin of numerous abnormalities, this issue has been raised in the Chicago school and some researches have been conducted on this area. Gabriel Tard writes on this:" the behavior of an urban citizen can be studied in the form of a social environment and hence, social crimes and deviancies in the urban environment could be analyzed in accordance with the expanse of the city, population density and diversity of various cultures in new urban environments. However, people's actions, particularly criminal actions are influenced by an environment where the action takes place, expands, and is transferred to other new environments as an imitable behavior (Tard, 1980).

3. ROLE OF THE ENVIRONMENT IN CREATION OF DELINQUENCY

The environment is among the factors affecting the creation of decent and indecent behaviors, if in the surrounding environment, there is a condition conducive for felony, a person who is prone to deviancy will be led to a criminal conduct. While exploring and analyzing any criminal activity we conclude that the social environment is an appropriate environment for the felon and it is a major factor for the creation of the criminal activities by the latter. Generally speaking, the environment plays a key role in the formation of character and personality of the human and it is quite effective. The human conduct which is a sign of his character and personality is to a great extent caused by the education he acquires from the environment, thus a contaminated environment will contaminate others. Removing the criminal from the community and his arrival at the prison will cause him to forget his logic of living in the community more than ever before and he will instead become accustomed with the prison environment which is a non-social environment filled with despotism and deviancy. In the book "Laws of imitation", Tard writes that "most murderers and robbers are people who were rejected by their families in childhood and were left without patrons and they eventually became encumbrance to the community. Their alleys were the place for

learning felony and by membership in the felon gangs, the crime commission was considered as their profession" (Tard, 1980).

Second part II: The law on the inferiors' imitation of the superiors

This issue is seen with the authority of the experienced criminals who have served more imprisonment terms, those who are familiar with the intragroup principles or have the power to enforce their own influence compared to others and hold an upper hand against the prisoners, therefore those who become members to various gangs even after release from the prison. That we imitate people more than others is an inferior –superior relationship. We comply with those who are socially superior in terms of hierarchy. In other words, the inferior obey the superior. This high-order imitation exists in all social relations. Therefore, this issue has been raised with respect to the felony in form of collaboration and if in a gang some are leaders while others are people, it should be said that for Tard this occurs in the framework of imitation and obedience from the superior.

Inexperienced criminals and convicts who have no record of criminal offences who arrive at prisons to serve their imprisonment terms have no choice but to accommodate themselves with new convicts and environments. On this basis, they will gradually spend their times speaking and communicating with their inmates and in this regard they will be influenced by those who by the means of their authorities and evil conducts are more domineering over others. Because, the personality establishment of these newly arrived prisoners is not so strong they cannot resist against the values imposed by the experienced offenders and they will be affected accordingly. Here, some sort of relative confidence created among these people who have to live up their terms is formed among the prisoners and hence they adopt anti-social values. For Tard, in regard to the crime commission of the inferior complying the high order hierarchy people of the community and cause with their abnormal conducts is investigated (Foucault, 2007).

By exploring such crimes as vagabondage, homicide, intoxication, and many other crimes, it is observed these crimes have at first committed by state position holders and famous traders and the loyal family members and then the crime have been spread to the entire society and the inferior will learn and adopt them and then imitate (Tard, 1980).

Claus one: Prison community and groups formation in it

A) Prison community

When the person for the first time commits an offence and arrives in the prison, he will enter into a network of social realities of the deviant people where it might possible for the deviancy behavior to aggravate and after a lapse of time his relations will become intimate with his inmate friends. Given the fact that any group possesses their own special norms, hence the members express their own aspirations and desires in the assembly of the group and as the relations get ingrained; intimacy and warmth will increase among them. He sometimes describes the offences he committed and the way he was caught and he might be guided by his fellow members of the group so that he commits later offences more professionally and the risk of their being caught comes down. This should be focused attention. A new individual that enters the prison social environment tends to interact and likes to be accepted by the fellow members of the group. Consequently, he will adopt values and norms of the other prisoners and compare him with them and receive their welcome (Ansell Mark, 1996). Arriving in the prison environment people will enter into a social communication network and for his survival he enters the power groups constituted inside the prison. Prisons lack values

and profit and the "medical myth" and "treatment of the offender" and his getting rid of offences in the prison will hit the wall (Shams, 2004).

B) Groups formation in prisons

The existing groups in the prison will never be formed without introduction and predetermined planning. The experienced people, i.e. people with a record of crimes activities have usually intimate and warm relations with each other outside the prison and when they are convicted because of a crime they transfer these relations, wittingly or unwittingly to the prison environment. Hence, it should be said that the primary foundations of the groups existing in the prison have at first been formed outside the prison and become strong or weak in proportion to the conditions prevailing the prison. "The peoples' deviant behaviors relations give this possibility to them to create a group for themselves and live through the group as they wish. People in these groups have shared needs and tendencies which are both contradictory to the social values and the society disapprove their acts and consider them as deserving penalties" (Hananchi, 2012).

Clause two: Factors affecting the inferiors' proclivity to imitate the groups existing in the prison

A) The prison's physical situation

When an individual with no record of crime commission who is unfamiliar with the prison environment enters the prison, he will be confused and the physical structure of the prison will face the individual with some problems and disorders. Hence, a lack of standard prisons and absence of care facilities and a lack of proper classification of the prisoners fully and appropriately, the groundwork is laid for the formation, absorption and membership of the groups therefore reducing the ability of the prison workers to supervise and contain the prison and prisoners. When the prison workers cannot accept an individual to a degree due to some restrictions and investigate his documents, other will misuse the prisoners and this will affect them negatively. Meantime, the existing limited capacity of the prisons in the country adds to the problems available there.

B) Anxiety and trepidation in the newly arrived prisoner

Almost all of the prisoners are those who have entered the prison for the reason of issuance of the then detention warrant, an environment which is quite unfamiliar for them. Under such circumstances, individuals will be faced with anxiety and trepidation. Meantime, there is a lack of necessary facilities for them in different sectors.

C) Prison environment

Michele Foucault, a sociologist states in his book titled Birth of prison: "There is now a well-organized community of offenders in our society. They are a small population within a heart of a large nation. Almost, all of these people have become familiar with each other inside the prison or met each other in there. This is the same society we are duty-bound to stop" (Foucault, 2007).

Due to the climate prevailing on then prisoners who consider crime commission and offences as talent, art and courage, it is evident to see prisoners commit crime and offences. Because of a young population and some other factors like cultural and financial poverty of the prisoners' family, illiteracy and humiliation and sense of retaliation, prisoners will easily

be deceived by the professional criminals and they perform wrongdoing accordingly. On the other hand, to attract new inexperienced prisoners, professional will recourse to other plans like giving advantages to them so that they commit crimes.

4. CONCLUSION AND RECOMMENDATIONS

The subject of this paper concerns imprisonment impacts on prisoners in the light of Gabriel Tard's triad of laws of imitation. The aim of this paper was to offer an appropriate guideline in order to avoid imprisonment negative impacts. Therefore, it can be said that the current paper deals with one of the fundamental and basic concepts of sociology and steps forward to actualize the results and achievements obtained. We can offer the following conclusions:

- The imprisonment criminal nature could both be explored from a sociological point of view and from a legal standpoint, which is mostly applied. According to the criminal laws, Ta'ziri (discretionary punishment) and deterring imprisonments have been stated but Had (legal punishment by lash) imprisonment despite its existence in legal cases is not stipulated.
- Imprisonment penalties have their own special goals and philosophy that justify these penalties. For some law scholars like Bentham the best and most effective means for attaining the goal is the intimidation aspect of the imprisonment. Of course, some of the imprisonment terms like lifetime jail have no individual intimidation aspect. Thus, given the disadvantages the prison has the deterring role of these penalties pales.
- Imprisonment penalties involve legitimate and justifiable basics wherein it is clear to explain the legal rules and laws and from a jurisprudence perspective the legitimacy of the imprisonment retribution can be observed. It is possible to substantiate the overall legitimacy of imprisonment with two wisdom –based and obedience-based styles while its legitimacy is only possible in a partial form of the latter.
- One of the serious perspectives in the area of pathology of the imprisonment penalty is based on the Tard's imitation theory who was a criminology proponent. In accordance with the Tard's imitation theory and the inferior's imitation of the superior, imprisonment could entail some negative consequences.

Enforcement of imprisonment penalty as one of the main legislator's reactions involves various implications, though imprisonment proponents raise some reasons like correction of the prisoners, but the negative effects of imprisonment is not hidden for people since it increases delinquency and crime rates. Outlining the strategy for expanding the judiciary system and invalidating thoughts raised by some judiciary authorities will on the one hand lead to a reduction of recourse to the imprisonment penalty and on the other hand recourse to newer methods in controlling the prisoner's behaviors it will lower the negative effects of imprisonment.

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