

Crime and Punishment

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THE RISE in crime in the U.S. is of deep concern to the citizenry. The prevalence of thefts, muggings, burglary, etc. in urban areas has changed the living habits of a nation. Many have fled the cities for the suburbs, only to find that with the flow of population outward, crime follows. There are very few places now that are "safe."

This has led to a demand for more police protection and stiffer law enforcement. Candidates for public office have a ready-made issue when they talk of "law and order." Just as the death sentence is being abolished, there is a strong undercurrent in favour of its return.

The burden of crime is already straining our institutions beyond their capacity. Court calendars are jammed to the breaking point, prisons are overcrowded. This is all out of proportion; the legal and penal systems of a society ought to be in the background helping to maintain civil tranquility. That they are being pushed to take such a dominant role indicates a malaise in our society which must be probed.

Why so much crime today? Among the theories is that there are "criminal types". But then why are we breeding so many of them? Another explanation is the excessive "permissiveness" of modern society and the charge that the law has become "soft" on criminals. There may be something to this - but it leads to the sorry conclusion that a repressive society is the only safe one and that liberty is not to be trusted. Furthermore, it is by no means clear that a more powerful police and penal system would work as it is supposed to. If all the personnel in police and jurisprudence were infallibly honest and just (and perhaps omniscient and omnipotent as well), we might rejoice at an increase in their numbers and power. But they are fallibly human, can be corrupted by bribes and become arrogant in their authority, and they can let crooks go while victimizing the innocent. Putting the solution in their hands is no solution.

We can add that the kind of "punishment" our system metes out does not deter crime; on the contrary, first offenders are often turned into habitual criminals by our prisons. The worst punishment for our crime wave is suffered by society at large.

Most of the crimes that are causing so much alarm are committed by those who have no real stake in society. Most frequently the motivation is economic, and poverty is the chief factor. Slums are well-known

as breeders of crime. Scholars of the subject have pointed out the poverty-crime syndrome, which includes disrupted families, poor living conditions, getting in with bad company, lack of opportunities, etc.

There is also a realisation born of experience amongst those just above the poverty line that good honest toil does not quite lead to riches. Most, in spite of this knowledge, opt for honesty, to their credit - but there are those who find that it does pay to be dishonest.

Plenty of examples of dishonesty are to be found in the upper reaches of society. A good number of those in public office - including some who preach law and order - are guilty of misdeeds and dishonesty. And occasionally the tip of the iceberg is seen wherein underworld elements work hand in hand with respectable elements.

While pondering what types of punishment would be best and whether our main concern should be to make the criminal repay or to rehabilitate him - we might look at another aspect of the problem. William James once speculated as to how the energy, dedication and sacrifice that are expended in war could possibly be geared to peaceful and creative pursuits. One might say the same of crime. If the talent and skill that went into crime could be diverted toward productive uses, how much society would gain! If this were possible, it would also release the manpower now expended in seeking, arresting, trying and punishing criminals. To approach anywhere near such an ideal state of things, society would have to realize certain conditions, among them the following:

People who are, or might become, criminals would have to find incentives in honest work that are commensurate with their abilities. This means that there would have to be some place for everybody - openings and opportunities for all - which is not the case today. Education in traditions of honesty and decency is a very important influence - and no doubt this is helping to keep so many honest. But young people emerging into the world have to find out that what they have been taught is not at variance with what is practised in the world - which is not the case today - and this is what is making so many dishonest. Also, people will need to have the assurance that a lifetime of productive toil enables them to get ahead and not stay on the treadmill.

The crime problem is one more aspect of the economic problem - and the fact that crime is increasing shows how far we are yet removed from solving the economic problem.

(A good reference work in the subject is *Crime and Criminals*, one of a series of Inquiry into Crucial American Problems, edited by Jack R. Fraenkel. Prentice-Hall, Englewood Cliffs, N.J., U.S.A.)