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THIEVES AND PUNISHMENT

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The purpose of this study was to determine whether there is any means of clarifying the problem of the crime of theft, and with it, its end result as far as the law is concerned, namely, punishment.

Punishment is still looked upon as the *best* method of checking crime, yet the effort seriously to understand and treat crime so that the individual may be benefited and society better protected has lagged behind immensely. It would seem that if there were no altruistic motive to warrant such a procedure, the cost of crime running into billions annually would furnish enough incentive. The greatest effort of the court today seems to be to establish guilt, and quite frequently the method used is often one that would cast aspersions on obtaining this objective. Thus in this way, the law may even breed criminals by causing disrespect for it, by the way in which it is being administered. Each apparently new crime is coped with by a new law, but without much attention to the causative factors. Today our laws are so numerous, that were an attempt made to enforce them all, our already over-populated jails would be a disastrous sight.

A large group of men and women in our communities repeatedly commit crimes in spite of the fact that a prison sentence may follow each detection. They certainly do not like prison, yet they seem unable to keep away. This phenomenon alone should be sufficient to arouse our curiosity; but our reaction to these unfortunate ones is the Baumes Law or others of a like nature that enforce life imprisonment. Here we leave these individuals to languish for the rest of their natural lives.

Our attitude towards crime is based on a philosophy that has been dominant in England and this country for the past two centuries. This was based on the conception that being adjudged as sane we knew what was right and what was wrong. Since this was true, we should therefore be punished for any wrong we did. The idea of intent, intricacies of life and thus of society, the understanding of human nature with its primitive impulses more powerful than any law of man, were never given one iota of consideration. As a result, man

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was placed upon the pedestal he should occupy rather than the one upon which he actually stood.

THIEVES

The law has attempted to cope with the problem of theft by classifications of theft (petty theft, burglary, grand larceny, etc., and according to the method used for example with or without fire-arms, etc.), and to each of the classifications has attached a certain penalty. Time and custom have allowed the judges especially to make some modifications and interpretations, and the juries and the opposing lawyers also to consider some of the circumstances. The psychiatrists, with their deeper understanding of human complexities and variations, present additional important considerations. Another factor that has often increased our difficulty along these lines is the interpretation of theft often made by the law itself. (For example: Does stealing a bottle of milk by the poor on the one hand, and controlling a milk supply and charging exorbitant prices on the other, thus making it impossible for the very poor to get an adequate supply, come under the same category?) The outcome of the former, as far as the law is concerned, would be self-evident. No one would dare predict the outcome of the latter as here may be raised the delicate question of intent. To the psychiatrists, however, they are one and the same problem only with a different manifestation.

TYPES

The writer has, for a number of years, conversed rather freely with individuals who have been imprisoned at one time or other in their lives. In this way he believes that he has obtained more authentic material than such as is given under duress in courts or under the fear of impending punishment. As a result of a study of these cases the following classification is advanced with a view of rehabilitation on the one hand, and a better understanding of the motives by the law on the other. Four outstanding types could be differentiated:

- I. Simple
- II. Symbolic
- III. Revolting or Revolutionary
- IV. Gangster

I. *Simple*: In this type the desire for "immediate gain" to appease hunger, self-preservation, or some other claimant cause is noted. The advantage is more or less a simple one. Depending upon the status of the individual in society it may be:

- (a) Forging checks, false entries in bookkeeping (cheating); black-mailing, *etc.*, among the better classes.
- (b) Pan-handling, snatching pocketbooks, *etc.*, among the poorer group.

Gradually a tolerance or habit may develop and with it a weakened conception of right and wrong (super-ego). These individuals, when caught the first time, generally exhibit a feeling of shame. Some few too may also develop a negativistic reaction or show signs of irritability. When these individuals become habitual criminals their self-respect is destroyed. No longer do they evince any feeling of shame, and the stigma of being a thief carries with it a feeling of indifference. Many take the matter rather lightly with only the desire for the termination of the sentence imposed.

II. *Symbolic*: Here the article stolen is not really wanted (Kleptomaniac), and guilt is not so difficult to establish, though Friedemann (1) pointed out that this may be difficult at times. Punishment, while not desired, is well borne. It would seem, however, that punishment only served to further identify these individuals with the condition or state with which they suffer. Getson (2) pointed out the masochistic attitude among many individuals and the desire for punishment as an atonement for some wrong. I feel that many of these individuals also fall in this group.

III. *Revolting or Revolutionary*: The attitude of this group is that of opposition to government, society, authority, or probably all combined. Acknowledgement may or may not be openly admitted, but compunction of conscience is seldom evidenced. These individuals even in prison are surly and insurrectionistic with spirits undaunted and unconquered, so that in prison they may organize jail breaks and the like. Their robberies are not against the poor but against the rich, those in authority or institutions, public, quasi-public or private. Thus we find the robbery of banks, post-offices, business concerns, the homes of the rich, *etc.*, are the media through which they hope to reap vengeance against the rich or the government. Danger means little in comparison with the pleasure of the act; nor is the money as such consequential. If it really were, after a lucrative "haul" these individuals would settle down to enjoy the "fruits of their labor." Instead they may spend it very freely or lightly, or may even bury it and continue their plunder. This reaction is in reality; a compulsion—a revolt against society, real or imaginery. Many individuals, better guided emotionally, find outlet for their tendency in revolutionary socio-political organizations.

The point to remember is that this reaction is against some phase of the present order, and in banditry it is present in its most destructible way. Invariably a paranoid trend may be noted.

IV. *Gangster*: This is the type born of poverty on the one hand, and laxity of execution of the laws and the "will to power" on the other. (Adler (3).) These individuals are copyists at best, and while not dis-

pleased with the present order, they are nevertheless displeased with their position in the present order. They see no reason why they should be poor, and others rich and enjoying the best in life. Thus consciously while they detest the rich, they unconsciously admire and envy his power and prestige. They thus start enterprises of questionable nature and with lucrative returns from these they soon find they enjoy all the pleasures of the rich. Backed by the laxity of law enforcement these enterprises flourish outside of the law. Money, unlike in Type III (Revolting or Revolutionary) is very important to this group. It is symbolic of power, prestige, and domination. Frustration of their desire may cause destruction in those who dare to do so, and even death. Exhibitionistic activities are quite often openly manifested as a demonstration of power. We see the "will-to-power" best manifested in these individuals.

It must be admitted, however, that there may be a combination of any two or more of the above types, also that an individual may start out as one type, and depending upon favorable or unfavorable circumstances may develop into another type. Thus a Type IV (Gangster) may start out as a Type I (Simple), while a combination of Types III (Revolting or Revolutionary) and IV (Gangster), may give you an individual of the most desperate type.

A few cases taken at random will no doubt help to establish these types or differences.

Case I: C. P. was a man about 28 years of age, unmarried, and from a family of seven. Food was never in abundance here, and the crops that were gathered on the farm, because of the exorbitant price of groceries which they were forced to pay, these had to be turned over to the grocer to meet this debt. The income from these crops was never quite enough, so that yearly this family became more and more indebted. Petty thefts were resorted to by every one and condoned by the parents. At 17 the patient left home in search of better conditions, and found city life both intricate and difficult. Wages for the particular type of work that he could do were very low, and when such jobs were not available he resorted to stealing. He has served three prison terms for these misdemeanors, and only on the first occasion did he manifest any feeling of shame. He was told by a prisoner on the last occasion that only fools were sent to prison, and while he has not changed his habits to any material degree, he stated that he had changed his method. He points with delight to the fact that he has not been to prison for three years.

This type would conform to Type I (Simple) mentioned, where the reaction was for simple gain.

Case II: F. M. was a youngster of high school age (about 17 years old). He is the oldest of a family of three. The father died when he was about 10 years of age and the mother was the only means of support. The boy noticed how little he had in comparison with other boys. Every nickel

he came across in the house he would steal to buy candy and the like. Occasionally when sent to the grocery store he would steal pears or apples that were within reach. On one occasion he heard that some of his friends were going to Coney Island. Unable to resist the urge he swooped down on his mother's pocketbook and relieved her of one of her week's wages and started out with his friends. Early discovering her loss, the mother found him at Coney Island and relieved him of the portion he still had left.

Here we see a youngster conforming to Type I (Simple) yet, nevertheless, a potential Type IV (Gangster), because he coveted those who had plenty.

Case III: A man of about 38 years of age gave among his experiences the following:

- I. Selling perfume in which only the top of the solution was real perfume, the remainder being some other liquid. When this solution was used a few times and the very top poured off, the remainder had to be thrown away as being worthless.
- II. Selling alcohol colored by brown sugar, and even with diluted hydrochloric acid. He carried a sample in another bottle as typical of the product he wished to dispose of.
- III. Pocketbook trick (which was not explained) but which netted him hundreds of dollars.

Here we see a combination of Types I (Simple) and IV (Gangster). On appearance it is for simple gain, superimposed upon a deep seated desire and attempt to amass wealth by theft and trickery.

Case IV: R. F., a young man 24 years of age and unmarried, stole about fifteen automobiles over a period of five years. He sold none of these cars, but merely drove around in them till he was tired or when the supply of gasoline ran out. He would leave them wherever he was and then walk home. He was sent to prison several times for these offenses. He realized it was wrong, but the urge was so great he stated that he was at the wheel of the car driving before he realized what he was doing. To offset this, his mother bought a car so that he could have one at his disposal. Even this did not deter him.

Because of the apparent non-purposeful movement and with no desire for gain I felt that this case came under the category of Type II (Symbolic).

Case V: This was a woman of about 40 years old and a habitual drinker. She made it a habit of stealing only black thread from department stores. She stored quite a great quantity and yet has often bought when she actually had black thread, with which to do her sewing.

This type I feel should also be considered under Type II (Symbolic), where the desire for gain is not manifested, and the reaction is non-purposeful.

Case VI: F. B., a man of 33 years of age and married, but separated from his wife gave a brief history of his life as follows: He was in an

orphan asylum as early as he can remember. Here he learned many vices and for these often he was severely punished. Punishment after a time meant nothing. At 16-18 years he stated that he ran away and not many weeks thereafter he was caught stealing. In order not to be sent back to this Institution, he gave an age much higher than his own, and was given a long term in prison. He said he stole because he was hungry, felt that his sentence was an unduly hard one, and vowed that some one would pay for it. He admitted that he had recently been paroled for another offense, and that he was "laying low" for a time.

This type must be considered under Type III (Revoltng or Revolutionary), where the reaction is against society and authority. Here we see also a Type I (Simple) transformed into a Type III (Revoltng or Revolutionary).

Case VII: J. M., a man about 40 years of age, cited the following facts:

At the early age of 19 he started to peddle drugs because he said there was good money in it. He stated that he was very thrifty and soon he was doing business for himself. In addition he dealt in bootlegging and was also a business partner in a house of ill-repute. In the course of a few years he stated he had amassed quite a fortune. When he refused to merge with another group they "framed him" and in this way took over his territory. He served a short time and was then paroled. His wife disappeared while he was in prison and with her his whole fortune. At present he is in indifferent health not having been very well since his release from prison. All his life he has had the desire to be rich, and with the loss of all his money he is very much depressed.

This case would fall in Type IV (Gangster) where the desire for wealth and to be like the rich is uppermost.

TREATMENT

Punishment for theft is indeed an attempt on the part of the law to protect society. However, we can see that in general it has not attained its objective. The act of sending men to prison for a number of years, and then releasing them again into society from which they were taken with no more insight than before, and less equipped to cope with life than before, make prison an easier place in which to live. Their presence in prison is an indication in most instances of their inability to cope with life and society as it is.

White (4) has pointed out the fallacy of sending men to prison for a number of years whether for punishment or to relieve the anxiety of society, unless they can be helped or made better men during their incarceration.

The treatment (which seems to be a preferable word to *punishment*) may be considered in two phases:

I. Specific
 II. General

I. SPECIFIC: Under this caption we would consider the treatment according to the types.

Type I (Simple): These individuals should be separated from long-term prisoners, if for no other reason than the fact that they tend to live too much for the moment, and thus often choose what to them seems to be the easiest way out of a difficulty. Shame is often marked among these individuals, and the higher their social plane, the more it is manifested. The least exposure that can be given to the public, the better it is. Every effort should be made to bolster their confidence in themselves. They need encouragement, and often consider themselves unlucky to be caught. Hard work, probably a course in some line of occupation, and lessons in the true value of ownership and thrift, should be emphasized and instilled in such individuals. The term of incarceration should be as long as it takes for them to grasp these principles. Proper handling here may prevent further excursions into the field of crime.

Type II (Symbolic): This type is already recognized by the law as being an abnormal reaction, inasmuch as gain is not the motive. The reaction is symbolic of some repressed desire, and because of this such cases are turned over to the Psychiatrist for treatment.

Type III (Revolting or Revolutionary): In this type we meet a cynical group, against society, authority and government. Even in prison their spirits remain unconquered and undaunted. Since the government is their enemy, jail-breaks serve the same purpose to them as a bank-robbery. Separation from the rank and file of prisoners is always a safe procedure. They should be closely supervised and at the same time be given as much freedom as is compatible with safety as time goes by.

These individuals are in general not only intelligent, but critical of life and its meaning. They have their ideas and ideals of what life should or should not be, and assume the authority of trying to change the present order to suit themselves. To force such individuals to live a vegetative existence only further embitter them, and sooner or later they invent means for continuing their revenge. Society and its meaning should be "sold" to them; Government and its meaning should be emphasized. Efforts should also be made to emphasize the *right* and the *wrong* way of redressing grievances against society and government. Representatives of this type too often have a definite paranoid trend or coloring to their lives and thus see the world only from their point of view. Such factors should be taken into consideration in their treatment.

Type IV (Gangster): In this type we meet a group that is more or less willing to conform to prison rules. They do this easily for they feel it is the best way out in the end. These individuals are for the most part braggarts out of prison, but once in prison they are different individuals. Punishment is borne with great fortitude because they realize there is no other way out. Because of their libidinal investment this group might be considered as of the narcissistic type. (Freud (5).)

Lessons in law enforcement in the power and intricacies of the government cannot be stressed too much. Investments such as are recognized by the government, which, in the long run are the safer should be stressed over against those made in illegal ways.

To carry out the aforementioned ideas it would be necessary to have a staff assigned to our prisons composed of Psychiatrists, Jurists, Sociologists, Ministers, and Economists. This in the end would cost society less annually than the cost of crime it tries to prevent, or lessen. In this way too the necessary rehabilitations of prisoners may be accomplished. Such a body could also act in an advisory capacity to the court, and to a large extent prevent the miscarriage of justice by over-zealous and partial witnesses on the one hand, and law enforcement officers on the other. Above all, the question of *justice* should be emphasized and *not* punishment or revenge by the law for society.

II. GENERAL: The question of general health is fundamental. Too often this factor in the causation of crime is overlooked. Berman (6) has called attention to a defective endocrine system. This should be investigated. The question of a defective mentality should also be carefully investigated, for there can be no doubt that a large proportion of our prison population is made up of just such individuals.

Nelson (7) has shown that Child Guidance Clinics should be established in or associated with every school so as to get at our incipient cases, where treatment could be more effective. These clinics should not be confined to children only, but to an equal degree, to the parents if such treatment is to be effective, and insight gained.

Lastly, when it becomes necessary to send men to prison, the time element should be arbitrary. The time should depend upon insight gained on the one hand, and an organized effort on the part of the state on the other hand to see that they are redeemed by society.

Unless we carry out some such reform, we may expect as a result of imprisonment:

- I. A small number of individuals largely from Type I (Simple) returning to society chastened.
- II. A second group determined to make society pay for the anguish of mind and body that they suffered.
- III. A third group a bit wiser and more clever in the ways of crime as a result of association, and with no greater element of stability.
- IV. A fourth group which, because of continued failure, we shall keep in prison. These will be forced to live in a vegetative state for the rest of their natural lives.

CONCLUSIONS

1. There are different types of thieves—Simple, Symbolic, Revolting or Revolutionary, and Gangster.
2. The essential factor in dealing with a person found guilty of the crime of theft is to establish the motive and what type of thief he is: punishment or rather treatment should be determined by the type.
3. An injustice is perpetrated upon society when men are freed from prison with no insight and no more ability to take care of themselves than before incarceration.
4. A staff composed of psychiatrists, psychologists, jurists, priests and economists should be attached to each prison for the purpose of rehabilitating prisoners. Such a staff should also act in an advisory capacity to the court.
5. The time in prison should be arbitrarily set, depending upon insight and willingness of society to receive these individuals back again.
6. Child Guidance Clinics not only for children, but also for parents should be established in every community.

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