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FACTS AND FANCIES IN CRIME PREVENTION*

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With the close of the great war, the prevention of crime has once more assumed a foremost place in our thinking on national affairs. The problem of crime prevention is not a new one nor is it peculiar to modern America. Almost two thousand years ago, during the trial of Caius Silanus by the Roman senate on charges of extortion, it was declared "Laws punish crimes committed; but how much more merciful would it be . . . to provide against their commission." But man's total inability to cope with the problem is perhaps best attested to by the fact that after more than seventeen hundred years had elapsed, an Italian, Cesare Beccaria, expressed the identical thought in his famous "Essay on Crimes and Punishments." He said "It is better to prevent crimes than to punish them . . . But the means hitherto employed . . . are generally inadequate or contrary to the end proposed." And this observation of Beccaria is as true today as it was when written in 1764.

Man may boast of splitting the atom. His inventive genius has enabled him to travel around the world within a few hours. Distance, time, and space have been largely conquered. Through his scientific knowledge he has been able to artificially cause rain and snow. But with all of these accomplishments, man still does not understand man. The causes of his behavior and the relations of one human toward another, which lie at the heart of crime and its prevention, still remain an enigma.

Arnold J. Toynebee has stated that "the most extraordinary characteristic of man . . . is the extreme contrast between our ill success in dealing with ourselves and the mastery that we have established over physical nature." He refers to man as: "A god in technology; an ape in life." In the field of human behavior and human relations, we have certainly verified the assertion of a famous French scientist, Lecomte du Nouy,

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that the depth of man's intelligence has increased but very little during the past ten thousand years. And the knowledge we have been able to acquire we have not been able to put into practice.

These words may sound a pessimistic note. But the primary requisites for any substantial progress consist in attempting to understand something of the magnitude of the problem and in viewing it in its true perspective. Criminal human behavior is not an isolated problem of crime. It is a problem which embraces sociology, economics, politics, cultural backgrounds, law enforcement, psychology, psychiatry, penology, biology, physiology and other branches of comparable sciences. Yet, too frequently in the past, the tremendously complex nature of human behavior has been completely ignored. And programs designed to prevent all crime have considered only one of the manifold factors involved. Such efforts have meant little more than high-sounding phrases and slogans. Upon their completion we still have the slogans—and also the crime.

Several years ago, one panacea advanced to eliminate crime was supervised recreation. Independent research, however, established that the delinquent and potential delinquent were less apt to participate in supervised recreation than the non-delinquent. It became obvious that any crime prevention program based on supervised recreation alone was doomed to disappointment and failure.

At one time it was vigorously proclaimed that the solution to the crime problem would be found in education. It was asserted in effect that criminal behavior results from ignorance; knowledge alone would prevent crime. But psychiatrists have rightfully pointed out that in the field of human behavior it is not as important to *know* the distinction between right and wrong as it is to *feel* this difference. It is this emotional quality, a feeling of the difference between right and wrong, that we refer to as conscience and which is a basic substance of character.

In the Sixteenth Century the great French philosopher, Montaigne, spoke of the absurdity of the prevailing educational system. He said: “. . . its aim has been to make us, not good and wise, but learned; and it has succeeded. It has not taught us to follow and embrace virtue or wisdom, but has impressed upon us their derivation and etymology.” Perhaps the same criticism could be leveled at our educational system in America today. At any rate, we have certainly placed much more emphasis on developing and perfecting the physical sciences than we have on the science of character building. And to large

segments of our population, pure intellectualism has become such a fetish that even the word moral is something to be abhorred as an earmark of ignorance or of religious superstition. Yet some of the world's greatest criminals who have brought untold suffering to mankind were intellectual giants with moral standards of morons.

During the recent war the subject of juvenile delinquency was one of the foremost topics for discussion in America. The emphasis gradually shifted from the juvenile to the adult. And during the past several months it has become popular to fix the responsibility for all crime and delinquency on the home and the parents. No one can deny the vital importance of the home in molding character and in the development of useful law abiding citizens. But to ignore the important social and political influences that frequently counterbalance the influence of the home and to insist that parents alone are responsible for criminal behavior on the part of their children is utter nonsense.

There are many parents of exemplary habits and conduct who devote all of their energies and talents in the rearing of their children. Within their means nothing is left undone which should aid in the building of character and providing adequate educational opportunities. But the parents are average American citizens. They are industrious but of moderate income. They have a comfortable living but luxuries are few. As the son of such parents matures he begins to make independent observations. He too frequently notes that the few individuals in his community who dress well, ride around in big cars, live in spacious homes and who are always plentifully supplied with money, are those engaged in some racket or perhaps are corrupt petty politicians deriving their livelihood through graft. His parents may call these men "crooks" but he is impressed with the deference shown them by many citizens of the neighborhood. He notes that even in schools, churches and community organizations they are treated with honor and respect, many times because of their liberal financial support. Unquestionably, such influences frequently cause youth to reappraise his parental training and guidance. His immature judgment may result in a decision that the precepts of his parents are outmoded; they are old-fashioned and not applicable to one who wishes to get ahead. Delinquency and even criminal behavior may follow.

It should also be noted that the gradual transformation of America from a population that was once largely rural to its present industrialized urban character has naturally weakened

the influence of the home. At one time a sizeable percentage of homes in America were almost complete economic, social and cultural units. The influence of such homes on children was stronger than any other. But today in many urban communities conditions are present which result in a complete deterioration of the home influence.

For example, year after year in Chicago, a small district of less than two and one-half square miles out of a total of two hundred and eleven, accounts for approximately one-fourth of the total murder and rape offenses committed in Chicago and a highly disproportionate number of other crimes. Daylight hold-ups are so commonplace they attract but passing attention from people on the streets. Lawlessness generally prevails. Into this small area are crowded almost 200,000 people. It is not uncommon for buildings intended for three families to house twenty-five. Living conditions are so congested that normal home life is an impossibility. Community cooking facilities are commonplace. One bathroom only is available for several families in many buildings. Health conditions are bad. In recent years available schools could not accommodate all of the children. They were required to attend classes in two and in some instances three shifts. Many of the commercial recreation places are regular breeding places for crime and delinquency. Although in ordinary times most of the residents of the area are poverty stricken, politically protected rackets have materially aided in keeping them financially destitute. Nickels, dimes and quarters of these poor people that should have been expended for milk, bread and the necessities of life have been poured into the policy racket. And the principal policy kings, the Jones brothers, have become millionaires with estates in France, Canada and Mexico. Yet, these men are the heroes to many in the district—the examples of success. The anti-social conduct and attitudes that prevail are natural products of social conditions to which the people are subjected. As the brilliant writer Richard Wright has pointed out, to expect contrary conduct on the part of the people living in this locality “would be like expecting to see Rolls-Royces rolling off the assembly lines at Ford’s River Rouge plant.” The conditions in this particular community are not peculiar to Chicago. Almost every large city has several districts in which comparable conditions exist. And it is a meaningless absurdity to fix the sole responsibility on the parents and the homes for the high incidence of crime that prevails in such districts.

The home is still the most important institution in the molding

of character. But we are falling into the error of over-simplification of one of our most complex problems if we fail to realize that the average child is subjected to many powerful influences other than those found in the home. It has become so commonplace, however, in dealing with the crime problem to over-emphasize the influence of the home at the expense of all others that public officers have sometimes attempted to place the burden for their official shortcomings on the shoulders of parents. For example, the conditions in numerous taverns in Chicago were intolerable for many years. Liquor license laws were disregarded with impunity. Men with long criminal records and those associated with notorious gangsters operated liquor places in which gambling flourished, prostitutes solicited their trade, sanitary conditions were deplorable and minors were served with liquor. Several vicious murders, rapes, and other crimes were committed by intoxicated minors who were permitted to purchase liquor after the legal closing hour. A particularly notorious case involved an eighteen-year-old boy who had committed a murder following a night of drinking in various taverns. The Criminal Court judge who passed sentence on this youth stated that in his Criminal Court experience he found that a large percentage of crime was traceable to the sale of intoxicating liquor in the early morning hours to juveniles. Licenses were rarely revoked and in many instances the most flagrant violators had their licenses restored when their cases were heard by the License Appeal Commission of the City of Chicago. Retail liquor conditions became so intolerable that a mass meeting was held almost two years ago which was attended by representatives of numerous official bodies, civic agencies, and juvenile protection and welfare organizations. After much discussion on methods of coping with the bad situation which had become serious, the chairman of the city License Appeal Commission spoke. In effect he belittled efforts directed at better enforcement of liquor laws. He admonished those present that the solution to the entire problem was to be found in the home; with proper home influence and parental guidance and discipline youth would not frequent undesirable taverns. Needless to say, this was merely an attempt to avoid responsibility for conditions he could have assisted in improving or eliminating. Instead, he found it expedient to shift the blame to the home.

Over-simplification of the complex problem of human behavior has seriously impeded any substantial progress in preventing crime. Instead of inaugurating comprehensive programs em-

bracing many of the causative factors involved, we have too frequently turned from one panacea to another. At various times diverse philosophies have represented our thinking on ways and means of preventing crime. From the untenable position that severity of punishment alone would operate as a deterrent to crime, we have arrived at the place where we believe that no punishment at all is desirable. On the other hand it is advocated that punishing parents and sending them to jail will prevent juvenile delinquency. At different times we have explained criminal behavior in terms of glandular disturbances, mental aberrations, internal conflicts and maladjustments, broken homes, parental neglect, improper law enforcement, under privilege and over privilege. In turn, we have recommended as cure-alls more playgrounds, youth centers and boys clubs, the sterilization of imbeciles and better street lighting. We learn and blandly accept the principle that: "What's good for the individual is good for society." Although experience and common sense dictates that there are cases in which treatment favorable to one individual may retard the treatment of scores of others and is therefore injurious to society, it is considered rank heresy and a mark of ignorance to say so.

In one breath we demand slum clearance and the elimination of poverty as a means of reducing crime. In the next breath we suggest the legalization of inherently illegitimate rackets which materially aid in reducing poor people to poverty stricken circumstances. We blame the criminal's anti-social behavior on confusion and frustration but at times he appears to be considerably less confused and frustrated than those attempting to cure him.

These remarks are not made in a spirit of criticism and ridicule. They are made solely as a plea for an open mind and the removal of dogmatism from a field in which there is presently no room for dogmatism. On the basis of past experience, and in view of the fact that the sum total of irrefutable knowledge in the field of crime causation is very meager, it is almost a certainty that some of the basic principles accepted today will be considered unsound and unacceptable in the future.

Our total experience in dealing with human behavior should serve as a warning against too much smugness in our opinions and particularly against forcing such opinions on others. It has been less than four hundred years ago that Jean Bodin, French political philosopher, rose to a distinguished position as an economist. His intelligence was such that, of all the writers of the Sixteenth Century, Bodin alone comprehended the fact

that Europe was undergoing rapid changes. He became noted for the breadth and liberality of his mind. Yet Bodin definitely established to his satisfaction the existence of witchcraft. And he insisted that the rigours of the law be visited, not only upon those allegedly practicing witchcraft, but upon those who had the temerity to doubt the reality of sorcery. In this modern era there is little likelihood of anyone attempting to compel us to believe that criminal behavior can be explained in terms of witchcraft. But many times our approach to the problem remains much the same. Theories are developed which are only theories and have never been satisfactorily proven. Yet there are those who insist that anyone who questions their soundness is an out-and-out dunderhead or is possessed of ulterior motives. In this regard about fifteen years ago automobile thefts in Chicago became so prevalent that there was established a special branch of the Municipal Court to handle all cases related to this type of offense. At the time this court was founded, automobile thefts in Chicago exceeded thirty thousand a year as compared with about three thousand in recent years. Several factors contributed to the tremendous decrease in this type of crime and it is naturally a matter of conjecture as to the exact contribution made by the Automobile Court. In recent months a proposal was made to transfer all defendants between seventeen and twenty years of age from the Automobile Court to the branch of the Municipal Court called the Boys Court. It was contended that the facilities of the supervising agencies were more readily accessible in the Boys Court than in the Automobile Court. In substance it was claimed that the philosophy of the Boys Court was more compatible with modern thinking in the treatment of delinquents than that which prevailed in the Automobile Court. Those who opposed the change questioned this premise, pointing out that some of the supervising agencies in the Boys Court already had almost double the case load that could properly be handled. It was further objected that much of the vaunted supervision was on paper only. The suggestion was made that, before changing from a system that had greatly improved conditions to one of problematical effectiveness, it would be wise to proceed with caution. With one or two exceptions there was admirable fair-mindedness on the part of those representing both sides of the controversy. However, a very small minority insisted that those opposing the change were doing so because of a complete lack of appreciation and understanding of the problem and, due to the viciousness of their hearts, they were interested only in saving automobiles, not boys.

A few days ago there was completed an independent study of both courts made under the direction of Dr. Ernest W. Burgess, eminent sociologist of the University of Chicago. There were examined the records of about 420 seventeen-year-old boys whose cases were disposed of in almost equal numbers in the Automobile and Boys Courts during 1943. The percentage of recidivism in the theoretically sound Boys Court was nine per cent higher than in the Automobile Court. These findings do not necessarily prove the superiority of one court over the other from the standpoint of saving boys. In fact, there are strong indications that many of the theories and philosophies present in both courts are unsound. The study does forcefully bring out, however, the danger of ignoring facts that do not coincide with theories. It is in this way, said Montaigne, that: "We know the foundations and causes of a thousand things that never were; and the world skirmishes with a thousand questions of which both the pros and the cons are false."

The excellent studies made by Eleanor and Sheldon Glueck forcefully bring out the need for a careful appraisal of present theories and their application in the field of criminal behavior. The independent research of the Gluecks has reflected that even though the recommendations of the clinic were followed in the post-treatment of delinquents in such matters as place of residence, improvement of family and living conditions, health, schooling, vocational and recreational activities and disciplinary practices, the percentage of recidivism was only slightly less than in those cases where the recommendations were not carried out. In other words, they determined that the putting into effect or the failure to carry out the clinic's recommendations did not have as marked a significance as might have been supposed. In his foreward to the Glueck's book, "After-Conduct Of Discharged Offenders", Mr. Justice Felix Frankfurter said: "Like so many of the conquests of science, the results of the enquiries reported by the Gluecks have merely pushed back the boundaries of darkness. We still do not know what is chargeable to nature and irremediable by man." This certainly does not imply that scientific research in combatting crime has been futile nor does it mean that we should adopt a defeatist attitude. The fact that the boundaries of darkness have been pushed back is a strong indication they can be pushed back still farther and eventually sound, constructive programs that will materially reduce delinquent and criminal behavior on a nation-wide basis will become a reality.

To attain this goal it will be necessary that independent inten-

sive research be conducted on a much more comprehensive basis than has heretofore been possible. This research should take two directions: first, the collection of irrefutable facts relating to the causes and precipitants of human behavior as well as other aspects of the crime problem, and, second, the development of ways and means of transforming the knowledge acquired into effective action.

Perhaps considerable progress could be made through the establishment of a National Institute for Crime Research functioning under the direction of outstanding administrators in the field of scientific inquiry. An institute of this nature should be privately endowed to remove any tinge of partisan politics. There should be obtained the collaboration and cooperation of leading universities and outstanding authorities in every branch of science dealing with human behavior. During the late war, the forces of science were marshalled. The collaboration of research efforts on the part of leading scientists throughout the nation was secured and man developed furies of destruction which, ironically, may destroy him. Should it not be possible to exert comparable efforts toward the constructive end that human behavior and the relations of one individual toward another may be appreciably improved? Is it not a satire on this so-called enlightened age that we must still say with the ancients that "there is no beast in the world so much to be feared by man, as man?"