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INTRODUCTION

In the past two decades, the field of criminology has changed dramatically. Mainstream criminology, which focused primarily on the etiology of behavior taken for granted as criminal, has been successively challenged by a number of different sociological theories and perspectives. These challenges have come from the labeling or interactionist perspective, various pluralistic conflict theories, and a number of radical, critical, or Marxist approaches. Although there are many differences among these theoretical developments, they share a common set of humanistic concerns. All of these perspectives attempt to combine a theoretical explanation of crime and social control with a practical concern for human liberation and social justice. All of these perspectives are concerned, in one way or another, with the way in which the social structuring of crime and social control affects the human rights, survival, and material well-being of people.

These humanistic concerns have become more important over time. So much so, that the American Society of Criminology devoted two sessions to the topic of "Humanistic Perspectives in Criminology" at its annual meeting in 1983. This special issue is an outgrowth of these two sessions.

The first two papers focus particularly on the vexing definitional and conceptual issues in humanistic approaches to the study of crime. With the remainder of the papers the focus shifts to the relationship between the theory and the practice of humanistic criminology in modern societies as the authors explore the possibilities for the development of humanistic social structures and policies that would enhance human freedom, social justice, and individual dignity.
In the lead article, Clayton Hartjen outlines the characteristics and prospects for a new criminology—a humanistic criminology as opposed to the taken-for-granted correctional orientation of the conventional positivistic criminology, which attempts to explain the causes of crime in order to find ways to prevent or reduce crime. Understanding the human phenomenon of crime, he points out, has always been a secondary or marginal concern of conventional criminology. Hartjen's essay addresses these three issues: (1) the distinctive features of a humanistic criminology, (2) the possibilities for accomplishing such an enterprise, and (3) the shape of an academic curriculum of criminology oriented to humanistic concerns.

In the second article, Ron Kramer argues that the traditional definition of crime is too narrow and unnecessarily constrictive of criminological work and that it must be replaced by several definitions more in accord with the objectives of a humanistic criminology. He begins by contending that the traditional debate over the definition of crime has not been grounded within the context of the more fundamental images of crime that actually guide criminological work. He then attempts to clarify these underlying images (paradigms), displaying the value questions and domain assumptions contained within them. Finally, Kramer offers first order and second order definitions of crime which he feels are more suitable to the task of humanistic criminology.

As Larry Tifft and Lois Stevenson note in the next paper, anarchist perspectives have been perceived as beyond the scope of acceptable criminological thought. But these perspectives have much to contribute, especially to humanistic criminology. Peter Kropotkin was a well-known anarchist theorist who wrote extensively on criminological issues. In this article, Tifft and Stevenson attempt to share their belief that Kropotkin's needs-based and feelings-based sociology provides an insightful and provocative orientation both for criminological synthesis, inquiry, and research, and for taking action to alter and transcend the criminogenic social arrangements of our world.
David Simon's essay explores the structural conditions in American society that foster elite deviance, what C. Wright Mills called the "higher immorality" among the most wealthy and powerful members of America's corporate, political, and military elite. In analyzing the role of alienated persons and organizational inauthenticity in modern bureaucratic societies, Simon holds out the prospect for the development of a truly radical humanist sociology that transcends the question of whether the behavior is illegal or not.

In the next paper T. R. Young offers a wide-ranging critique of existing orientations and policies concerning crime in the United States. He examines deficiencies in studying forms of crime, studying systems of justice, and in offering kinds of theories. He concludes that bad theory makes bad policy. Young then attempts to locate the distorted study of crime and justice as well as the growth of unscientific theory in the political economy of advanced monopoly capitalism. Finally, he suggests five transformations of contemporary criminology as a way to create a humanistic criminology adequate to the policy needs of a society beset by a wide variety of activity harmful to the human enterprise.

In his article, Harold Pepinsky demonstrates how humanistic criminology can stretch the sociological imagination of the field and contribute practical, humanistic suggestions for reducing crime in our society. Pepinsky begins with an elegant statement of what humanistic criminology means to him. He then proceeds to argue that human opportunity, variety, and freedom (including freedom from crime) can be the result of social control and social engineering, properly modeled. Pepinsky distinguishes between repressive social control and liberating social control. Drawing on the work of Smith and Beccaria, he details a provocative model of liberating social control which would reduce crime. Pepinsky argues that criminology can and should become a force for human tolerance in our world through such theoretical and practical work.
In the concluding article, Erdwin H. Pfuhl critically looks at the immense obstacles that oppose the implementation of a truly humanistic criminology in the everyday operations of crime control agencies. The criminological enterprise he contends is becoming progressively more dehumanized as "justice" becomes defined as a "series of bureaucratic procedures." With the tremendous growth in surveillance and control in the name of national security and the increasing subordination of human needs to organizational considerations, the human factor becomes lost sight of as "people issues" are sacrificed for the sake of social control and the needs of the state. Indeed, Pfuhl argues, the entire criminological enterprise--both mainstream academic criminology (which fails to grapple with the subjective worlds people experience) and crime control agencies--has lost touch with those it was intended to understand and serve.
HUMANISTIC CRIMINOLOGY: IS IT POSSIBLE?

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ABSTRACT

A humanistic criminology is one that would be oriented to human betterment and fulfillment, as opposed to conventional criminology oriented to the control of crime and suppression of offenders. Some of the obstacles that stand in the way of developing a humanistic criminology, as well as some of the reasons why these obstacles do not necessarily preclude its being established, are addressed. Some reasons why humanistic criminology is desirable are suggested. Given that humanistic criminology is viable a critique of contemporary schools of criminology/criminal justice is offered and a number of suggestions are made regarding what an academic department of criminology oriented to humanism would study and emphasize in its curriculum and goals.

1. This is a substantially revised and expanded version of a paper presented at the American Society of Criminology meetings in Denver, 1983. My thanks to S. Priyadarsini, Jayshree Parthasarathy, and Lucile Duberman for their comments and suggestions.
A number of years ago Gibson (1970:56) commented on the underlying perspective criminologists have had of their subject matter and the purposes of their inquiry:

The assumptions of conventional criminology are that the law and all the apparatus which supports it can be taken for granted as a given fact. It could be, should be, improved this way or that as time goes on, but nevertheless it represents a norm which all right-thinking people support. Criminals are deviants, and it is the duty of criminologists to work towards the end of suppressing crime even if the ideal of abolishing it may never be reached.

Although they are not usually explicitly expressed, these assumptions provided the philosophical and programatic bases for both the classical and positivist schools of criminology from the late eighteenth century to the present time (see Gibbons, 1979; Pelfrey, 1980). Even though the scope, character, and focus of criminological inquiry changed somewhat with the advent of the labeling perspective and the development of the conflict, critical, and radical criminologies that emerged during the 1960s-1970s, the fundamental nature of criminological inquiry has not been substantially altered. Praxis was advocated,
new villains (e.g., corporate criminals, the police) were brought forward as worthy objects of criminological attention, and new topics of inquiry (law and the criminal justice system) became popular. However, a "correctional" orientation still dominates criminological thinking and activities. Employing methods of scientific inquiry and geared to improving the criminal justice system (making it more effective, efficient, and/or fair, not to speak of "just"), contemporary criminology is still primarily concerned with explaining the causes of criminality and finding ways to prevent or reduce the frequency of criminal acts. Contemporary criminology has largely been justified in terms of an ideology which holds that through the accumulation of scientific knowledge about crime, its causes and control, criminology can "save us," either from the criminal or unfair justice (Reasons, 1975). Thus, by emulating the physical sciences and accepting as given the deterministic assumptions of positivism, the pursuit of empirical truth, numeric information, system management and improvement, and personnel training have become the hallmarks of modern correctional-oriented criminology/criminal justice. Understanding the human phenomenon of crime is, at best, a secondary and marginal concern.

It is my purpose in this paper to emphasize this secondary and marginal concern by articulating what I believe to be the characteristics and prospects of a new criminology -- a humanistic criminology. To do so, I shall address three issues: (1) the characteristic features of a humanistic criminology, (2) the possibilities for developing such an enterprise, and (3) what an academic department of criminology oriented to humanistic considerations might
DEFINING HUMANISTIC CRIMINOLOGY

What are the distinguishing features of a humanistic criminology? What would a humanistic criminology address, do, value, and seek to achieve? Given the rather diverse and not always clearly specified versions of humanism expressed by the members of various social scientific disciplines (primarily sociology and psychology) this is not as easy or noncontroversial a question as might be imagined.

Based upon the various characterizations of humanism expressed by a number of writers (e.g., Gouldner, 1970: 481-513; Lee, 1987; Gella, Jansen, & Sabo, Jr., 1978; Tifft & Sullivan, 1980; and Young, 1984) I would suggest that in contrast to a correctional-criminology oriented to the scientific discovery of the causes and cures of crime, a humanistic criminology is a criminology that is also oriented to individual freedom and enjoyment of life, while striving to protect and promote human dignity and survival. Humanistic criminology is an active enterprise dedicated to social change and betterment. And it is fundamentally oriented to improving the human condition, not only in terms of technological advances but in terms of personal and social fulfillment as well. In pursuing this course, humanistic criminology is also existential and relative, as opposed to empirical and deterministic, in that it is concerned with the experiencing of life rather than mere description and explanation of "social facts" or human behaviors.
Moreover, it is value committed, rather than value neutral, but strives for objectivity in matters of fact and truth. It is skeptical of scientific claims, but it is not necessarily anti-scientific. It is, instead, opposed to "scientism" (as depicted by Lee, 1978). Thus, a humanistic criminology would be people-centered, ethical, critical, oriented to ameliorating social adversity, and dedicated to undermining the myths and rationalizations that have been and continue to be employed to maintain and justify the position and privileges of the elites in human societies (Lee, 1978:94; 1980:5; also see Pepinsky & Jesilow, 1984; Young, 1984).

Such a criminology would (indeed, should) continue to employ scientific methods of research, but it would not be scientific in the traditional "positivistic" notions of science. Instead, "rather than trying to find out what is, the humanist uses data to calculate what can be" (Pepinsky, 1979:250). Indeed, scientific methods of data collection are ways of systematically and purposively experiencing the social and natural worlds, although they are not necessarily the only viable or possible ways of acquiring such experience (see Hartjen, 1981). Many humanistic-criminologists do employ scientific research techniques as useful tools in gaining the kind of understanding they need to pursue their goal of human fulfillment and betterment. Using the techniques of science does not prevent one from being a humanist. It is not the "technique" so much as the attitude one has in employing it that distinguishes between a humanistic versus a "scientism" approach in criminology. That is, it is not how one goes about acquiring knowledge as it is the kinds of understanding one pursues and what one does with it that separates the criminological humanist from the agent of
social control.

Also, while law and its administration would remain central topics for criminological analyses, a humanistic criminology would ultimately be oriented to political anarchy, to the abolition of law, or, more correctly, the need for its coercive force (see Black, 1976; 1980). In this regard, a humanistic criminology would be sensitive to topics such as racism, sexism, and militarism (as suggested by Herman & Julia Schwendinger, 1970). However, it would continue to retain a "legal" definition of crime, for it is only by so doing that the political (legal) nature of crime as a construct in the service of elites could be highlighted. Insofar as law (especially criminal law) is used to justify exploitation or does not itself provide or help to secure an improved human condition, it is the duty of humanistic criminology to critique the legal order and to reveal its antihuman structures. The definition of crime used by political authorities (legal definitions) facilitates accomplishing this task by, on the one hand, revealing the persons and behaviors such authorities seek to repress and, on the other hand, exposing what they choose to promote or sanction (see Hartjen, 1972; also see Quinney, 1979; Chambliss, 1984).

A number of criminologists already practice some version of humanistic criminology, wittingly or not. And many others have made important contributions central to the concerns of criminological humanists. Thus, while it would be inappropriate to associate criminological humanism with any specific works or individuals in this essay, and while some of us even call ourselves humanists or humanistic criminologists, the issue of
concern here is not who is or is not humanistic but that of assessing whether a humanistic criminology is possible? By possible, I mean "doable," or achievable, as a viable intellectual enterprise rather than an individual endeavor on the part of some criminologists. Moreover, given its plausibility, what would such a criminology look like?

THE POSSIBILITY OF HUMANISTIC CRIMINOLOGY

There are at least three different answers to the central question posed here: (1) a negative answer NO, (2) a positive answer YES, and (3) a HUMANISTIC answer.

THE NEGATIVE CASE

Undoubtedly a host of obstacles stand in the way of a humanistic criminology. Among these are three reasons why some people may feel that the kind of humanistic criminology described above is not possible, or at least not likely to develop. One, such a criminology is adverse to governmental and political interests. As Kennedy (1970) notes, crime is a political phenomenon, essential to the maintenance of the political state. Thus, insofar as the creation of crime is a major means of governmental social control (Black, 1976), governments are not likely to support, and may actually resist an active, value-committed criminology, one dedicated to change, betterment, freedom, and social justice. On the other hand, "scientific" criminology is well-suited to
the interests of government. Officials want
data about offenders, systems, and outcomes.
Primarily, they want facts that may be
ignored or used as needed to maintain control
and dominance (Quinney, 1974; Jackson,
1984). Humanistic criminologists would not
only refrain from providing such information,
but the whole humanistic tradition is
directly opposed to so doing. Indeed,
humanistic criminology would be oriented to
questioning and investigating government,
especially with regard to its role in the
crime-creation process. Financial support
from the government to pursue this activity
is therefore not likely to be forthcoming,
and without such support the criminological
enterprise is jeopardized.

Second, as Sylvester (1975: 224) points
out, criminology, regardless of type or form,
ievitably deals with questions of right and
wrong. The only credence people are likely
to give to any statements criminologists
might make about such questions (above and
beyond their proclivity to agree beforehand
with any of them) is that our statements are
valid depictions of objective reality; an
assessment of our truth-claims that is not
likely to be made unless such claims are
cloaked in the robe of scientific
respectability. Thus, to the extent that we
want to be listened to, heard, and to some
extent make a difference, departing from
scientific objectivity (i.e., being openly
value committed) detracts from that
achievement. A discipline, however noble and
well intended, is not likely to survive as a
discipline for very long if no one listens or
values what its members have to say.

Third, humanistic criminology may also
face internal defeat. A criminology that is
committed and actively oriented to achieving
good and to improving the human condition
invariably encounters the problem of deciding what values are to be pursued -- what constitutes an improved human condition. For example, is it our purpose to (a) rid the streets of drug dealers, (b) successfully rehabilitate drug addicts, (c) see to it that drug users receive their constitutional rights, (d) promote the right of addicts to use drugs as they want as a humanistic right to pursue the enjoyment of life as they see it, or (e) all of the above? Moreover, how active should we be in pursuing any of these goals, or how are we to go about doing so at all? Are we to be scholar-activists; and, if so, what are the limits of our activism? Even now criminology is torn between those who think human betterment could be achieved if more lawbreakers were put behind bars or kept there for longer periods of time, whereas others argue that we should tear down the walls -- either of prisons or the capitalist state (see Inciardi, 1980 for discussions of these various views). To the extent that criminologists are not likely to concur on the basic agenda for a humanistic criminology (or, indeed, over the way I have characterized it here), it is not likely that they would actually engage in such an enterprise as an organized discipline.

THE POSITIVE CASE

Regardless of the kinds of obstacles one might envision, it is possible to achieve a humanistic criminology for a number of reasons. One, in contemporary society, "science" may have lost some of its aura and the respect it received from the general public (as well as many scientists). Although technological advances from the computer chip to nuclear energy have done
much to change the quality of physical life, these changes have not always or necessarily been for the better. Word-processing machines may make it less physically onerous to produce written documents, but they hardly compensate for life with "the bomb." People are becoming skeptical about the credibility of scientific claims or its ability to actually uncover valid information. In fact, such skepticism is engendered by the very nature of the scientific enterprise itself. In criminology, for instance, squabbling over how best to measure crime rates, whether or not lower-class people are really more criminal than more privileged persons, or whether the crime problem can be solved through mandatory sentencing policies or more funds for rehabilitation may not only be viewed by the lay public as exercises in intellectual trivia in many cases but does little to install confidence in the conclusions reached by conventional criminology.

People have also become more educated and sophisticated. They now realize that Lundberg's (1947) claim that science (social or otherwise) can save us was an overstatement, to say the least. Science cannot answer all questions or solve all problems. In fact, science may have done much to generate many of the problems people now face (such as "the bomb," overpopulation, and chemical contaminants). And science seems to have made few inroads in reducing the appeal of religious dogma and the bigotry espoused by various "moral entrepreneurs." In this respect, the cloak of science may not be as necessary to a viable criminology as some believe or as it may have been at one time. Perhaps it is not how scientifically valid our statements are that counts, but how meaningful they are to the people who hear them (see Lynd, 1936 and Lazarsfeld, et al.,
Second, money is nice, but it is not essential to criminological inquiry or activities. One can and many people have done research in criminology without large government grants or extensive financial backing. Indeed, excellent criminological insights and thought have been expressed by numerous criminologists who were not necessarily subsidized by some funding agency or institution. Conversely, in spite of the peer review process, large sums of money poured into a research project do not guarantee the quality or relevance of the results. Besides my own experiences working for government agencies, a number of other people employed in such agencies have also told me that their research often has little, if anything, to do with the discovery of scientifically valid or interesting information. Instead, emphasis is placed on keeping the agency "in business" and not making waves. In some instances the results of such research may even be suppressed when it is politically or bureaucratically inexpedient to allow public dissemination.

Lack of government support would, of course, hinder members of the discipline. But it may also liberate them. And it may help to stimulate the creativity and reflective thought essential to the pursuit of knowledge and understanding. Even then, there are a number of resources that criminologists have largely left untapped in their quest for funds in the service of the agencies of law and governmental control. And if being heard is essential to a humanistic criminology, but the lack of a national sample or an appropriate "This research was funded by ..." citation inhibits publication in established journals, humanistic publications are by no means
unknown. And as some humanistically-oriented criminologists have come to realize, ultimately there is also the soapbox, the political caucus, and the duplicating machine at our disposal. If what we say is worth saying, someone will eventually hear us.

Third, humanistic criminologists may not agree among themselves as to the dimensions or agenda of the field. But little such agreement has ever been found in the discipline anyway. Dispute is inevitable and healthy, whether one is talking about crime control versus due process, regression versus correlation analysis, praxis, or survival. Humanistic criminologists have a place and a stake in the disputes that concern our lives, both within and outside criminology. Not getting into the ruckus, not playing the game, not hustling our own point of view or interests guarantees that others will express and secure theirs. We may not know or agree on what "a better human condition" looks like, but it is not likely to get any better by doing nothing. As Pepinsky (1979:250) states: "Human beings do not have to do research to find out what it takes to conform to the world as it is. Instead, the species who have even created the idea of God in their own heads can create ideas of how the species can build new ways of life in their changing environments." It is the task of humanistic criminology to help create these ideas and to show how they might be implemented, not to dictate the ways of life we are to choose.

A HUMANISTIC ANSWER

Regardless of its practicality or ultimate form, a humanistic criminology is
possible for the very simple reason that it is necessary. In the first place, as a discipline of knowledge and action criminology must be humanistic, in large part because of the very subject matter with which it deals. To be anything else would be at best androidic and at worst barbaric. Right and wrong, crime and justice, punishment and freedom are not trivial matters. They are central to the very essence of human life. Taking another's life, either in the form of a crime or legal execution, is not an occasion for bland unconcern. Although one should be objective in assessing or gathering facts concerning such matters, if only because securing reasonably accurate information requires such a stance, to be purely objective, to be purely pragmatic, to be simply interested in "truth" when confronted with criminal matters is to deny the very humanness of the criminological enterprise. As physicians must retain a sense of detachment when dealing with patients (to apparently deflect the cultural taboos regarding physical intimacy or to keep their balance among the horrors they routinely must face) criminologists also may be required to develop a similar attitude. But as with the physician, to be uncaring, unfeeling, unsympathetic, or unemotional about our subject matter and the human beings with whom it is concerned is to be inhuman. Although there are probably few if any criminologists who actually fit this description, the ethos of humanism as opposed to scientism maintains that such detachment is both unnecessary and unwarranted.

Second, what has scientific criminology (in the restricted sense) done any way? Essentially none of the main questions or concerns of scientific criminology have been answered or accomplished. To again quote Pepinsky (1979:250):
... ostensibly new discoveries about crime turn out, upon historical reflection, to look just like old discoveries in a former heyday for partisans of a competing truth about crime. Give it a century or two to grow, and the course of development of positivist knowledge takes on an awful banality, provoking pessimism and cynicism about human beings' capacity to shape their social destiny.

If anything, the major accomplishment of scientific criminology has been one that is central to a humanistic orientation or point of view -- the politicalization of criminological thought. After more than a century of failing to prove that criminals are somehow different from (and inferior to) noncriminals, some criminologists have come to realize that criminals are not the central subject of the field anyway. Rather, as Quinney (1980) and Turk (1982) suggest, it is the political nature of the crime-creation process, indeed, the political nature of crime as such that is of principle criminological concern. Such a concern is eminently humanistic. It is humanistic because it directs our attention to the fundamental human condition, the social, economic, and political relations of persons in societies that not only engender criminality (both legally prohibited and condoned) but also necessitate as well as facilitate the use of formal, repressive means of social control. The political individualization of responsibility and its sanctification in law provided not only for the creation of crime, but for the
criminological investigation of the very conditions of privilege and oppression that necessitated crime's creation in the first place.

And this, perhaps, is why humanistic criminology is essential. That is, without a humanistic orientation criminology is a sterile enterprise. Without humanism, criminology would do little more than crank out numbers, descriptions of criminals, evaluations of programs, and conflicting strategies to solve the crime problem — with little meaning or purpose beyond maintaining or enhancing positions of dominance and privilege. Scientific methods and techniques, of course, are among the tools we may use to gain experience and hopefully the understanding we need to achieve human betterment. But, positive science provides neither the basis or the essential condition for achieving criminological understanding. Crime and crime control are human and not merely behavioral or social phenomena. As such, humanism is the very heart of criminology. In short, a humanistic criminology is, of course, possible because no other kind of criminology would be worth pursuing.

DOING HUMANISTIC CRIMINOLOGY

Theoretically humanistic criminology could be practiced wherever criminologists pursue their craft, whether conducting research, providing technical or consultant services, administering programs, or teaching. In practice, outside the academic setting, criminologists have little chance to pursue the goals of humanism insofar as they
largely work for government agencies that are more concerned with crime control or efficiency than they are with human betterment. Thus, as with criminological activities generally, humanistic criminology is likely to find its home in the college and university, primarily in academic schools, departments, or programs of criminology, criminal justice, or some euphemism for "police science." Such schools have blossomed in the past decade throughout the system of higher education in America and are found in academic settings throughout the world. Although varying greatly in emphasis and curriculum, a separate and distant discipline made up of "criminologists" appears to have taken root.

But what is the program pursued by this discipline? Based on an informal, nonrandom (i.e., unscientific) sampling of graduate and undergraduate catalogues and course descriptions, departments of criminal justice or criminology tend to be oriented to one or both of two basic pursuits -- criminal justice research or management. Although it is well known that college catalogue descriptions of courses and course offerings have little to do with reality and that it is impossible to discern what is actually taught in a course from its course descriptions, it appears clear that graduate schools particularly (but some undergraduate departments also) are heavily oriented to producing criminal justice "scientists" who are well trained in research methods and statistics (particularly involving the acquisition of computer skills). Although the members of these departments are undoubtedly concerned with producing scholars modeled after the social and behavioral sciences, the skills and knowledge students in these departments receive is well suited to employment opportunities in
criminal-justice agencies of various kinds. Purposively or not, such departments are producing criminal-justice management experts, persons who can organize, administer, and interpret data banks, generate evaluation reports, establish and implement certification standards, or act in an advisory capacity to higher-level administrators (see Quinney, 1980: 13-15).

Many of these departments also appear to be oriented to offering a diverse number of courses best described as courses in "Handcuffing 101" that are geared either to training persons to work in the criminal-justice field, often at lower-level starting positions, or to gain promotion credits for those already employed in it. Students taking such courses (except for those who desire "gut course" credits or are enrolled because they are "interested") normally are looking for the training and credentials they need to become police officers, probation or parole officers, criminal attorneys, or other kinds of crime-control experts. Although by taking such courses as "The Police and the Community," "The Juvenile Justice System," and "Parole Procedures," criminal-justice majors may in fact wind up being better criminal-justice workers, the intellectual sophistication and liberalization they experience by undertaking a liberal arts degree may well have a greater humanizing effect than any of the criminology/criminal justice courses they may encounter. The point to note is that little by way of humanism is apparently contained in criminology-department curricula. Instead, the emphasis is on training experts in the business of crime control, a purpose that would find little significance in a humanistic discipline. Indeed, as Young (1984: 12) suggests:
Rather than seeking to motivate, train and place students in the criminal justice system, criminology should critically analyze the systems of social control in ... society. It should distance itself from any given system of law, of corrections, of political philosophy or of economic endeavor.

In short, the first step in achieving a truly humanistic criminology is for criminologists to get out of the crime-control business and into the business of human understanding.

But concretely what would a humanistic department of criminology look like? What kinds of courses could be offered and what kinds of subject matter could be emphasized or included? The following represents a bare minimum.

For one, a humanistic department of criminology would give as much attention to philosophy and ethics as it does to statistics, research methods, and computer programming. Such offerings could not only be included in the list of electives, but could be required subjects for graduation. They could include but not be limited to subjects such as the philosophy of punishment; the philosophical, ethical, and moral issues regarding law and social justice; and the ethics of justice and law enforcement (involving, for example, the ethicality as opposed to the simple expedience or necessity of plea negotiation). From the perspective of humanism, lectures and seminars on a topic such as rehabilitation would include more than discussion of "how to do it.", "does it
work?", "how cost-effective is it?", and the like. They could also, or instead, focus on such matters as "should it be done?", "is it legitimate or moral?" and "what forms of rehabilitative activity are ethical or unethical, regardless of their effectiveness?". These topics may of course be addressed in contemporary courses, but I doubt whether they form the core or central theme of many.

Most schools of criminology pay special attention to teaching (at least at a rudimentary level) criminal law and procedure. Such topics would also receive extensive attention in a humanistic criminology. But, rather than simply discussing the "technocratics" (e.g., mens rea) of law, attention could focus on the social, economic, and political forces that shape criminal law and its administration, as well as the consequences which emanate from its existence. Insofar as crime is a legal construct made possible and justified by criminal law, an understanding of the nature and implications of law is as crucial to criminological education as is a knowledge of the law itself (e.g., Chambliss and Seidman, 1982).

Although the study of criminal behavior (etiology) would probably find less emphasis in humanistic criminology than it has traditionally received, to the extent that such conduct is studied at all, humanistic criminology could considerably broaden the scope and purpose of such inquiry. While conventional (scientific) criminologists have been fascinated with the criminality of the under-classes of society and concerned with finding ways of controlling such conduct, a humanistic perspective would direct our attention to upper-world, "political," governmental, corporate, and various other
forms of criminality and could broaden our purpose beyond simply finding ways to "curb" it but to understanding the larger social realm in which such conduct proliferates and the humanistic implications these forms of criminality have. Although some rather significant work has already begun in this regard (e.g., Geis & Meier, 1977; Clinard & Yeager, 1980; Turk, 1982) in a humanistic criminology much more extensive inquiry would be found.

Conventional course offerings in the administration of justice tend to lean toward a "how to do it" variety with little emphasis on the social and other implications administering justice entails. In addition to addressing these implications (in a philosophy of justice course perhaps) in a department of humanistic criminology other kinds of "how to do it" courses could also be offered. Such courses could address the task of revolutionary change, how to achieve social liberation, and the analysis of political power and government. "How to" courses in the administration of justice, regardless of how well intended (i.e., its fair dispensation) they may be, ultimately serve to perpetuate the status quo. They do so because they give credence to and promote administrative efficiency on the part of the political structures that rest on the pillars of law and which, by their very nature, underpin existing relationships. Invariably these relationships advantage some people or groups over others. Therefore, to the extent that humanistic criminology is dedicated to social change, betterment, and justice "how to" courses in social change are basic to the education of humanistic criminologists. If criminology is to be a science at all (which does not preclude it being humanistic at the same time) it must be a "political" science as well as a science of politics and
CONCLUSION

In answer to the question: "Is humanistic criminology possible?" we can offer but one response: "Of course it is!" But accomplishing it would require change on the part of the discipline. This would undoubtedly be extremely difficult, and criminologists who benefit from their roles as servants of the political state would surely resist changes that threaten their enterprise. But I do not think these obstacles are impossible to overcome.

The necessary changes would not only be in the form of curriculum changes, or modifications in research topics, strategies, theory, and orientation. They would be fundamental changes in purpose. Criminology would no longer be simply a science of people, but a discipline resource for people. Criminology would no longer be an enterprise in the service of governments, but a field devoted to the study and critique of government. Criminology would no longer devote its investigations to the benefit of elites, but a means for a radical appraisal of elitism. Criminology would no longer rest its subject matter on the foundations of criminal law, but would be devoted to the analyses of law and legal oppression. By so doing criminology would cease to be merely another social science, another academic discipline, another cog in the machinery of modern bureaucracies and governments. Rather criminology would become a humanistic enterprise, an instrument for human betterment, freedom, and fulfillment.
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DEFINING THE CONCEPT OF CRIME:
A HUMANISTIC PERSPECTIVE
Ronald C. Kramer
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ABSTRACT

This paper argues that the traditional definition of crime is too narrow and unnecessarily constrictive of criminological work. Definitions more in accord with the objectives of a humanistic criminology must be developed. The traditional debate over the definition of crime has not been grounded within the context of the more fundamental images of crime that actually guide criminological work. By clarifying these underlying images (paradigms) and displaying the value questions and domain assumptions contained within them, we are in position to develop first order and second order definitions of crime which are more suitable to the task of humanistic criminology.

The task of a humanistic criminology, in my view, is to combine a theoretical concern with the historically generated structural context within which crime and social control are produced and constructed, with a practical concern for human liberation and the realization of social justice.¹ A humanistic criminology must identify those features of historical social formations that "...produce unnecessary social constraints and to describe how human freedom is constricted, thus indicating directions for social change" (Thomas, 1982:314). The humanistic perspective in criminology must be concerned with the way in which the structuring of crime and social control affects the human rights, dignity, survival, and material well-being of all people. In order to carry out this task, a humanistic criminology must begin by confronting a very basic, and yet troublesome and
This paper argues that the traditional definition of crime is too narrow and unnecessarily constrictive of criminological work. Definitions more in accord with the objectives of a humanistic criminology must replace the traditional definition.

The debate over the definition of crime usually centers on the relative advantages and disadvantages of using a "social" as opposed to a "legal" definition of crime. Most criminologists have traditionally relied on a "legal" conception of crime which defines it as behavior in violation of the criminal law and liable for sanctioning by criminal justice agencies under the political authority of the state. There have been, however, repeated attempts by leading criminologists to move beyond the narrow confines of the criminal law and thus develop more inclusive social definitions of crime.²

This debate, however, has often obscured the most important issues concerning the task of defining crime. The problem is that the debate over the definition of crime has not been grounded within the context of the more fundamental images of crime that actually guide theory and research in criminology today. Thus, the value judgments and domain assumptions which are involved in defining the concept of crime are often hidden from view.

The purpose of this paper is to contribute to the development of a humanistic criminology by clarifying these underlying images (paradigms) and displaying the value judgments and domain assumptions contained within them. Once these issues are clarified, several
definitions of crime more suitable to the task of humanistic criminology will be offered.

PARADIGMS IN CRIMINOLOGY

The reason that the debate over the definition of crime has obscured the most important issues involved in this task is because the criminologists who have been engaged in the debate have failed to take into account more abstract, more fundamental definitions of crime. The arguments over social versus legal definitions of crime must be grounded within the context of these more fundamental images of crime or paradigms. By distinguishing between the "behavioral" paradigm and the "definitional" paradigm, we can clarify the important value decisions and domain assumptions involved in defining the concept of crime.

The historian of science, Thomas Kuhn (1962) first advanced the general thesis that scientific disciplines are guided by a dominant paradigm: the entire constellation of beliefs, values and techniques shared by the members of a scientific community. According to Kuhn, a scientific paradigm serves as a guide for most theoretical and empirical work in that discipline during a period called normal science. Kuhn went on to use the concept of a paradigm to analyze the structure of scientific revolutions in the natural and physical sciences.

Although there has been considerable controversy over what Kuhn himself meant by the term (Eckberg and Hill, 1979), social scientists have frequently used the concept to analyze their own disciplines. The notion of paradigm seems to be most helpful in making sense of the structure of theoretical thought in discipline when used at a fairly abstract level, although many sociologists who use the concept seem to equate it with a general theoretical perspective or orientation. George Riter's rather abstract notion of paradigm will be used in this paper. Ritzer (1975:7) defines a paradigm as follows:

A paradigm is a fundamental image of the subject matter within a science. It serves to define what should be studied, what questions should be
asked, how they should be asked, and what rules should be followed in interpreting the answers obtained. The paradigm is the broadest unit of consensus within a science and serves to differentiate one scientific community (or sub-community) from another. It subsumes, defines and interrelates the exemplars, theories, and methods, and instruments that exist within it.

As Ritzer points out, various theoretical perspectives may be grouped or subsumed under one paradigm, and of course, from these perspectives or models more rigorous and specific systems of theoretical propositions may be developed and later tested. The important point is that a paradigm provides an abstract definition of the subject matter within a discipline while theoretical models and more rigorous systems of propositions (theories) attempt to explain and predict more specific aspects of that subject matter.

Within criminology there are two major paradigms - the behavioral and the definitional. The behavioral paradigm takes as its subject matter the behavioral realities of crime. The focus of this paradigm is on criminal behavior. The phenomenon of interest is the behavior itself, whatever criteria are used to define the behavior as criminal. Criminologists working with this paradigm attempt to describe the nature, extent, and the distribution of criminal behavior and most importantly, they attempt to explain the causes of this behavior in order to predict and control it. From the rise of the positivistic school of criminology in the late 19th century to the present, most of the theory and research within criminology has been guided by the behavioral paradigm.

While the search for the causes of criminal behavior has been the dominant focus of much of the theoretical and empirical work of criminologists under the behavioral paradigm, the definitional paradigm pays little or no attention to this question. The definitional paradigm, often called the "labeling" paradigm, takes as the fundamental image of its subject matter the definitional realities of crime.
This paradigm focuses on the process whereby certain actions and persons are selected out and defined as criminal by political authorities. The definitional paradigm asserts that no behavior is inherently criminal (Becker, 1963). Criminality is not a quality which resides within the behavior or the person; rather, criminality is an ascribed social status attached to behavior and persons by various legal control agents in a process of social interaction.

Criminologists working within the definitional paradigm attempt to describe and explain the process and conditions of criminalization. In the early 1960's this perspective was developed and popularized by the "labeling theory" of deviance (Schur, 1971). Other theoretical traditions within this paradigm are the pluralistic conflict and radical or critical approaches to criminology. Whatever the specific theoretical perspective, the focus of attention is quite different from that of the behavioral paradigm. Hartjen (1978:7) points out that "these approaches shift the focus of emphasis from the violations of rules to the designation of specific behavior as rule-breaking conduct. Whereas behavioral definitions lead one to investigate rule-breaking activity, the labeling perspective leads one to study the responses of legal authorities."

Theoretical and empirical work within the definitional paradigm, thus, shifts the attention of criminology from criminal behavior to the criminalization process and the operation of the criminal justice system, where the social reality of crime is actually created. This involves the study of the processes by which laws are created and enforced. Research within the definitional paradigm, therefore, includes the study of how criminal laws are made, how legal categories are created, how these categories are applied by legal control agents (such as police, prosecutors, and judges) and finally how persons who are ascribed the legal status of convicted criminal are handled by the correctional system.

While many criminologists recognize that the discipline of criminology includes within its scope "the processes of making laws, of breaking laws, and
of reacting toward the breaking of laws" (Sutherland and Cressey, 1978:3), few have appreciated the radically different nature of these topics as subject matter for the study of crime. It is important for criminologists to make the distinction between the behavioral and definitional paradigms because, in a more fundamental way than the participants in the traditional debate, they define crime in different ways, they ask different kinds of questions and, they focus attention on different aspects of the reality of crime.

It is obvious that either paradigm could be used by criminologists to guide their work, and that both have their strengths and weaknesses. In this paper I wish to go beyond the limitations of these two approaches by outlining the key features of a humanistic perspective on crime which will incorporate aspects of each of the conventional paradigms but which will transcend both of them. This will be done by outlining a first order and a second order definition of crime within a humanistic perspective.

FIRST ORDER DEFINITION:
CRIME AS A SOCIO-LEGAL CONSTRUCTION

The definitional paradigm is organized around the assumption that crime is not a type of behavior, but a socio-legal definition or construction. Criminologists who work within this paradigm do not study the causes or etiology of harmful (criminal) behavior, but rather the process by which some types of behavior come to be socially defined as criminal while others do not. They do not study individuals who are criminal, but instead the legal process whereby some individuals come to be labeled as criminal while others do not. Criminological work within the definitional paradigm, therefore, can be characterized as the sociology of criminal law and criminal justice. To operate within this paradigm is to make a decision that it is more important or more useful to study the way in which political authorities use the state's power to criminalize, than it is to study "criminal behavior" or "criminals."

With the definitional paradigm, the only possible
definition of crime is a legal definition, although it is a very different type of legal definition from that used within the behavioral paradigm. Criminologists who work within the definitional paradigm contend that crime is a legal category which is created by the state. Criminality is a legal status ascribed by legal actors in a legal process governed by specific procedural (legal) rules. No behavior or person is inherently criminal. They become criminal only when they are defined as such by political authorities.

This conception of crime in my view, must be the first order definition used by a humanistic criminology. Before we study criminal behavior, we must understand why the behavior has been defined as such. Before we study officially defined criminals, we must understand the legal process by which they were so designated. In both of these cases we are led to focus our attention on the state and political authorities. We are led to critique the state and its use of the power to criminalize. This critical, questioning view is the hallmark of humanistic criminology. As Hartjen (1978:226-227) has noted:

The humanistic criminologist ... must be someone who questions the social world, its operations, and even one's own and the views of others regarding that world. Insofar as that which is defined as crime is a function of the actions and reflects the interests of those who control political authority, a humanistic-critical criminology is fundamentally oriented to a questioning and critique of the political state, no matter what its form.

A humanistic criminology must be one which questions and critiques the political state. It must seek to understand the historical evolution of the state and the hierarchical structuring of power in state societies. The humanistic perspective must seek to understand how the state and its legal order are both shaped by and reflect the interests of a particular socio-economic order. It must evaluate the manner in which political authorities do or do not protect individual human rights. This involves the right to be protected from criminal harms, and also
the right to be protected from legalized oppression by criminal justice agents who have been granted the responsibility of protecting our lives and our property.

A humanistic perspective on crime, therefore, must, as a first order of business, define crime as a socio-legal construction. It must direct our attention to the social process whereby some acts (but not others) and some people (but not others) become defined officially as criminal. It must direct our attention to the historical and structural context in which the state's power to criminalize is exercised. As Hartjen (1978:228) notes, "...a criminology that neglects to keep a sharp eye on those who hold the power of political office (or those who work for them) cannot call itself humanistic."

Although I have argued that a humanistic criminology must begin by defining crime as a socio-legal construction, I do not believe that behavioral questions must be excluded from the humanistic perspective. Humanistic criminologists must describe and explain those actions which cause willful social harm - whether those harmful acts are engaged in by lower class youths, middle class businessmen, corporate organizations, or ruling elites. Thus, we need a second order definition of crime that directs our attention to these harmful social behaviors.

SECOND ORDER DEFINITION: CRIME AS WILLFUL SOCIAL HARM

Criminological work within the behavioral paradigm has had one central concern: the etiology of criminal behavior. For the past one hundred years now, the majority of criminologists have been rather single-minded in their pursuit of the causes of crime. The ostensible purpose of this quest was the development of a body of scientific knowledge concerning the etiology of crime. But, this is only the means to an end; for the ultimate aim of this kind of criminological work has always been, quite openly, correctional in nature. Criminologists study the causes of crime in order to control criminals and criminal behavior.
Given their overwhelming emphasis on correctionalism, criminologists who work within the behavioral paradigm make a moral judgment that certain types of behavior are bad, wrong, harmful, or immoral and they need to be controlled or prevented. The critical question is, "Who selects the behavior to be studied (and controlled) and what are the standards or criteria which are used to make the selection?" Much of the debate over the definition of crime, of course, centered on this question. Criminologists working within the behavioral paradigm have traditionally allowed the state, or political authorities to decide what types of behavior should be studied as criminal by using a legal definition of crime. According to this definition, crime is behavior which is in violation of criminal law. By choosing this definition of crime, criminologists decide to use the legal norms which are encoded in the criminal law as the standards by which behavior will be classified as criminal for purposes of scientific study. This choice, however, requires a judgment on the part of the criminologist that it is more appropriate for legal authorities to select the behavior that criminologists will study than to allow criminologists to set up their own independent criteria. This results in a loss of scientific autonomy.

Furthermore, the choice of a legal definition of crime within the behavioral paradigm has important moral and political implications. As radical criminologists have pointed out, such a definition restricts criminologists to the study of those acts which are legally defined as criminal by the state, thus excluding other types of socially harmful and morally insensitive behavior, especially those engaged in by the state and the ruling corporate elite. As Tifft and Sullivan (1980:6) note, "By assuming definitions of crime within the framework of law, by insisting on legal assumptions as sacred, criminologists comply in the concealment and distortion of the reality of social harms inflicted by persons with power." They go on to point out "that it is not the social harms punishable by law which cause the greatest misery in the world. It is the lawful harms, those unpunishable crimes justified and protected by law, the state, the ruling elites that fill the earth with misery, want,
strife, conflict, slaughter, and destruction." The Schwendingers (1977:8) make much the same point:

...criminologists in their education of other professionals and of the population at large, claim that crime refers only to acts stipulated by law and sanctioned by the state. Such information, however, tacitly delegitimizes references to those crimes not stipulated by law and not sanctioned by the state.

From their Marxian perspective, the Schwendingers point out that the state is not a neutral institution. Rather, the state is viewed as being controlled by the dominant class, the bourgeoisie. Thus, bourgeois notions of criminality will find their way into the law while those of other classes will be, for the most part, excluded. The Schwendingers (1977:9-10) note:

Doubtless, similarities exist between bourgeois and proletarian notions of criminality and justice... Nevertheless, there are many differences between these ideas which are related to the definition of crime. There are various social harms that are criminal and that vitally effect the interests of the working class and its allies, yet they are not designated as unlawful, while those social harms that effect the general interests of the bourgeois are made illegal...even though the proletarian ideas about criminality are important in the struggle for a better life, very few of these conceptions are given legal expression as long as state power remains more or less in the hands of the bourgeois.

In pursuing etiological questions solely within the categories provided by the criminal law, and helping to formulate public policies to more effectively control legally defined criminals, criminologists (consciously or not) take a political stance. By using a legal definition of crime within the behavioral paradigm, criminologists become agents of the state. As "experts" providing knowledge and information to political authorities, they become
allied to the state and serve its interests. That criminologists might serve as an arm of the political authorities worries even those who are not identified with the radical wing of the discipline. Emilio Viano (1977: XIV) asks:

By emphasizing shoplifting, breaking and entering offenses, muggings, etc., as being "the" criminal acts, are we, as criminologists, simply acting as academic or professional lackeys for politicians who want law and order campaigns and issues in order to submerge what one should call the real criminal acts like pollution, poverty, misleading advertising, worthless warranties, and corruption?

Contrary to the assertions of some radical criminologists, this alliance between criminology and the state is not the product of an explicit conspiracy, nor is it necessarily a "bad" thing. Most criminologists have willingly signed an agreeable (and profitable) contract with the political authorities. They operate as political consultants for the state because they largely agree with the state's correctional aims (although often critical of the state's means to achieve these ends). The majority of criminologists do not view themselves as "ancillary agents of political power" and they sincerely believe that their work serves the public interest. Taking for granted the neutrality of the state and leaving unexamined the legal definition of crime, these criminologists argue that they do not make value judgments. They assume that the criminal law is somehow objective and value free.

Humanistic criminologists, however, must point out that to use a legal definition of crime that is relative and arbitrary, which is shaped by powerful interests, which includes some social harms while excluding others, is to take a political stance and make moral judgments. Any designation of behavior as criminal requires a value judgment. Criminologists do not escape the necessity to make such judgments in their work by using a legal definition of criminal behavior, they simply allow others (political authorities) to make those judgments for them. And, as Galliher and McCartney (1977: 10) point out:
If sociology makes no moral judgments independent of criminal statutes, it becomes sterile and inhumane—the work of moral eunuchs or legal technicians. Recognizing that cultural definitions of crime are a product only of powerful interest groups in government, the analyst of crime should not necessarily be tied to the moral judgments reflected in those statutes.

In my view, a humanistic criminology must move beyond the traditional legal definition of crime as used within the behavioral paradigm. If humanistic criminologists are truly concerned with the dignity, survival, and material well-being of all people, I believe that they must reformulate the definition of crime so that it includes all willful social harms. Such a definition would, of course, force criminologists to openly confront the moral and political choices involved in defining any social act as criminal.

Social definitions of crime have been proposed in the past in the discipline of criminology. These definitions usually define crime as behavior which is "anti-social", "socially harmful", or "socially injurious". If humanistic criminologists are to adopt such a definition, they must face up to the question of who decides what behavior will be classified as criminal based on what standards or criteria. Those who would advocate expanding the definitions of crime beyond the categories of criminal law must face up to the vital task of delineating a moral and scientific basis for correctly applying the category of crime to harmful social behavior (Schwendinger, 1977).

While the logic of my argument perhaps suggests that each individual criminologist should be free to classify behavior as criminal for the purpose of scientific investigation, I would hope that humanistic criminologists would be able to formulate a more general set of moral standards to be used. These standards would hopefully center around the notion of willful social harm. Crimes are those willful social acts that cause serious harm—physical, economic, or psychological—to human beings.
Now different individuals will, of course, have different ideas about what constitutes social harm. But, perhaps, humanistic criminologists can come to some consensus about what serious social harms are. The notion of basic human rights may serve as a useful starting point in this attempt. The Schwendingers (1970) were the first to propose a social definition of crime based on the notion of fundamental, historically determined, human rights. They argued (1970:145) that "all persons must be guaranteed the fundamental prerequisites for well being," which includes, food, shelter, clothing, medical services, challenging work, recreational experiences, security from predatory individuals and repressive social elites. To the Schwendingers these material requirements, basic services, and enjoyable relationships are not to be regarded as rewards or privileges but, as basic human rights whose violation constitutes crime. Recently others have followed their lead. In an introductory text, Galliher and McCartney (1977:3) state:

Unlike many social science textbooks dealing with crime, this text openly acknowledges a specific ethical orientation toward social life. Its position is that an ethical social ordering within any society, or among societies, requires that all men, women, and children have equal chances for personal freedom and physical survival. Such an ethical stance seems required to avoid an unreflective acceptance of the criminal justice system, official crime statistics, and criminal statutes as they are, and it mirrors the charter of the United Nations...the U.S. Declaration of Independence... (and) the Bill of Rights.

Tifft and Sullivan (1980:112) also advocate a social harms approach to crime based on a notion of human life rights:

One must consider social harms in a context not restricted by legal institutions. One must consider the institutions, ideas, and actors who deny food, shelter, clothing, health, life, and economic opportunity as perpetuating, generating,
and committing social harms. These are the human life rights of all individuals.

Another approach to the identification of social harms comes from Leslie Wilkins (1982). In an excellent discussion of crime statistics and their relationship to social policy, Wilkins makes a case for transforming the concept of crime. He suggests that data on "harms" could be "more useful" than data on "crimes" legally defined, as a basis for an "informed social policy." He (1982:28) argues that "focusing upon the concept of the Quality of Life and the problems of reducing 'social harms' increases the range of our thinking and makes possible some new procedures." Wilkins (1982:29) goes on to propose a new definitional base for social control data:

A "crime" might be defined as a "crime" according to its impact upon the victim, rather than in accord with a legal concept. We should become interested in the public's view of what events, persons, or organizations have prevented them from doing that which they want to do.

Wilkins is proposing a "democratic definition" of crime which allows the public, not political authorities or criminologists, to make moral judgments concerning which acts will be called criminal. He argues (1982:30):

It is not the "reality" (legal definition) of a crime which drives the person to call the police, but the impact upon the victim or observers. The first practical step is, therefore, to obtain a listing of "complaints" from the general public. The only way to define "social harms" or "grievances" is in terms which the public themselves will use.

Social definitions of crime, such as the human rights based definition proposed by the Schwendingers and others, and the democratic definition suggested by Wilkins, are much better suited to a humanistic criminology than the traditional legal definition. These humanistic definitions direct our attention to social acts and actors that cause enormous human
suffering. These behaviors are brought within the boundaries of criminology so that they may be described, explained and hopefully controlled. Many traditional forms of crime (as defined legally), would remain as the focus of criminological research from a humanistic perspective. Most importantly, however, such an approach would open up new areas for inquiry—concerning social harms perpetuated by the state, large corporations, and ruling elites—and raise fundamental questions concerning the operation of economic and political institutions in general.

In my view, therefore, a humanistic criminology must adopt, as a second order definition, a definition of crime as willful social harm. These social harms can best be determined by using some combination of basic human rights as standards, and democratic surveys of what people regard as important social harms. Such a definition of crime would not only provide a measure of scientific, moral, and political autonomy for criminologists, it would also allow the most critical value decisions to be brought out into the open and shifted from the state and political authorities to criminologists themselves or to the people. Most importantly, it would direct the attention of humanistic criminologists to the existence of social harms that need to be understood and controlled, and yet are not included within the legal boundaries of traditional criminology.

Finally, it should be pointed out that this second order definition of crime can lead us back to the first order definition. As we use the second order definition to classify certain acts as criminal for the purposes of study, we will often be moved to ask why this particular social harm has not been legally defined as crime. Thus, the two definitions being proposed here complement each other well. Each is derived, however, from a different paradigm and directs our attention to fundamentally different phenomena. Both, however, are necessary for the development of a humanistic criminology.
Notes

1. This is essentially the same task as critical (Michalowski, 1981), power-reflexive (Pfohl, 1984), or dialectical (Thomas, 1982) approaches to criminology.

2. See Kramer (1982), for a full account of the historical debate.

3. Now a great number of criminologists and legal scholars will want to interrupt at this point and protest that such a definition rides rough-shod over constitutional guarantees and due process principles. They would agree with Tappan (1947) that such definitions "invite the subjective value judgments of the individual" (P. 97) and are a "blight upon either a legal system or a system of sociology that strives to be objective" (P. 99). This objection, however, fails to appreciate the crucial difference between a scientific, theoretical definition of crime and the particular legal process by which individuals are defined as legal criminals. In the words of Abraham Blumberg (1979:17) it fails "to recognize that various institutional settings have to employ different intellectual processes for defining and ordering that segment of social reality which is their concern." As Blumberg goes on to observe:

As a lawyer defending a client in a criminal case, I would be appalled by any concept of reality other than the very strict, narrow construction of the meaning of legal norms and their application as required by common law usage, and the due process safeguards of the Constitution...On the other hand, as a criminologist I would be surveying the same landscape with an entirely different set of intellectual perspectives and purpose, and I would be amused, if not horrified, to think that I must be limited to the official statistics and definitions of crime, and the official version of what it is that the police, courts, prisons, and correctional systems are doing.(P. 17).

As Blumberg concluded:
A criminologist cannot be bound by the official and conventional definitions of lawmaking, lawbreaking, and law enforcement. It is the essence of his job that he notes and accounts for the disparity and differences between the official world and the real world as it is revealed in field research. (P. 17).

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HUMANISTIC CRIMINOLOGY: ROOTS FROM PETER KROPOTKIN

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ABSTRACT

Kropotkin's extensive writings on criminological issues have been almost totally neglected. Through critical historical and macro-structural analyses Kropotkin assessed institutional arrangements disclosing how they were or were not meeting human needs. Our exploration focuses on Kropotkin's theoretical contributions, his feelings-based criminology and his extremely insightful dualistic conceptualization of "human nature". His contributions to penology, and his assessment of social arrangements which would meet the complex and ever-changing needs of humankind are briefly examined. Kropotkin's analytic framework provides an insightful and provocative base from which to synthesize criminological thought and research and from which to take action to alter social arrangements which do not meet human needs.

Although Peter Kropotkin wrote extensively on criminological issues, criminologists have neither acknowledged his insights nor adopted his analytical framework. Perhaps this has occurred because anarchist perspectives have been perceived as beyond the scope of acceptable criminological thought; or perhaps because feelings, which some feel have no place in scientific discourse, hold a central place in Kropotkin's analyses. Regardless of the reason for neglect, Kropotkin's ethical humanism and analyses of
social life are both infused with passionate moral concern and significant for humanistic criminology.

His devotion to uplifting the quality of human life led him to develop a comprehensive and coherent social theory. This theory is as insightful and applicable today as then, for within it he explored: 1) what is necessary to transcend the criminal conditions of current social life; 2) what are the practical means for the development of social life in more humane directions; and 3) what actions can be taken to promote social life in these directions.

According to Kropotkin, most analyses of political-economy and criminology are essentially presentations of what seems to be true under current social conditions. However, these conditions, especially the political-economic ones, are rarely stated and analyzed. Consequently, most political-economists and criminologists present the facts which arise under these conditions and, frequently, these conditions themselves, as natural, universalistic, and inevitable.

In Kropotkin's view political-economy and criminology should not only be historical, cross-species, cross-cultural, and macro-structural, but they should have an entirely different problem in view. Criminologists and humanistic criminologists especially, should ask: 1) what forms of social life assure to a given society, and to humankind generally, the greatest amount of happiness, and hence also the greatest amount of vitality; 2) what forms of social life allow this amount of happiness and vitality to become more complete and more varied (Kropotkin, 1903:58, 59); and 3) what forms of social life direct the activities of individuals so as to receive from them the greatest benefit for the welfare of all, without at the same time paralyzing personal energies (Kropotkin, 1924). Humanistic criminologists should study the needs of persons in social life and the various means, both previously utilized and available under the present state of knowledge, for their satisfaction (Kropotkin, 1903:72, 73). We should analyze to what degree the present institutional arrangements are expedient, economic or wasteful, beneficial or harmful, and morally acceptable. Then, since the ultimate end of every inquiry is its
practical application to life, we should concern ourselves with the discovery of means for the satisfaction of these needs with the smallest possible waste of human labor and other resources and with the greatest benefit to humankind in general.1

NEEDS-BASED CRIMINOLOGY

Following Kropotkin's analytic framework, we might study the needs of persons for: 1) acclimation to ("protection from") other natural forces (temperature extremes, wind, rain, sun, etc.); 2) social life within a healthful natural environment-"clean", non-polluted air, nutritious, non-poisoned food and water, etc.; 3) social life without any form of coercion in movement, association, or action; 4) social arrangements that allow for both sociality and privacy; and 5) social life wherein our perceived harms, conflicts, and injustices do not spiral into disputes that may lay us open to external imposition and invasion.2

To briefly illustrate Kropotkin's analytic framework, let us consider each of three basic needs - shelter, healthful environment, and non-invaded social life, discuss how each need could be met, and what presently hinders the satisfaction of each need.

SHELTER

All persons feel the need for appropriate and comfortable shelter. Considering the present technological capacity and the organizational and working capacity of persons for shelter construction, every person or grouping of persons could have access to need fulfilling shelter. The question is: What is hindering them from such access when it is readily acknowledged that every person, family, grouping or collective could easily have access to comfortable shelter, apartment, house, or set of rooms.

A certain number of days' labor would suffice to build warm and lighted shelters. But many persons living within current social arrangements have no access to such shelter because shelter producing
arrangements are not oriented to human need. They are oriented to the production of profit, to a sizable return on investment, and to capital accumulation. As people must presently sell their labor to satisfy the wants and interests of elites, they have neither the necessary leisure nor the necessary capital to singly or collectively build shelters. As long as these shelter producing relations remain unchanged many persons are and will continue to be forced to inhabit unsafe, crowded, inappropriate, "sub-standard," or non-need fulfilling shelters.

Shelter producing relations oriented to human need are contrary to the orientation of the "sheltered" economists who immortalize the so-called "laws of production", tabulate the number of shelters built each year, and demonstrate by statistics that as the number of newly-built and renovated shelters is too small to meet demand, many persons and groupings must live in human misery.

HEALTHFUL AND SAFE ENVIRONMENT

More criminologically, all persons feel the need of a healthful and safe environment. We do not need to be poisoned with unhealthful water, food, or air. Taking the capacity of persons for social organization and the present capacity for production, every person can have access to such air, water, and food. The question is: What is hindering them from such access when it is universally acknowledged that every person or group could easily have access to "clean" air, "pure" water, and "nutritious" food. No labor should be required to breathe "clean" air, and a certain number of days' labor would suffice to distribute pure water and tend the growth of, harvest, and distribute nutritious food. But many persons living within current social conditions have very limited access to suitable food, water, and air, because production arrangements are not oriented to consumption or human need; they are oriented to profit, capital accumulation, imperialism, and the vain consumptive needs of elites.

There is little possibility, then, for a safe, non-poisonous environment under these "productive" conditions. However, modern agri-corporate-state
economists demonstrate by statistics that it is too costly not to have acid rain, and not to poison the earth during food production. Since "impure" air and water are produced surpluses (by-products) of industrial economies of scale, most persons have little choice but to breathe and drink these surpluses. On the other hand, nutritious food is a produced scarcity, too costly to be profitable to meet demand; therefore, many persons must either starve or eat an inadequate and non-nutritious, and/or toxic diet.

NON-INVADED SOCIAL LIFE

Perhaps these illustrations seem uninstructive because they are more "economic" than "criminological". However, basic safety needs, needs criminologists might analyze using Kropotkin’s framework, are clearly not separable from other basic human needs. A divisive specialization of mental work has seemingly generated a disoperation of inquiry wherein the needs of humankind and those of the whole of nature have been lost. A thorough analysis of the need for non-invaded social life requires an integrated understanding of how needs could be met and what hinders need satisfaction. It requires an understanding of both the concept of appropriation and Kropotkin's feelings-based criminology.

Certainly, coordinating actions to restrict the production and/or distribution of nutritious food or to proliferate poisons during its production is not refining the quality of human social life; it is destroying it. It is appropriating the health, well-being, and perhaps the lives of others. It is committing social harms. Such actions do not illustrate social cooperation; but rather, social disoperation. Most persons wish neither to poison, harm, appropriate, nor to starve others either directly or indirectly. Furthermore, most persons wish neither to invade, nor to be invaded, either directly or indirectly, by industrial/agricultural economic policies, by muggers, or for reasons of state.

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Clearly, in the illustrations given, our human economy, the division of labor, and the organization of production are not carried out with the aim of securing the well-being and safety of all, while stimulating the energies of the individual to benefit self, nature, and humankind simultaneously. Socially produced wealth is being severely restricted, individual and collective energies enormously squandered. Vast resources are being exerted for the production and deployment of armaments to conquer markets and facilitate exploitation; for officials, bureaucrats, and agents of state to maintain the power of a few to misdirect productive relations in their egocentric interests; for judges, prisons, police, and all the paraphernalia of so-called justice; for the propagation of news, reality, language, and pernicious doctrines in the interests of party, politician, and speculator; for the production of objects that are useless or harmful, by means which are poisonous of nature, human existence, and human relationships, and wherein the love of work and the capacity for invention are destroyed (Kropotkin, 1913a:20).

But let us become more traditionally criminological in our illustrations and discuss the need to be uninvaded in our social life. A critical assessment of our current social arrangements indicates that they thwart the growth of social sentiment, and according to Kropotkin, it is social sentiment or the feelings that we have for one another and for life in all its forms that affects the quality of our life, the degrees of freedom that we enjoy, and the degrees of invasion and coercion that we suffer. We must discover what feelings promote sociality and what social arrangements stimulate and orient individual energies toward the needs of and the well-being of all, and what social arrangements retard the growth of these social sentiments.

According to Kropotkin, a certain degree of identification of the individual with the group to which s/he belongs has necessarily existed since the very beginning of social life (Kropotkin, 1924:30). Sociality - relating with others and developing human
solidarity - and mutual aid have been significant factors in the evolution of the animal world and the unfolding of human history (Kropotkin, 1972). To the extent that cooperation and mutual aid have become patterned and established customs within the human community they engender feelings of sympathy and commiseration - the ability to realize and to feel the suffering and pain of others. Furthermore, the practice of mutual aid and the feelings of solidarity and commiseration give rise to feelings of equity - a recognition of the equal intrinsic value of every human person. It is only when one considers another as one's equal that one can project the negative equality ethic, "do not unto another what you would not have another do unto you", or the positive equality ethic, "do unto another as you would have them do unto you."

The feelings of solidarity, commiseration, and equality and their consequent equality ethic generate a feeling of concern for the well-being of others and in particular for the development of a principle of equal well-being. The principle of distributive justice, "to each according to his/her needs, taking into account the resources available to the community," is one such principle (Kropotkin, 1913a: D. Miller, 1976). When social relationships and institutional arrangements based on these feelings are solidly established in the human community the ground is prepared for the development of relationships within which magnanimity, self-abnegation, and self-sacrifice regularly occur (Kropotkin, 1924). In these relationships each person understands and feels so deeply the bearing of one's action on other members of the group or community and other forces in nature that one refrains from consciously harming or invading others, even though one may have to forego the gratification of some of one's own desires (Kropotkin, 1904:225-226). Each person so fully identifies one's feelings with those of others that one is willing to share or give to others one's talents and powers without thought of what one will receive in return (Kropotkin, 1924:244-246). Each person is willing to spread one's intellect, feelings, and actions lavishly for the good of each and all (Kropotkin, 1924:244; 1927b:107-109). Furthermore, the more the principles
of solidarity and equality are developed; 1) the greater the chance society has of surviving; 2) the more thoroughly each member of the society feels his/her solidarity with each other member; and 3) the more completely are developed in all of these persons two critical qualities needed for social development: courage and free individual initiative (Kropotkin, 1927b:96).

HUMAN AND PERSONAL DIGNITY

According to Kropotkin, interacting with and feeling solidarity and an identity with the equal well-being of others leads to a full sense of personal dignity and the need to respect the personal dignity of others. It is then that the positive equality ethic, "do unto another as you would have them do unto you," takes on more humanistic meaning. While encompassing the ideas - every human person has equal intrinsic value, and one ought to place oneself in another's place and consciously consider whether or not an action would be acceptable if one were the receiver, - "do unto another as you would have them do unto you," signifies taking one's personal standard or conception of fair treatment and projecting it onto another. In a genuine, humanistic, needs-based conception one would no longer specifically project, "do unto another as you would have them do unto you," but rather, "respond to another person as that specific person would like you to respond to them," or "respond to another person according to how that person wishes to be responded to under the circumstances." This ethic encourages directness and communication, and it is only then that one begins to appreciate and dignify the uniqueness of each individual person, the specific circumstances, and the special relationships involved. It is only then that one can move beyond mechanical conceptions of human equality that present a consensual model of ethics, dehumanize the person, and imply the necessity of a treator-authority relationship.

A sense of personal dignity is thus a trenchant starting point for the construction of social forms.
that develop and reinforce feelings that lead us to relate with one another with respect, well-being, inviolability, and non-invasion (Kropotkin, 1924). Returning to our criminological illustration, our need for movement, association, and sociality without coercion and invasion can be socially constructed when we feel we have personal dignity and see that this dignity is inextricably linked with the dignity of others. It is only then that individuals are able to give free reign to their inclinations and passions without any other restraint than their deep concern, love, and respect for the feelings of those who surround them.

Humanistic criminologists must consider what personal dignity means to different persons, in different social settings; and what within our current cultural and social arrangements contributes to and diminishes personal dignity. If one does not feel personal dignity, how does this affect one's actions and relations with others? Do these feelings lead to harming others, to appropriations and invasions, and to social structures of indignity that un-dignify others on a regular basis? What are the processes and means by which persons define their harms, invasions, and appropriations as non-harms so as to legitimize their actions or remain less conscious of their real effect on others? Are personal dignity, and thus, human dignity promoted by current religious practices and beliefs? Are they promoted by a division of labor and nature of work that is devoid of intellectual stimulation, the spirit of invention, and aesthetic pleasure; when work is felt to be meaningless, useless, fragmented, impersonal, carried out in isolation without talent engenderment and without concern for the well-being of most persons (Kropotkin, 1913a; 1913b)? Are personal and human dignity promoted by arrangements that separate mind from body, feelings from thought, self from others; by practices that enjoin us to commit to others the care of our own affairs and, thus, construct the feelings of indifference to others and collective issues (Kropotkin, 1903:67, 68)? Are they promoted by hypocrisy and sophistry that result from the practice of a double-faced morality - an attempt to teach the ethics of equality while every day in our
relationships practicing hierarchy and the doctrine of inequality (Kropotkin, 1913a; Kropotkin, 1903:67)?

Is personal dignity enhanced or diminished by the state, law, and penal sanction (police, judge, correctional personnel), which serve to sanctify and maintain structural inequality and social disoperation and which, as well, give rise to a spectacle of espionage, false witness, spying, threats, and corruption (Kropotkin, 1913a:12)? Do the social arrangements within which we now "exist" promote the growth of social sentiment, commiseration, equity, self respect, and a sense of personal dignity? Is it possible to have either human dignity or a non-invaded social life (safety) when each person is severely constrained from developing a full sense of personal dignity?

KROPOTKIN'S CRIMINOLOGICAL CONTRIBUTIONS

To grasp Kropotkin's analytical framework and criminological insights even more fully one must understand that he perceived human nature as dualistic, as composed of two sets of contrasting feelings (Kropotkin, 1924; 1914). In the first set are feelings that answer to the human need for mutual sympathy and unity. These feelings induce us to unite and cooperate to insure peace, and equality, to settle disputes and to help one another in efforts requiring cooperative effort to attain common ends (Kropotkin, 1903:6-7). In the second set are feelings that answer to the human need to assert oneself, to struggle. These feelings induce us to break the bonds, always prone to crystallize, that the collectivity (tribe, community, or state) presses upon the individual. These feelings stimulate creativity, risk taking, and social change, while impeding social stagnation, group tyranny and suppression. These feelings also, however, induce us to effect individual and/or group superiority (economic, political, spiritual) and/or to objectify and control others for our individual or group ends.

With this human dualism in mind, Kropotkin analyzed how specific social arrangements or social
forms, such as the wage system (Kropotkin, 1887; 1913a:214-236; 1920) the division of labor (Kropotkin, 1913a:247-296; 1913b), the state (Kropotkin, 1970; 1913c; 1909; 1971c; 1888, 1914b), law (Kropotkin, 1927e; 1886), and prison (Kropotkin, 1971a; 1971b; 1927f) negatively affect the quality of social life and the degree of personal dignity by significantly promoting the superiority inducements of the second set of feelings and relations (invasions, coercions) while retarding the first set of feelings and relations (mutual sentiment, sociality). Searching for a synthesis of this dualistic conception of human nature Kropotkin (1924), as well, explored and proposed social forms that could produce aggregative well-being while concomitantly stimulating the creative and assertive energies of individuals. However, Kropotkin (1927d:157) saw no final resolution of these contrasting sets of feelings, only the possibility of temporary harmony undergoing continuous change:

....by a sum of social customs and habits not petrified by law, routine, or superstition, but continually developing and continually readjusting in accordance with the evergrowing requirements of a free life stimulated by the process of science, invention, and the steady growth of higher ideals ........ No crystallization and immobility, but a continual evolution such as we see in nature.

Kropotkin meant these social forms to be uplifting, humanistic and, as well, practicable. The listing below illustrates some of these proposed social forms.

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<td>Division of Labor</td>
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tion; of mental and manual work; production for the well-being of each and all

Law and Prison

True morality and the ethics of human dignity; retrospective modes of conflict resolution; integration and sociality

What may most interest humanistic criminologists are, however, his radically humanistic, scathingly critical, and insightful essays on topics well within the scope of traditional criminological inquiry. Let us very briefly turn to the hub of these critiques and analyses.

THE STATE AND LAW

The State (Kropotkin, 1970; 1913c) and the wage system (Kropotkin, 1913a; 1887; 1920) were inseparable concepts to Kropotkin. As symbiotic institutions they emerged historically by mutually supporting and reinforcing each other (Kropotkin, 1903:76). In his analyses of the historical role of the state and the nature of the modern state, he concluded (Kropotkin, 1913c: May 1914:34):

The fact is, that the great Capital and the State are two parallel growths which never could have existed without each other, and for that reason must be combatted together. The State would never have grown and acquired the power it has now - not even the power it had under the Roman emperors, or the Pharoahs of Egypt, the Assyrians kings, and so on - had it not favored the growth of capital, agricultural and industrial, and the exploiting - to begin with - of wild tribes and shepherds, of peasants later on, and of industrial working men in our own times.

It was by protecting with its whip, its sword, and its clergy those
who grabbed the land and brought free men into slavery and serfdom, that Capitalism was developed; and it was by forcing those who owned nothing to work for the landlords, the owners of the mines, the company promoters, and the industrial employers, that gradually was developed that formidable organization, the present State. If Capitalism could never have reached its present development without the aid of the State, the State in its turn could never have been the power it is now were it not for the support it always gave to Capitalism and the exploiting of labour.

The State enabled members of the capitalist class to assert authority over people, to control and exploit their labor, while at the same time both individual and collective autonomy was being crushed for reason of state (Kropotkin, 1970:264). As society became more and more divided into two hostile classes, habits and customs of dominating and appropriating others' action, labor, and lives were slowly, structurally entrenched and law was introduced to sanctify these arrangements, to place them beyond question (Kropotkin, 1927e:205). Law serves, then, as the inversion of community and the diminisher of human dignity as it legitimates human objectification and appropriation. Law sanctified such appropriations as the right to deny access to well-being and needed resources (food, shelter, use of the means of survival/production); the right to define persons and other forms of nature as property; and the right of agents of state to rob through taxation and to punish with impunity. Thus, most laws were created to ensure the external existence of inequality, to protect the conditions of the accumulation of wealth acquired through the exploitation of others, to rob the wage-slave social producer of a part of what s/he had partially created (property laws), and to legitimate and support the arrangements of state (Kropotkin, 1927e:211; 1920). However, to ensure acceptance and obedience these codes also embodied and sanctified socially anterior habits and customs that are rooted in the feelings of solidarity and equality and essential to the very being of society. Law, thus,
included rights to guarantee that one respect another's person and their life, and that one not assault, batter, or violate another. As such, law has maintained this skillful commingling, this two-fold character of social custom and class/elite advantage, of equality and inequality, up to today (Kropotkin, 1927e:205). Clearly while communicating the value, equality ("equality before the law"), law, by unquestioned assumption, conceals arrangements or structures of inequality. As such, law and authority are unnecessary for human relationships and, in fact, are harmful to them (Kropotkin, 1927e:212). Laws on property are not made to guarantee either to the individual or to society the enjoyment of the product of social labor or to guarantee the well-being of all. On the contrary, they are made to rob the producer of a part of what has been created, and to secure to certain other persons that portion of the product which they have stolen either from the producers or from society as a whole (Kropotkin, 1927d:212). Laws for the protection of government have no other end than to maintain, patch up, and develop the machinery that serves almost entirely to protect the privileges of the possessing class (Kropotkin, 1927e:212). The category of laws for the protection of persons in society and the detection and prevention of "crime", are, according to Kropotkin, equally as useless and injurious as the preceding categories of law (Kropotkin, 1927e:215).

According to Kropotkin, most "crimes" as defined by law are motivated by reactions to the economic arrangements (deprivation, alienation, acquisitive and competitive pressures) and mirror the aggression, violence, and exploitation of the instituted political-economy. Most "crimes" are instigated by the desire to obtain possession of others' property and will disappear with the disappearance of the institution of property. The existence of the wage system, the class system, is the true ground for "criminality"; and the conditions of life to which each class is subjected amply explains the nature of and incidence of "crime", social harm, and invasion so produced. Within the non-owning class, desperation, spirtual deprivation, and sporadic and disciplined regimentation within wage slavery insure that many
persons will enact the fate of their class and interact so as to become intra-class victims and perpetrators of defined "illegalities." Members of the owning class, in contrast, have the power to define most of their actions ("illegalities") and social harms as non-harms and/or non-"crimes" (Kropotkin, 1888; 1914; 1909). Their actions or "illegalities" are thus beyond incrimination (Kennedy, 1970; Tifft, 1979; 1982; Tifft and Sullivan, 1980; Foucault, 1977) and are of an essentially inter-class, yet affecting all forms of nature, genre.

CRIME AND PRISON

Kropotkin's conception of "crime", then, as traditionally and legally defined, identifies two essential sources. The first source is the social forms that create a maldistribution of socially created wealth: the property system, the wage system, and the concentrated control of the political-economy, which is misdirected from the needs and well-being of all persons. The law, which reflects, protects, and perpetuates these forms, is a point of contact and conflict between those subjected to these forms and those propagating them. Transgressing these laws is an inevitable consequence of both the feelings of sociality, social defense, and mutual aid and the feelings of self assertion. Crime is thus a perennial feature of the nature of this social order (Kropotkin, 1927b:71-73).

The state, by punishing, by imprisoning, attempts to relieve us of thinking of crimes as outgrowths of our values and our institutional arrangements.

When a child has committed a fault, it is so easy to punish - it puts an end to all discussions. It is so easy to hang a man - it relieves us of thinking of the cause of crimes (Kropotkin, 1927c:135).

As crime is a perennial feature of the nature of this social order, neither the fear of punishment nor its severity could possibly have any appreciable effect on the incidence of "crime" or social harms. In fact, according to Kropotkin (1902:10), every legal
punishment is legalized vengeance, vengeance made obligatory.

We are continually being told of the benefits conferred by law, and the beneficial effect of penalties, but have the speakers ever attempted to strike a balance between the benefits attributed to laws and penalties, and the degrading effect of these penalties upon humanity? Only calculate all the evil passions awakened in mankind by the atrocious punishments formerly inflicted in our streets! Man is the cruelist animal upon earth. And who has pampered and developed the cruel instincts unknown, even among monkeys, if it is not the king, the judge, and the priests, armed with law, who caused flesh to be torn off in strips, boiling pitch to be poured into wounds, limbs to be dislocated, bones to be crushed, men to be sawn asunder to maintain their authority? Only estimate the torrent of depravity let loose in human society by the "informing" which is countenanced by judges, and paid in hard cash by governments, under pretext of assisting in the discovery of "crime". Only go into the jails and study what man becomes when he is deprived of freedom and shut up with other depraved beings, steeped in vice and corruption which oozes from the very walls of our existing prisons. Only remember that the more these prisons are reformed, the more detestable they become...

Finally, consider what corruption, what depravity of mind is kept up among men by the idea of obedience, the very essence of law; of chastisement; of authority having the right to punish, to judge irrespective of our conscience and the esteem of our friends; of the necessity for executioners, jailers, and informers - in a word, by all the attributes of law and authority. Consider all this, and you will assuredly agree with us in saying that a law inflicting penalties is an abomination
which should cease to exist (Kropotkin, 1927e:216-217).
Similarly, the state, by treating, incapacitating or eugenically eliminating, attempts to relieve us of thinking of crimes, pathologies, disease and economic conditions as outgrowths of our values and our institutional arrangements. Kropotkin (1912:77) decried the narrowness of the Eugenics Congress for excluding from discussion the vast domain where eugenics came in contact with social hygiene, and for attempting to ignore scientific evidence that crimes were a manufactured product of society itself.

Before granting to society the right of sterilization of persons affected by disease, the feeble-minded, the unsuccessful in life, the epileptics ..... is it not our ..... duty to carefully study the social roots and causes of these diseases ....... Just now 100,000 children have been in need of food in consequence of a social conflict. Is it not the duty of Eugenics to study the effects of a prolonged privation of food upon the generation that has been submitted to such a calamity?

Destroy the slums, build healthy dwellings ..... and be not afraid, as you often are now, of "making Socialism"; remember that to pave the streets, to bring a supply of water to a city, is already what they call to "make Socialism"; and you will have improved the germ plasm of the next generation much more than you might have done by any amount of sterilization.

And then, once these questions have been raised, don't you think that the question as to "who are the unfit" must necessarily come to the front? Who indeed? The workers or the idlers [the rich]? The women of the people, who suckle their children themselves or the ladies who are unfit for maternity because they [refuse to] perform all the duties of a mother?
Those who produce degenerates in the slums, or those who produce degenerates in palaces (Kropotkin, 1912:78)?

The second and derivative source of "crime" is the moral degradation and demoralization pressed upon the non-owning class and enforced by invidious, panopticonic modes of social discipline. According to Kropotkin, economic relationships are moral relationships (Kropotkin, 1920), and the class conditions of the non-owning class tend to dull the moral feelings of some so exposed. The expectations and realities of "failure" and the acceptance of one's class "fate" leads some to despair, resignation, and self assertions that dull the moral and caring feelings they have for self. This, in turn, leads some persons to attempt to alter these realities and conditions by altering self (alcoholism/substance "abuse", mental "illness"). These same class conditions, expectations, and realities, however, lead others to feel anger and hate and to undertake self assertions that dull the moral and caring feelings they have for others. This, in turn, leads some persons to attempt to search for power-control, esteem, reputation, and identity by altering others via physical aggression (rape, assault) and/or acquisitional invasion (theft, robbery).

Invidious and panopticonic modes of social discipline not only enforce these criminogenic class conditions, but invade the state's penal discipline, as well. Just as the mode of disciplined work in the factory is individually isolating (to prevent social solidarity), spatially locating (to centralize control and observation), and specializing (to routinize, make replaceable, and thus reduce any critical dependence on any specific worker), the discipline of the prison is designed similarly and specifically to crush the will of the prisoner (Kropotkin 1927f; Foucault, 1977). As the worker is made docile and prevented from expressing his/her creativity, the prisoner is correspondingly trained to abandon the exercise of discretion, initiative, and self-reliance. The prisoner is alternately subjected to idleness or compelled to work as punishment, which
is naturally revolting and in no way resembles true work - the need for self-expression, creativity, and self-extension to others, sharing (Kropotkin, 1927f:223). Imprisonment diminishes the finer human sentiments.

In the sombre life of the prisoner which flows by without passion or emotion, all the finer sentiments rapidly become atrophied. The skilled workers who loved their trade lose their taste for work. Bodily energy slowly disappears. The mind no longer has the energy for sustained attention; thought is less rapid, and in any case less persistent. It loses depth. It seems to me that the lowering of nervous energy in prisons is due, above all, to the lack of varied impressions. In ordinary life a thousand sounds and colors strike our senses daily, a thousand little facts come to our consciousness and stimulate the activity of our brains. No such things strike the prisoners' senses. Their impressions are few and always the same (Kropotkin, 1927f:224).

Imprisonment also diminishes the feelings and qualities (trust, caring, sociality, self-assertion) that make one best suitable for social life. The prisoner is cut off from sufficient and significant contact with those with whom s/he had previously most developed and expressed these feelings (family, children, friends). Concomitant feelings of resentment and injustice arise not only from the "unjust" punishment endured by the "family members" of those imprisoned, but also because many prisoners believe that the exploitations of persons not in prison are greater and that those persons have simply been more successful in their attempts to exploit.

Moreover, since isolation alternated with sociality is the natural rhythm of human interaction, one of the greatest prison tortures is the practice of disallowing isolation and, in turn, disallowing sociality (solitary) (Kropotkin, 1913a:160). This practice, along with that of suppressing the will of the prisoner, in part springs from the desire to manage, observe, and guard the greatest number of
prisoners with the fewest possible guards. The ideal of prison officials would seem to be thousands of automatons, arising, working, eating, and going to sleep by means of electronic currents switched on by one guard. Economies might be produced, then, but no astonishment should be expressed that persons, when treated as and reduced to machines, are not, on their release, the type which society wants (Kropotkin, 1927f:225; 1971).

Thus, while the prison removes persons from society and from sight, it relentlessly observes, objectifies, and symbolically uses those confined. Designed to degrade and make docile, to diminish the feelings of assertion and person dignity, prison experience frequently produces a reactive subculture. Responding to and reflecting the terror and omnipotence to which prisoners are subjected, the prison counter-culture teaches one to lie and deceive, to trust no one, to project invulnerability, and yet, to share one's knowledge of invasion, appropriation, and criminality. Ironically, prison authorities are, as well, dehumanized by penal confinement (Kropotkin, 1927f:227; 1971; 1888). Having little authority and filled with the spirit of intrigue, scandal, and spying, the prison authorities' subculture transforms them into callous, distrusting, unscrupulous, cynical persecutors. Prison discipline and its reactive cultures thus produce two sets of persons with little sense of personal dignity: 1) the "criminals", who when released from prison frequently have learned how to more effectively continue to invade others; and 2) the "authorities", who spend the greater part of each "work" day invading others' lives and who by doing so learn more effective modes of invasion.

Kropotkin correctly saw that imprisonment: 1) had little effect on rates of legally defined crime; 2) produced an increase in career criminality, frequently increasing the degree of harm subsequently committed; and 3) reinforced the legitimacy of the exercise of power over others. Since the social harms, "crimes", and illegalities of the state and the owning class were so stark and overt in his time he neither foresaw that these "crimes" (the wage system and the state) would become so fully legitimated and accepted nor did he foresee that prison would become
such a significant element of the creative processes that define the reality of crime and criminals, concealing the illegalities of the owning and ruling classes and the criminogenic social forms they impose (Foucault, 1977; Tifft, 1982).

In conclusion, we hope that we have demonstrated that Kropotkin's analytical framework and orientation toward the study of criminology can provide an especially insightful and provocative base from which to synthesize criminological and political-economic research and to take humanistic action to alter our criminal social forms in the interest of all nature.

NOTES

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1. According to Kropotkin, what benefits humankind in general must concomitantly benefit individual vitality and diversity.

2. This is meant to be an illustrative, not an exhaustive, listing of needs.

3. To appropriate is to deny to others future access to a resource one does not immediately need. Appropriation underlies all legal definitions of crime, whether crimes against persons - appropriation of human "resources" - or crimes against property - appropriation of extrahuman resources (Pepinsky, 1976:36-37). However, it should be noted that these familiar linguistic distinctions (person-property) constitute a double false dichotomy: 1) that persons are entities distinct from the earth, food, air; and 2) that persons are not property to be appropriated, which
they assuredly are considered under the principle of law or under slavery, conscription, internment, or wage-labor. When appropriations are legally proscribed; when detected, they are defined as crimes. However, appropriation transcends the legal definition in the sense that many appropriations are based on legal rights; though these people may legally deny others future access to resources. Thus, the concept of appropriation allows us to explore the appropriations of those who are now "beyond incrimination" (Kennedy, 1970), for example those who commit legal appropriations for reasons of state (e.g. war, capital punishment, imprisonment, taxation) or legal appropriations for reasons of profit (e.g. silent killings, environmental ownership and pollution) (Swartz, 1975). Note that the concept of appropriation also underlies the human rights conception of crime such as that proposed by the Schwendingers (1970;1977). Appropriation is a much preferable concept as it does not require the idea of rights or the need of guardians. Both these ideas imply elitism, the state, or hierarchy (Tifft and Sullivan, 1980).

4. There is an irony intrinsic to all bases of equality - that in order to treat persons equally one has to treat them differently. This irony is most clearly seen in the most fundamental meaning of equality - a recognition of the equal intrinsic value of every human personality (D. Miller, 1976; Vlastos, 1962; Frankena, 1962). If we are humanly equal and yet diverse and unique (different), it is necessary to specify the equalities or essences of our equalness in order to provide ethical guidance for constructing just or moral relationships between individuals, communities, societies, or within the world order. A historical quest for social justice has consisted largely of attempts to eliminate certain dissimilarities as bases for difference of treatment. Distributive justice concepts must involve a formula or maxim for assessing some similarities as justifying similar treatment or some differences, different treatment.
5. Kropotkin recognized this though not clearly presenting this altered form of the equality principle: "the better he has identified himself with the person's dignity or interest ... the more moral will his decision be." (Kropotkin, 1927b:102).

6. According to Kropotkin, hierarchical relationships and centralized relationships such as those of state deprive people of the experiences within which they would develop a sense of shared interest and responsibility. In these relationships decision making becomes monopolized and public issues are placed beyond the reach of people's experiences and consciousnesses. These insights are clearly similar to the critical sociological insights made later by C. Wright Mills (1959) and Paul Goodman (1963:183) - that public issues are systematically psychologized and reduced to personal troubles, and that as the state grows in size and power, people become more stupid, and less caring, and vice versa. Also see Punzo (1976).


8. The following quote may aid in seeing the application of Kropotkin's dualistic analysis (1913c: November, 1913:86).

The right to work at what a man choses to work at, and so long as he chooses, thus remains "the principle" of modern society. Consequently, the chief accusation we level at society is that this freedom, so dear to man, is continually rendered a fiction by the worker being placed under the necessity of
"selling" his labour-force to a capitalist - the modern State being the chief weapon for maintaining the working men under this necessity, by means of the monopolies and privileges it continually creates in favour of one class of citizens, to the detriment of others.

It begins, indeed, to be generally understood that the fundamental principle, upon which all are agreed, is continually evaded by means of a wide-developed system of monopolies. He who owns nothing becomes once more the serf of those who possess, because he is bound to accept the conditions of the owners of the land, the factory, the dwelling-houses, the trade, and so on; he is thus compelled to pay to the rich - to all the rich - an immense tribute, as a consequence of the established monopolies. These monopolies become hateful to the people, not only on account of the lazy life they guarantee to the rich, but chiefly on account of the rights they give to the monopolists over the working class.

Consequently, the great fault we find with modern society is, that after having proclaimed the principle of liberty of work, it has created such conditions of property-ownership that "they do not permit the worker to be the master of his work." They wipe out this principle, and place the worker in such a condition that he "must" work to enrich his masters, and to perpetuate, as it were, his own inferiority. He is forced to forge his own chains.

9. See Le Guin (1975) for an extension of this idea of never-ending revolution. To Le Guin the hope for survival is the ever continuous breaking down of barriers, never pausing, but never pressing revolution. It entails continuous change, a never-wavering commitment to risk, to the negation of certainty, for to be certain is to be an exile.
(Tifft and Sullivan, 1979:184). Le Guin (1975: 288-289) says:

The duty of the individual is to accept no rule, to be the initiator of his own acts, to be responsible. Only if he does so will the society live, and change, and adapt, and survive. ... Revolution is in the individual spirit, or it is nowhere. It is for all, or it is nothing. If it is seen as having any end, it will never truly begin ....

10. These social forms were designed to promote a future world order which would eliminate collective violence, repression, and the current depth and spread of misery, while simultaneously promoting and preserving human dignity, collective autonomy and cooperation, and environmental quality (Falk, 1975a; 1975b; 1978; Wieck, 1978). The struggle to create such forms "both transcends and unites different cultures and historical epochs" (Moore, 1972:11), and exposes the institutional basis of the current world order as both ill-equipped to provide for the fundamental well-being of most people and unable to inspire any future hope of such a capability (Falk, 1975a:10).

11. One should note how Kropotkin's historical analysis is paralleled in Mark Kennedy's benchmark article (1970). Note, however, that Kropotkin (1913c: May, 1914:34) stated that:

When some people say that Capitalism dates from the fifteenth or sixteenth century, they affirm something which is not true. Such an affirmation may aid people in understanding "the parallel development of the modern State and Capitalism." But Capitalism existed already wherever there existed an individual possession of land, and, later on, the possibility of cultivating the soil by the hired labour of the expropriated peasants.
and furthermore, concluded (1913c: December, 1913: 84):

Born in the times when the Church had undertaken to govern men in order to bring them to salvation, inherited by us from the Roman Empire and the Roman Law, this idea of an omnipotent and all-organizing State has silently made its advance during the second half of the nineteenth century.

12. According to Kropotkin (1913c: December, 1913: 94):

Two great currents of thought and action have characterized the nineteenth century. One of them was a systematic fight against all survivals of serfdom. And the result of it was that in the laws of Europe personal servitude has at last disappeared, even in Russia (1861) and in the Balkan States (after the war of 1878).

More than that; in every nation man has worked to conquer personal freedom. He has freed himself to a great extent from superstitious respect for nobility, royalty, and the upper classes; and by a thousand small acts of revolt, accomplished in every corner of Europe, he has established - by using it - his right of being treated as a free man.

At the same time, all the intellectual movements of the nineteenth century - its poetry, its romance, its drama, when they were something more than a mere amusement for the leisured class; its history and philosophy, even its music - have borne in their highest productions the same character of a struggle for freeing the individual, the woman, the child, from the habits and manners of thought that had been established by centuries of slavery and serfdom.

But, by the side of this liberating movement, another movement, which also had its origin in the Great French Revolution,
was going on at the same time. And its purpose was, "to develop the omnipotence of the State" in the name of that vague and treacherous conception which has opened the door to all ambitions - the conception of public welfare organized, not by the nation itself in each town and village, but by its chosen so-called representatives".

13. Kropotkin (1905:8) also accepted this analysis in regard to the origins of "international law". Social customs and habits are anterior to both state law and laws among the society of states. The international customs, habits and agreements which preceded the development of international law embodied feelings of mutual aid and equality, and were essential to the very being of world society.

14. This is a critical point, therefore we include here a fuller presentation of Kropotkin's argument (1927a:71-73):

The more we study the question, the more we are brought to the conclusion that society itself is responsible for the anti-social deeds perpetrated in its midst, and that no punishment, no prisons, and no hangmen can diminish the numbers of such deeds; nothing short of a reorganization of society itself.

Three quarters of all the acts which are brought before our courts every year have their origin, either directly or indirectly, in the present disorganized state of society with regard to the production and distribution of wealth - not in perversity of human nature. As to the relatively few anti-social deeds which result from anti-social inclinations of separate individuals, it is not by prisons, nor even by resorting to the hangmen, that we can diminish their numbers. By our prisons, we merely multiply them and render them worse. By our detectives, our "price of blood," our executions, and our jails, we spread in society such a terrible flow of basest passions and
habits, that he who should realize the effects of these institutions to their full extent would be frightened by what society is doing under the pretext of maintaining morality. We "must" search for other remedies and the remedies have been indicated long since.

Of course now, when a mother in search of food and shelter for her children must pass by shops filled with the most refined delicacies of refined gluttony; when gorgeous and insolent luxury is displayed side by side with the most execrable misery; when the dog and the horse of a rich man are far better cared for than millions of children whose mothers earn a pitiful salary in the pit or the manufactory; when each "modest" evening dress of a lady represents eight months, or one year, of human labor; when enrichment at somebody else's expense is the avowed aim of the "upper classes," and no distinct boundary can be traced between honest and dishonest means of making money - then force is the only means for maintaining such a state of things. Then an army of policemen, judges, and hangmen becomes a necessary institution.

But if our children - all children are "our" children - received a sound instruction and education - and we have the means of giving it; if every family lived in a decent home - and they "could" at the present high pitch of our production; if every boy and girl were taught a handicraft at the same time as he or she receives scientific instruction, and "not" to be a manual producer of wealth were considered as a token of inferiority; if men lived in closer contact with one another, and had continually to come into contact on those public affairs which now are vested in the few; and if, in consequence of a closer contact, we were brought to take as lively an interest in our neighbor's difficulties and pains as we formerly took in those of our kinfolk - then we should not resort to policemen and judges, to prisons and executions.
15. Please note that these reactions may overlap and some persons may both attempt to alter the feelings they have about themselves as well as those they have for others. David Matza's work can be seen as excellent development of these ideas (Matza, 1964:1969).

16. Osofsky (1979:111) points out that:

Kropotkin's prison experiences reinforced his political views and provided him with yet another example of the failure of social institutions premised on a traditional view of human nature. In a real sense, he saw prisons as a microcosm of bourgeois society. The prisons were overcrowded and filthy, like industrial cities. Then there was "the flagrant immorality of a corps of jailers who were practically omnipotent and whose whole function it was to terrorize and oppress the prisoners, their subjects." This was a parody of government as the lack of useful labor and the total absence of all that could contribute to the moral welfare of men was a parody of political economy.

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ORGANIZATIONAL DEVIANCE: A HUMANIST VIEW

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ABSTRACT

The sociological paradigm proposed by C. Wright Mills is advocated as a basis (model) for the study of elite deviance of an organizational nature. The relationship between social structure and social character within organizational environments is examined utilizing central concepts regarding both social character (i.e., alienation, other-directedness, and inauthenticity) and bureaucratic structural characteristics (e.g., routinization and fragmentation of tasks, dehumanization and groupthink, the construction of guilt neutralizing ideologies, and front activities). The paper concludes with a discussion of the implications of this approach for a humanist study of crime.

Humanism, "Crime," and Alienation

As news items go, those appearing in the Okland Tribune on October 12, 1983 were not unique:

Some fifteen reputed Midwestern Mafia members were indicted by the Justice Department for using their influence to get Teamster Union pension fund loans, and, having
invested such monies in certain Las Vegas casinos, then "looted" the gambling profits by skimming operations that created tax-free pools of capital divided among said investors.

Former Japanese Prime Minister Tanaka was found guilty of accepting a $1.8 million bribe from the Lockheed Aircraft Corporation. Tanaka was sentenced to four years in prison and fined 500 million yen. Evidence against Tanaka, and four co-defendants was gathered from Lockheed officials in exchange for a promise of immunity from prosecution; something never before granted in a Japanese trial. The question of what Tanaka will do regarding the seat in the Japanese Parliament he has held since 1947 has created something of a crisis for the current Prime Minister. Some 350,000 Japanese attended 320 rallies throughout Japan to demand that the first Japanese Prime Minister ever convicted of crimes while in office resign.

Item: Meanwhile on the editorial page, Coleman McCarthy related that certain American brewers are actively engaged in the cultivation of consumer loyalty on some 550 American college campuses. Firms such as Coors, Miller, and Busch employ student representatives at $150 to $300 per month to distribute samples that include everything from free beers to bumper stickers and hats, replete with brewing company logos. Much of such distribution takes place at rock concerts that are underwritten by the firms.
Meanwhile, notes McCarthy, alcohol abuse now figures in 100,000 deaths and $120 billion in social costs per year in the United States. Moreover, certain groups, such as the Center for Science in the Public Interest are convinced that the activities of the campus "booze merchants" are predatory and actually involve the creation of "drinkers" among American Youth (Jacobson et al, 1983).

C. Wright Mills correctly stated that such examples of the "higher immorality" are "symptoms of a much more widespread condition" (Mills, 1963:331). As has been pointed out elsewhere, Mills' thoughts on the nature of the higher immorality have been both prophetic (Simon & Eitzen, 1982:35-68) and theoretically solid (Ermann & Lundmann, 1978:57) as a basis of study for many types of elite/organizational deviance.

Mills saw the higher immorality as a structural condition of American society and made clear that it entailed acts only some of which constituted crimes. Mills made clear that the higher immorality was composed of acts, whether illegal or not, that, by the value system of this culture would be regarded as immoral (deviant). Since Mills, a number of students of the subject have advocated the study of both legal and illegal acts of "white-collar" (elite/organizational) deviance as a proper focus (Simon & Eitzen, 1982; Kramer, 1982:75; Schrager & Short, 1978). Moreover, the recent work of Scimecca has advocated that humanists in sociology begin taking Mills' sociological theory seriously as a basis for studying a broad range of sociological issues (Scimecca, 1977; 1981:18-21).

Yet, for all of the professed interest in
elite deviance, and in Mills' sociology, a humanistic study of such deviance remains in an embryonic state. Indeed, the position taken here is that a humanistic study of crime would (1) employ Mills' theories of social structure and social character and (2) meaningfully relate the phenomenon of elite crime to the social structure and crime as a whole. The purpose of this paper is to suggest some beginnings in these directions. Its thesis are that a humanistic study of crime is possible, and the Mills' sociological view, taken as a whole, provides a basis that constitutes both an empirically testable set of propositions and a politically radical humanist sociology.

Social Structure and Social Character: Mills' Sociology

In this brief space it is not possible to delve into the nuances of Mills' social psychology. The single best treatment of the relationship between social structure and social character developed by Mills is Character & Social Structure (Gerth & Mills, 1954; see also Scimecca, 1977:37-47 for a useful summary). For present purposes, it is most useful to note Mills' basic premise that organizations shape social character through the social roles played by persons situated therein (Scimecca, 1977:42-45). Thus for Mills social character consists of "the relatively stabilized integration of" the biological apparatus and psychic structure as they become linked within such social roles. The resulting combination was referred to by Gerth and Mills as the person. What institutions do is select and mold members according to various formal and informal rules. Some of these rules relate to the type of character traits centering around the goals and gratifications sought by organizations.

An important aspect of Mills' thought
concerns the type of social character that has come to dominate modern industrial society. A paramount concept in this regard for Mills was that of alienation. As Mills (1959:171-172) states:

The advent of the alienated man and all the themes which lie behind his advent now affect the whole of our serious intellectual life and cause our immediate intellectual malaise. It is a major theme of the human condition in the contemporary epoch and of all studies worthy of the name. I know of no idea, no theme, no problem that is so deep in the classic tradition and so much involved in the possible default of contemporary social science...

Back of all this -- and much more of traditional and current worry and thinking among serious and sensible students of man -- there lies the simple and decisive fact that the alienated man is the antithesis of the Western image of the free man. The society in which this man, this cheerful robot, flourishes is the antithesis of the free society -- or in the plain and literal meaning of the word, of the democratic society. The advent of this man points to freedom as trouble, as issue, and -- let us hope -- as problem for social scientists. Put as a trouble of the individual -- of the terms and values of which he is uneasily aware -- it is the trouble called 'alienation.' As an issue for publics -- to the terms and values of which they are mainly indifferent -- it is no less that the issue of democratic society, as
fact and as aspiration.

Mills' vision of the alienated person in the mass society serves also as image for a humanist study of elite deviance. Such a construct might be reasoned as follows:

1) American Society is ruled at the highest level by a converging elite of power composed of transnational capitalist conglomerates, political elites (especially those in the executive branch of the federal government), and high ranking military members (Simon & Eitzen, 1982:6-22; Scimecca, 1981:116-139 for a review of supporting evidence). More important, such elite institutions are functionally interdependent, and relationships between them exist on a number of levels, including the interchanging of personnel and interorganizational cooperation in the furtherance of various mutual goals.

2) Within these higher circles character types are shaped by the roles played therein. The traits of value include what Mills characterized as:

a) "The selling of the self" in the personality market, false personalization, other-directedness, the cheerful robot mentality (Mills, 1963:365; 263-273; 330:339; 1956) denote a great deal of manipulation in interpersonal behavior within organizations.

b) A moral insensitivity, lack of stable, meaningful values a relentless pursuit of money on the part of the white-collar worker; and a "higher-immorality" among the elite. Mills described the moral insensitivity in part as referring to:

the mute acceptance -- or even unawareness of moral atrocity ... by moral insensibility I mean the incapacity for moral reaction to event
and to character ... of people who are selected, molded, and honored in the mass society. [Indeed,] the atrocities of our time are done by men as functions of social machinery -- men possessed by an abstract view that hides from them human beings who are their victims, and, as well, their own humanity. They are inhuman because they are impersonal. They are not sadistic but merely businesslike; they are not aggressive but merely efficient; they are not emotional at all but technically clean-cut.

c) The prevalence of prejudice and stereotype (1963:365) in a world where people interact largely as players of secondary, segmented roles.

To these traits we would add an additional central concept, one which both synthesizes and expands Mills' view of alienation in the mass society. We speak here of the notion of inauthenticity. The concept has been used in several senses (Seeman, 1966; Etzioni, 1968; 1969; Baxter, 1982). Yet there is a unifying theme to which we can point, one which focuses on the two dominant, yet opposing trends in alienation studies. That is, alienation as "an objective social condition" versus alienation as an individual "subjective state" (Schweitzer, 1982:68; Plasek, 1974).

On the level of social structure, inauthenticity refers to the appearance of overt positive appearances, coupled with negative underlying realities. Within large bureaucratic organizations, this frequently means the overt appearance of democratic participation. In reality, however, underlings are excluded from meaningful democratic input in key decisions. Thus institutionally, inauthenticity is often indicated by the amount of
resources spent by organizations on various "front" (propaganda) activities designed to convince workers, clients, and/or publics of their positive attributes in the face of negative often tightly held secrets. Mills spoke of such activities as merely the manipulation of public opinion (Mills 1963:330-339; 1956, 344), but the effects of inauthentic activities on social character and crime are striking.

On the level of social character, inauthenticity of structure results in a series of manifest negative conditions, including:

a) diffuse, unfocused, "bottled up" aggression (Etzioni, 1968:881) the lack of outlets for which may result in such symptoms as psychosomatic diseases, drug and alcohol abuse, and suicide.

b) The use of irrelevant status criteria resulting in misconceptions of one's own status. For minorities this often includes the acceptance of negative stereotypes about their own ethnic or religious groups. For example, Jews may come to believe that they are overly materialistic and clannish. Or Blacks may come to believe that they are physically ugly and mentally dull. Thus one's concept of self becomes based on a distorted image of what others think.

c) A lack of creativity due to the acceptance of negative stereotypes concerning one's own status.

d) Most central to our purposes, the element of self-deception regarding the failure to understand fully or even to deny one's own experiences.

The unifying theme in such literature on both the institutional and characterological levels concerns the construction of false
inaccurate images that are antithetical to the meeting of basic human needs for love, creativity, identity, and community.

Alienation, Inauthenticity, and Elite Deviance

A number of studies of the Vietnam and Watergate era scandals provide a valuable starting point for understanding the varieties of alienation spoken of above (Sanford & Comstock, (Eds.), 1971; Kelman, 1973; 1976; Janis, 1972; Bernard et al, 1971). What is striking about this literature is its emphasis on the group processes involving the lessening of moral restraints on the part of elites and those authorized to carry out their directives. Such processes include the following:

Authorization and Powerlessness: The practice of unquestioning obedience to elite authority is of central importance to the study of organizations and to the deviance committed therein. Orders, decisions, and plans that are unethical or illegal are often carried out by underlings in part because they felt they had no choice; they felt powerless to disobey such injunctions. Examples include incidents such as the massacre at My Lai, and the Watergate "horrors." Surprisingly, those who seem most to evidence such powerlessness include those underlying "far removed from the centers of power and ...those relatively close" (Kelman, 1976:308) to elite power. Indeed, a nation wide poll taken by Kelman and Lawrence in 1972 found that fifty-one percent of respondents said that they would engage in mass killings such as those that took place at My Lai. Those who stated that they would do so felt "by and large that the individual had no choice in the face of authoritative orders" (Kelman, 1973:41). Moreover, Kelman notes, such individuals are often characterized by what he terms normative integration concerning the political order. That is, such individuals feel that they are included in the poli-
tical system in only a tenuous manner. They do not see themselves as actively determining the fate of a government that is theirs. Rather, they feel like pawns; that they must support elite policies regardless of personal preferences.

While such perceived powerlessness is usually characteristic of the lower middle and lower classes, Kelman found a striking degree of such conformity among high level military officers and bureaucratic functionaries. Moreover, Kanter (1977:189-205) and Kanter and Stein (1979:80-96) have discussed the existence of widespread feelings of powerlessness at both top and middle levels or organizations. The empirical study of such powerlessness, and its relationship to organizational and interorganizational deviance has hardly been examined. (1) Nevertheless, available evidence does indicate that the modal response to powerlessness is a begrudging, albeit fatalistic conformity.

Conformity among those in the "higher circles" tend to involve either: (a) an overwhelming sense of obligation elicited by elites; or (b) the creation of some transcendent mission whereby elites stake claim to "higher" purposes that are clearly outside the law. In the case of government such purposes usually relate to the national interest, executive privilege, fighting the communist menace or other foreign threat. In the case of corporate deviance such notions usually involve meeting profit targets, protecting the interests of the stockholders, or other overriding organizational goals. Gross, (1978:199) has gone so far as to claim that, because they are goal oriented, "all organizations are inherently criminal." While this serves to overstate the point, there is plenty of evidence to indicate that deviant behavior in government and business is commonplace (Simon & Eitzen, 1982), but the effects on the
individuals who engage in such deviance are little known.

**Routinization and Fragmentation of Tasks:**

Decisions to commit deviant acts, even murder, are carried out within an established routine. Such routines involve more than the filling out of forms, reports, and schedules. Indeed, a number of students of this subject have maintained that the large, complex nature of modern organizations encourages deviance because (1) specialized tasks involve the same routines whether they are deviant or legitimate, and (2) elites may both discourage being informed of scandals within organizations by lower functionaries and hide from functionaries and the public acts of elite deviance (Simon & Eitzen, 1982:26; Silver & Geller, 1978; Vaughn, 1980:87; Kramer, 1982).

There are a number of additional structural factors that tend to increase the likelihood that deviant acts will be committed by organization. Because tasks within large organizations are so specialized and involve the cooperation of teams and/or committees of coworkers, finding out who is responsible for the commission of deviance within organizations becomes difficult (Schrager & Short, 1978). This is because personal responsibility becomes more diffuse as the division of labor becomes more complex, and organizational subunits become more autonomous. Technology has made possible new types of deviance, including everything from environmental poisoning to computer fraud. Technological growth is also related to increases in the complexity of the division of labor, subunit autonomy, product diversification, and hierarchical control of administrative functions, all of which facilitates deviance within and between organizations (Vaughn, 1980). This is true in part because technological and organizational complexities tend to mask both the identities of the victims and victimizers from one another.
This may be true to the point where the harm that befalls victims may be quite unintended, (e.g., the use of illness causing preservatives, flavorings, and colorings in the manufacture of foods), thus raising the question of unintended harm as a proper focus of the study of organizational deviance (Schrager & Short, 1978).

Within Mills' frame of reference, such structural conditions and processes tend to promote the adoption of special vocabularies of motive. Mills' claim was that "it is an hypothesis worthy of test that typical vocabularies of motive for different situations are significant determinants of conduct" (Mills, 1963:445)). A number of recent case studies of elite deviance report the construction of an elaborate vocabulary designed to provide both motive and neutralization of guilt (Sykes & Matza, 1957).

Item: the SS in their quest to exterminate European Jewry adopted special "language rules" (Arendt, 1964:85) in which terms like "final solution," "evacuation," "special treatment," and "clearing up fundamental problems" (Barnet, 1972:15) were used as euphemisms for mass murder.

Item: Janis (1971:73) has noted that within the Johnson administration Vietnam policy group:

The members of the group adopted a special vocabulary for describing the Vietnam War, using such terms as body count, armed reconnaissance, and surgical strikes, which they picked up from their military colleagues. The Vietnam policy makers, by using this professional military vocabulary, were able to avoid in their discussions with each other all direct referen-
ces to human suffering and thus to form an attitude of detachment similar to that of surgeons.

Item: Stotland (1977) notes that one common ideology among white-collar criminals concerns an initial belief that the criminal actually benefits the victim through victimization. Such vocabularies may also stem from a wider societal attitude that stems from the notion that human beings are by nature "larcenous" (Stotland, 1977:193). Thus making victims of such people teaches them lessen their greed.

Such vocabularies tend to involve an element of self-delusion that characterizes the inauthentic condition. Such exercises in self-delusion are also characteristic of many con-artists (Stotland, 1977). Most important, perhaps, is the notion that in the end self-delusion does not seem an effective guilt reducing mechanism. Thus underneath the overt exercises in image building among the elite deviants one would expect to find a considerable amount of intrapsychic conflict, perhaps manifested as psychosomatic diseases and bouts with drugs and/or alcohol (Etzioni, 1969).

This same phenomenon has also been discussed by Lifton (1971) in relation to combat troops in Vietnam: those involved in the killing of innocent civilians came to view virtually all Vietnamese as the enemy. This ideology based on self-delusion was referred to as false witness by Lifton. Underneath, however, studies by Lifton and others reported that many fought there stopped believing in the usefulness of the war. Some of these men felt that they had been "victimized and betrayed by their country" (Lifton, 1971:48). Indeed, Lifton predicted such feelings would result in a variety of disturbances in veterans ranging from "mild withdrawal to peri-
odic depression to severe psychosomatic disorders to disabling psychosis" (Lifton, 1971:48). The theme of victimizers turning into victims is a strong one in the psychologically oriented literature (Bernard et al, 1971; Kelman, 1973; 1976), and its implications for the humanist study of deviance is discussed in the concluding section.

**Distance, Dehumanization and Groupthink**

Bernard et al (1971) view dehumanization as a psychic defense mechanism against the pain of overwhelming emotions that entails a decrease in both the individual's own sense of individuality, and the perception of the "humaness of others" (1971:102) (i.e., stereotyping; Duster, 1971; Smelser, 1971; Opton, 1971). This mechanism, it is claimed is directly fostered by the "impersonal aspects of modern organizations and the mass society," (Bernard et al, 1971:102) and can be either self-directed, or object-directed. When self-directed dehumanization involves treating one's self as a machine like cog-in-a wheel, thus fulfilling the very threat such a defense seeks to prevent; loss of status. Powerlessness, as mentioned above, constitutes one cause of such abject conformity.

When object-directed, dehumanization involves the perception of others as statistics or commodities in a vast numbers game. Indeed, many studies of both elite and non-elite deviance have noted a strong tendency on the part of victimizers to stereotype victims, and, consequently, to deny victimization:

**Item:** During the Watergate era Daniel Ellsberg was labeled by the White House "plumbers" as having affiliation with both Communist spies and the Democratic candidates for the Presidency (Kelman, 1976:312).

**Item:** Smigel (1956) noted that large
organizations may be likely victims of deviant acts because restraints against crime become weakened when the victim is perceived as non-human. One would suspect that this would especially be the case if such organizations are perceived as evil entities that have victimized individuals.

Item: One characteristic of the Vietnam era was the emotional and physical distance of victims. Indeed, the enemy was denied human status on both political (Communistic) and racial ("gook", "slope", "dink") grounds. As Barnet has emphasized: "Dehumanizing the enemy is a psychological precondition for killing because most human beings have been socialized against homicide" (1972:47).

Item: Such dehumanization is by no means confined to governmental or military organizations as examples of it abound in the study of corporate scandals. Among the most graphic, perhaps, is the Ford Pinto scandal of the 1970's. Therein the Ford Motor Company's internal memo reduced human life to a dollar figure obtained from the National Highway Traffic and Safety Administration, a federal agency. Comparison of the costs to the company for death and burn claims versus the costs of inserting a protective rubber bladder within the Pinto's gas tank was a major consideration in the decision to leave the gas tank defective (Simon & Eitzen, 1982:98-100).

Item: Vaughn (1980) has noted that deviance between organizations is contributed to by stereotyping the status of the victim organization by the victimizer. This is especially true concerning government agencies which are often viewed by corporations as inept, inefficient, and destructive of the free enterprise system because of their regulatory role.

Item: Presthus (1978) has noted that one
type of social character found within large organizations are people possessing combinations of authoritarian and other-directed characteristics. These individuals tend to exude charisma via a superficial sense of warmth and charm, and also tend to be able to make decisions easily because they are able to view matters in black and white terms. The latter requires the ability to categorize people into nonhuman entities for the purposes of making decisions concerning layoffs, firings, plant closings, and advertising campaigns. Such people, termed upwardly mobiles by Presthus, tend to rise to the top within bureaucratic structures.

Moreover, Clinard (1983:136-138) notes that those managers likely to engage in acts of organizational deviance tend to be people recruited from outside of the companies they head. They tend to be men who are interested in getting as much publicity in financial journals, showing quick increases in profits, and moving on to higher positions within two years. Recent studies of work alienation demonstrate that people with such high extrinsic needs also tend to be "workaholics," manifesting what is called "Type-A" personality characteristics. These traits involve "free-floating hostility, competitiveness, a high need for socially approved success, unbridled ambitions, aggressiveness, impatience, and polyphasic thought and action" (i.e., trying to do two things at once) (Kanungo, 1982:1557). These people also tend to exhibit the lowest scores on measures of mental health in such studies.

Moreover Janis has described the presence of a related phenomenon at work in elite circles. Termed groupthink, it refers to "a mode of thinking that people engage in where they are deeply involved in a cohesive in-group, where the member's striving for unanimity overrides their motivations to realistically
appraise alternative courses of action" (1972:9). Groupthink results in a reduced capacity for moral judgement. It increases the likelihood of stereotyped thought by in-group members. Thus during the Vietnam era each member of the Johnson inner circle of policy makers shared stereotypes, e.g. that the poor of the world wanted to take from rich, and that Asians had little regard for human life.

Another aspect of groupthink involves criticism and eventual ostracism of dissenters. Within Johnson's inner circle those advocating alternative courses of action in Vietnam were at first somewhat openly criticized by the President and eventually pressured into leaving the administration. Similarly, Smith (1961) in his analysis of the General Electric price-fixing scandal notes that those who objected to the conspiracy were threatened with loss of their jobs. This remained true even after the legal department of General Electric warned those involved that what they were doing was against the law and that further price-fixing efforts should cease. Other studies (Clinard, 1983:125 ff) also demonstrate the immense pressures to conform that can be placed on underlings by top managers within organizations.

Moreover, there are a number of additional ways in which those who differ from group norms may be removed from important organizational posts (e.g., retirement, or being placed in a position of lesser status). As Glass (1976) has written, organizations can kill people in a number of ways, and among the easiest is neglect: neglect involves the power to make individuals feel useless. (2) Not only can organizations make people feel powerless, but there exists a related set of processes inherent in bureaucratic structures; those involving the routine in roles played by bureaucrats.
Front Activities: A number of students of the subject have noted the front behavior involved in elite deviance (Barnet, 1972; Mills, 1956:344-356; Simon & Eitzen, 1982:49-53). This vague term has come to include deceptive or outright lies, encompassing everything from corporate advertising to the creating of pseudo-events (Boorstin, 1961) and phony crises by news media, public relations firms, and governmental agencies.

Indeed, during the Watergate era, a number of liberal and radical commentators noted the degree to which the White House staff tended to perceive the problem as one of managing public opinion (Simon, 1978). During the Nixon and Carter eras a common complaint was that the confidence gap between White House and public was the product of an image problem. It is also reported that fully one-third of corporate advertising now goes for messages about the corporation itself, not about products or services.

Front activities used to mask elite deviance are a common attribute of virtually all types of bureaucratic entities. Turk (1981) believes that lying within governmental security agencies is "a routine tactic," the use of which is limited only by expediency. Other "front activities" include providing only the information requested by investigating officials or citizens; destroying or "misfiling" incriminating items before they have to be produced; fragmenting information so it appears out of sequence; depicting deviant acts as the machinations of "bad apples" within the organization or of past leaders; and, of course, denying access on the basis of "need to know," "national security," or other justifications to hide embarrassing secrets.

In addition, it appears that front activities are often characterized by cooperation between organizations. The FBI and CIA are
interesting cases in point. Bernstein (1976) has demonstrated that as presidents have involved the nation in undeclared wars, repression at home has grown in part due to the granting increased powers to government spying agencies. All presidents since Franklin Roosevelt have use the FBI for partisan political purposes. Thus when the legality of such practices has been questioned, the executive branch, congressional committees, so-called nonpartisan panels all rush to the defense of such intelligence agencies (Waegal et al, 1981). The result, according to Bernstein, has been a strengthened executive branch, stifled dissent at home, a press reluctant to criticize government, and a foreign policy based on the creation, manipulation, and management of crisis (Barnet, 1972).

Implications for a Humanist study of Crime: Future Directions:

Given the above socio/psychic processes and their relationships to deviance among elites, there is a number of interesting related issues that seem worthy of the attention of students of these subjects. In addressing these issues, it is important to keep in mind the Millsean perspective concerning the sociological imagination. Mills advocated that we understand the relationship between private troubles and public issues, that sociological investigation answer the greater questions concerning the places of our society in human history, the types of human nature that are being produced, the direction in which our society is heading. Further, Mills advocated that such investigation be undertaken using a comparative perspective. With such issues in mind, the foregoing would seem to me to raise three broad sets of concerns for the humanist student of deviance.

First, this study ought to examine the study of institutions and social character.
This means, among other things, that it is no longer realistic to study "white-collar" crime as an economic crime for two reasons. One is the crucial realization that the bureaucracy is the dominant form of social organization in modern society. Thus, the question of how bureaucratic organizations, be they economic, military, or political in nature shape the social characters of those playing roles within them becomes an issue. The interpenetration of the three elites of these institutions makes it clear that "white-collar" crime, political corruption, and deviance within the military-industrial complex are interrelated, involving cooperation between public and private organizations. Indeed, as Terreberry (1968) has argued, as organizational environments become increasingly turbulent due to unstable economic and political conditions, organizations tend to become less autonomous, and outside organizations become increasingly important components of organizational environments.

Second, the current definitions of white-collar deviance describe a dichotomy between acts of individuals and acts committed on behalf of organizations. From what we have said above, there is good reason to suspect that within organizational hierarchies many of the same people who execute deviance on behalf of organizations also commit acts against such organizations for their personal gain. As REasons (1982) has recently noted, supervisory personnel have accounted in Canada for approximately two-thirds of the business dishonesty over the last decade. This follows from the writings of Kelman, (1973; 1976) and Bernard et al (1971) concerning the conversion of the victimizer into victim. An hypothesis to test would be that within organizations that commit acts of deviance, individuals involved in the commission of such acts are likely to engage in acts of deviance for personal gain against the organizations by which they are employed.
Third, and as a related matter, one reads a good deal these days concerning the demonstration effect provided by acts of elite deviance to nonelites. Thus, one would expect inauthenticity, as modern society's dominant form of alienation, to affect deviant behavior throughout the socioeconomic ladder. Among the lower classes this link is not readily apparent because of the extreme structural distance of lower class members from elite power centers. Nevertheless, recent studies of lower class alienation reveal a substantial impact of elite deviance.

Important, too, is the contention that inauthentic social structures result in diffuse targets of aggression. Philliber in a study of over 500 residents of a Model Cities project found that lower class alienation is expressed towards particular segments of society (police, merchants, politicians, or the neighborhood), but becomes a "Generalized response pattern toward the total social system" (1977:305). That is all institutions with which lower class people have contacting their daily lives appear to them as impersonal and bureaucratic, with each person with whom they interact playing limited social roles. Yet, the people in Philliber's sample viewed the various sectors of modern society as interrelated. Only in the neighborhood, where contact took place on a more primary basis, was there a lessening of alienation evidenced.

Fairchild (1977) in a study of prison inmates found that street criminals tended to view the American political system as containing little "that indicated widespread democratic decision making" (1977:295). Most members of her sample felt that real power in America rests with a group of corrupt, unelected influentials of vague composition. Money, they thought, is the real source of power.
Such attitudes stemmed in large part from the nature of the contact such people experienced in being processed through the criminal justice system. There money for legal representation was viewed as the most important determinant of guilt or innocence. Moreover, the police, courts, and prisons were complained about as corrupt, impersonal, and collusive, and offenders felt alone and powerless in dealing with the state. These attitudes represented a marked contrast with those expressed prisoners during the 1950s; then offenders frequently blamed themselves.

This alienation from the dominant institutions of American society is by no means confined to the lower class. Over the past decade or so, public opinion polls have registered a crisis of confidence in the major American institutions (Simon & Eitzen, 1982:2-4) caused in large part by revelations of major scandals on the elite level. Recent evidence shows that the public has become concerned about white-collar crime (Cullen et al, 1982). One measure of the lack of public confidence in major institutions is large scale tax cheating. (3)

Finally, I believe that Mills would consider decadent much of what passes for the study of crime these days. He as much as said so in his classic "Professional Ideology of Social Pathologists" (1943). Crime has been for too long studied as a lower class (street) phenomenon, and the relationships between street crime, organized crime, individual white-collar deviance, and elite deviance, by and large severely neglected. Thus the nexus of the Mafia activities - supplying drugs to lower class criminals, fencing goods stolen by white-collar employees, and providing capital and certain valuable services for certain legitimate business and government organizations has not been fully explored (Smith, 1980; 1982; Simon & Eitzen, 1982; 58-63).
Thus despite Thio's (1983) useful theory concerning the interrelationships between the deviance of masses and elites, and studies of these "two faces of deviance" by Wilson and Braithwaite (eds., 1978), there is much about such interrelationships that we do not understand as they relate to either social structure, social character, or history.

These then are merely a few of the issues Mills' legacy suggests for a humanist study of deviance based on alienation. The challenge for the humanist is to gain access to data relating to elite wrongdoing, and to make such findings known to an increasingly alienated mass victimized by acts of such deviance. As sociologists, Mills would have us do nothing less.

Footnotes

1) Unfortunately, the powerlessness of the individual looms as such a taken for granted state in much of the organizational literature that the individual has been all but eliminated as a focus of study. Instead, there is a great focus on people as occupants of positions (roles), and that as people individuals are merely replaceable, interchangeable parts (Coleman, 1974; Ermann and Lundmann, 1982; Scott and Hart, 1979; MacCoby, 1976:230). The notion that conformity is the overwhelming modal response to powerlessness is, as I shall note below, both dehumanizing and misleading in the study of organizational deviance.

2) This is not to imply that individuals are totally powerless and without choice in responding to organizational attempts to discard them. Indeed, the position taken below in that some "white-collar" defiance committed against organizations by employees may be reactions to perceived mistreatment by emplo-
yers, including requests to engage in deviant acts on behalf of the employing organization.

3) Moreover, Meier and Short (1982) have advocated that the study of societal trust become the focus of increased attention by sociologists and criminologists, based in part on personal experiences with white-collar criminality. Meier and Short, however, advocate focusing on the more traditional measures of alienation, especially those relating to powerlessness and normlessness. They also imply that the traditional victimizer/victim dichotomy should be maintained. They also emphasize that it is people of lower socioeconomic level who are most likely to experience victimization and powerlessness in relation to such deviance. The position taken here differs from that of Meier and Short in that inauthenticity as a form of alienation that contributes to being both victim and victimizer among persons occupying roles at upper organizational/socioeconomic levels are deemed worthy of study.

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SOCIAL JUSTICE vs CRIMINAL JUSTICE: AN AGENDA FOR CRITICAL CRIMINOLOGY

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Abstract

This paper presents an overview of the features of crime and the criminal justice system in the United States. It notes the great disparities in use of five systems of justice. It discusses the amount and variety of corporate crime, political crime, street crime, white collar crime as well as organized crime. It emphasizes the inadequacy of current theories of crime in so far as corporate, white collar and political crime are concerned. The author argues that social justice is a far better way to prevent crime than are criminal justice systems and points to other societies with low crime rates. The paper concludes with a radical agenda for American criminology.

The sociology of crime and social control is barely mapped in American criminology and less understood. There are five kinds of crime which are derived and are endemic in capitalist relations. There are several policing and punishing structures in the state sector as in the private sector. There are a half dozen "theories" of crime which are patently false but assiduously disseminated in American criminology. The question for theory is how to understand the sources of crime: conservative theory points to individual character; radical theory to social relations. The question of policy is how to get safe and decent communities. The conservative solution is more prisons, more police, faster trials, harsher sentences, and closer surveillance. The radical policy is more social justice and less criminal justice.
The macrotheoretical position put forward in this paper asserts that crime and political oppression in the U.S. emerge out of the same dynamics which creates the prosperity, the creativity and variety, the surging energy and growth as well as the studied leisure for whole new sectors of the population. I do not want to be mistaken. The argument is not that crime is a necessary and inevitable part of growth, prosperity and human activity. Quite the contrary. I want to put the case that crime varies with several conditions all of which could be brought under human agency. It is not the blind operations of biology, of history or of economy which produce crime. It is human agency in the form of a changing set of policy makers in the state sector and deliberate decisions in the private sector which sets up the objective conditions in which crime increases or decreases. There are societies with low crime rates and safe cities.

BAD THEORY AND BAD POLICY

The indicators of a poorly organized social life world impel us toward better theory and better policy in criminology than we now enjoy. Some idea of the failures in policy can be seen from the following data. The prison population in the U.S. is at an all-time high (Bureau of Justice Statistics, 1983). There are 175 inmates per 100,000 population in the U.S. for a total of 425,000. This does not include county and city jails which hold about the same number of short-term prisoners. Nor does it include youth who have been diverted to group homes, to the military or to supervised probation. Only the Union of South Africa and the U.S.S.R. put people in prison at such high rates. Not very good company. Two million wives are beaten by their husbands each year. Five million are hit routinely. In 1981, almost 1/3 of American households experienced violence or theft. The homicide rate reached its highest level in 1980. The nation spends over 3 percent of its public funds on the criminal justice system, a growth industry. The U.S. spent over 34 billion on prisons and policing last year.

Only 6 percent of burglaries, 21 percent of robberies, 5 percent of forgeries and 1 percent of
drug sales result in arrests (BJS, 1983: 4). Serious crime has increased by 200 percentage between 1960 and 1975 (Feagin, 1982: 274). The National Institute of Justice reports that one-third of the employees in a sample of retail, manufacturing and service organizations report stealing company property. The estimated loss is between 5 and 10 billion dollars (BJS, 1983: 11). Corporations violate a wide variety of laws with studied impunity: labor laws, environmental protection laws, product safety laws, banking laws, currency regulations, worker safety laws, tax laws and campaign contribution laws regularly ignored by the largest corporations. Price fixing alone is estimated by the Senate Judiciary Subcommittee to cost consumers some 174 billion dollars annually. These corporate crimes are seldom tallied, reported, policed, or punished (Clinard et al., 1979). At the same time corporation crime is ignored, peaceful and legal political protest is brutally policed. Over the years, Federal and state agencies have arrested tens of thousands of peaceful political protesters from the tax and mercantile protests of the colonial era to the demonstrations against war and nuclear weapons in the 60's, 70's and 80's (Balkan, 1983). Hundreds of people were arrested in New York in 1984 for political protest of the arms race.

The F.B.I. has committed thousands of burglaries, established five illegal and unconstitutional programs to disrupt women's movements toward social justice, minority movements toward civil rights, citizen opposition to Viet Nam as well as socialist worker parties in the U.S. The C.I.A. routinely violates U.S. law, International law and the laws of the various nations in which it works on behalf of the world capitalist system (Agee, 1975; Wise and Ross, 1964). The U.S. routinely supplies and trains police in states with oppressive regimes. This effort is directly connected to the murder, torture, and imprisonment of progressive labor, religious and student leaders (Chomsky and Herman, 1979). In Grenada, the U.S. was in violation of the U.N. Charter, the O.A.S. Charter and International law (Young, 1983). Recently, the U.S. has been found guilty of violating an international trade treaty by cutting off sugar imports from Nicaragua for political reasons.
The judicial system in the U.S. is systematically biased against Blacks, women, and political protestors (Feagin, 1982). The advocacy system is a commodity in which the poor are denied adequate legal counsel and the larger corporations richly supplied. The prison system is a growth industry which confines mostly poor people and/or minorities in miserable conditions said to produce more crime than it discourages. Unarmed minority youngsters are often killed by the police. But American criminology has neither the theory nor the policy with which to order these data. In the sections which follow I want to supply some sociology as a foundation for better policy. First, I said earlier that the field of American criminology is barely mapped. American criminology focuses upon street crime and the criminal justice system as its natural world. I suggest that a proper criminology must examine all forms of crime, all systems of justice and all theories of crime before it may begin to get good theory and good policy. In the next three sections, I will chart some neglected territory for the next generation of American criminologists.

SYSTEMS OF JUSTICE

There are five very different systems of justice in the U.S. There is the criminal justice system with about 800,000 public police based upon retributive responses to crime. The criminal justice system handles crimes of predation—mostly poor, minority and/or young offenders. It is imbued by a mean-spirited vengefulness and security logic. It uses violence and degradation routines for both purposes. Corollary to the public system is a vast private security system employing about the same number of persons to police crime within corporations. This system polices the customers, employees, and competitors of the corporation. It is informed primarily by the logic of distributive justice. The aim is not to punish or confine offenders but rather to advance the corporate goals of profit, growth and a favorable public image. The judges in this system are the top and middle management before whom cases are brought and adjudicated. The Bill of Rights seldom informs proceedings in this system but a rough justice does
result; certainly more equitable than in the criminal justice system in the state sector.

A second system of justice is that of peer review. In the academic world, in the medical field, in the legal profession as in large scale bureaucracies, when one violates a professional canon, one can be brought before a hearing in which one's peers adjudge guilt and assign penalty. As a parallel legal system, it serves quite nicely to protect the image of the profession, to employ constructive social control measures, and to keep white, middle class males out of jails and prisons.

A third major system of Justice is that of contract, administrative and tort law. This system polices and judges the activity of organizations rather than persons. It includes all the federal agencies the populist movement created in the 1920's and 1930's. The F.C.C., I.C.C., S.E.C., F.D.A., as well as civil law. When corporations do wrong they are not arrested, indicted, tried, sentenced or incarcerated. They are directed to perform as agreed or to right a wrong done. Again, distributive justice embues this system of control. The "police" are mostly lawyers who are polite, patient and considerate of business criminals. As a system of social control, it serves admirably to enable the owners of a corporation to profit from the endemic criminal activity of the corporation while bearing no personal culpability. Corporations, while a legal fiction, are very real as criminals and as a buffer to criminal indictment. The corporation as an entity may be fined or some employees, rarely, sent to prison but owners never. If the corporation is ordered by competent authority to dissolve, it is a simple matter to incorporate a new business in a more friendly state or nation and continue to violate health, safety, environmental, tax, fiscal, labor or other law (Young, 1981a).

The fourth system is the medical justice system. It is staffed by psychiatrists, doctors, clinical social workers, counselors, psychologists and nurses. It serves up justice to the sons and daughters, spouses, friends and parents of the middle classes. If one has enough money, one can find doctors who will certify that one is mad or sick rather than bad. The interest in this system of justice is neither
distributive justice nor retributive. The interest is the safety and welfare of the culpable individual—well matched to the logics of privatized individualism and commodity security which informs all predatory relations (Young, 1982).

Once there was a fifth system of religious justice in place which had as its nexus prosocial behavior but that system is a casualty of competitive individualism and mass religion. Religious functionaries policed human behavior, condemned antisocial activity, counselled good (as locally defined) and occasionally banished the incorrigible to perdition. Currently the first four systems mediate wrongful behavior in ways compatible with the class, status and power of the criminal. The religious system is also biased greatly by the prevailing stratification system but once in a while a prophet will castigate the rich and powerful. The Pastoral letter of the Conference of American Bishops (1983) is an interesting effort to mediate the evil of Nuclear Warfare policy of super-states. The interest of the radical right in renewing the teaching of religious values is not altogether unconnected to the failure of formal control systems. Stripped of the God talk and of the overburden of guilt and shame, there is much merit in this approach.

There is a sixth system of state welfare which offers a meager and mean-spirited form of distributive justice for all those by-passed, disemployed or crippled in mind and body by predatory social relations. Oriented mainly to women, children, the aged and other powerless sectors of the surplus population, this system tries to repair the harm done to such persons by advanced monopoly capital. A sociological approach to the study of harm and of justice would try to fit all these forms of justice with all the forms of crime and present the whole picture to the public sphere for discussion and policy.

But American criminology is not a sociological enterprise; it is on the one hand an exercise in political indoctrination largely controlled by power elites and on the other an exercise in demoralized technical rationality in which its function is to train the security forces of the United States in what little management science and behavioral modification an angry, brutal and vengeful system will allow.
American criminology is a disgrace to the good name of social science.

American criminology, then, does not study, theorize or measure the happiness and despair of the various justice systems in America. Taking all major systems together, for the differing approaches to control, for their differing costs to the public, one can see that the crimes of the rich and powerful are treated gently indeed while the crimes of the poor and powerless are treated brutally. Which kinds of crime entails the greatest harm to the health and welfare of the public is an open question. Which is the more effective is the pressing question.

At least 6,000 workers die and 2.7 million are injured through corporate negligence each year in the U.S. 70 to 90 percent of these accidents could be prevented if profits were not a major consideration (Feagin, 1982: 311-312). Considering the 50,000 or so murders in the U.S. each year, it is hard to say which kind of death is the greatest wrong. They are equally unnecessary and equally disruptive of a family. The officers of Equity Funding Corporation stole more from the public than all of the robberies and burglaries that year (Feagin, 1982: 281). Which form of theft is the more harmful cannot be easily gauged. The poisoning of air, water, and ground by chemical corporations may be more harmful to more people than all the muggings, assaults, and murders policed by all the policing agents of all the states. 90% of the cancer deaths are said to be preventable—and it is the tobacco, chemical and industrial corporations which push carcinogens. All this argues that there are severe forms of crime not policed while the forms of crime which are policed are not effectively controlled by whatever system of crime and justice is used.

All this is the dark side of life in the richest, most powerful and most democratic society in the history of the world. One must consider whether the dynamics which give rise to crime, to various justice systems, and other underground structures are caused by individual traits or arise out of the ordinary operations of the massified life of advanced monopoly capitalism. I will make a case, taken from earlier papers, that this is indeed the case (Young, 1975, 1981, 1982, 1983). The case is made in brief after a
short critique of existing "theory" in American criminology.

THEORIES OF CRIMINALITY

There are a wide variety of theories deployed in the research, in the texts, in the penal systems of the United States. These are little more than glosses for whatever conservative or liberal politics to which the writers subscribe. Durkheim (1893) argued that a breakdown in social norms produced crime. He called this "anomie." But most political crime, corporate crime and vice are well ordered. They resonate with the values and beliefs of the majority and do not reflect a breakdown in the social order. American citizens cheered the Reagan administration when it violated international law, various treaties and charters to which the U.S. is signatory in the Granada invasion. Corporate crime is driven by the same well-instituted goals of profit, control and growth as other American business. Pornography, prostitution, drug use and illegal betting are part and parcel of the sexist, escapist and accumulation ethics of Americans. As a theory, anomie is pathetic; as a gloss for law and order policy, it is superb. Everyone must accept middle class commodity morality or, failing that, quickly caught and quickly jailed. Merton's (1957) endorsement of anomie as an explanatory schema slowed progress for thirty years in American criminology. Anomie theory violates a cardinal canon of causality. That which does not exist (anomie) cannot cause that which does exist (crime). Constraint theory violates another canon. That which is a constant (constraint) across both criminal and prosocial behavior cannot be adduced to explain that which varies. Such theories violate basic experimental design theory in science. The work of Richard Quinney in the United States finally challenged the Durkheim-Merton hegemony in theory through the 1970's, but most texts praise Merton and skim over Quinney.

Theories of racial or genetic inferiority are patently false and obviously compatible with conservative politics. They deflect attention from social organization and sources of crime and legitimate a repressive and selective policing of individuals.
groups and races. Controlling for disemployment, the relationship between race and crime disappears (reported in Balkan, 1983: 80). White collar criminals are frequently Northern European in origin and have the usual number of chromosomes. Corporations have no chromosomes at all and commit crime. Blood sugar levels, hormone deficiencies and "overwhelming" sexual drives are equally unrelated to the criminal behavior of presidents, soldiers, and rapists. A few prisoners are found to have extra supplies of genes, blood sugar or hormones and the "theory" explodes in the literature. White collar criminals, corporate officers, soldiers and presidents are not studied. Such a flawed research design would be contemptuously dismissed in a biology, physics, or geology journal. It is called science in criminology.

Differential association theory (Sutherland, 1947), the grandparent of American criminology, cannot be a theory of crime since it is a theory of socialization generally. It is a scientific sin to use a factor that appears in all behavior to explain a special form of behavior. White collar criminals do not differentially associate with drug pushers, sexual psychopaths or corporation presidents. White collar criminals are bright enough to figure out how to cheat the company without being taught. Differential association theory explains equally well why doctors do doctoring, priests preach and criminals steal but it is not a theory of crime. Differential association theory begs the question of why corporate officers require their lieutenants to violate food laws, labor laws or tax laws. It avoids the question of why street thugs rob and rape. It neglects the dynamics of commodity sexuality and perverted masculinity. But it does redirect focus from the political economy of a society to social interactional processes.

The same is true for its near cousin, labelling theory. People who are labelled criminals and put in prison do differently associate with street thugs and are, in fact, more likely to become a street thug. But the same is true of a physician or a priest. Put a person in medical school, label her an intern, teach her medical technology, define her as a "doctor," and she is very likely to become a doctor. Labelling theory can't be a theory of crime any more than it is...
a theory of medicine or of religion. It does serve nicely for liberal sociologists to help justify policies which keep kids out of jail—a nice enough desire but scarcely science. Jails and prisons are not good for anybody, even wardens.

Culture of poverty theories such as Lewis (1959) cannot be adequate to an understanding of crime since they do not deal with crimes of the rich, corporate crime, white collar crime or the behavior of priests and nuns who take vows of poverty or with all the many societies such as the Hutterites and Hopi who live in virtually crime-free relations. A better variable is relationship to the means of production as we shall see below. Drift Theory (Matza, 1964), Bond Theory (Hirschi, 1969), or Containment Theory (Reckless, 1973) are equally flawed. They simply ignore the crime of white collar criminals, soldiers, corporations, organized crime members who are bonded, contained, and who do not drift. Again, the very special bias in American criminology which leads one to look everywhere except at the political economy for explanations to crime yields bad theory; bad theory makes for bad policy.

Hirschi claims delinquency is made possible by an absence of beliefs that prohibit delinquency (1969: 198). Again, one cannot explain that which does exist by that which does not exist. This is possible in magic, poetry, and religion but not in science. Albert Reiss uses this same mystical approach in his paper, "Delinquency as a failure of personal and social controls." Corporate officers are issued orders to fix prices, employees must dump harmful chemicals else get fired, delinquent fathers don't pay alimony because they are determined to spend the money on the new wife. Boys and girls either join in gang activity or are subject to ridicule and/or beating. The personal and social controls are there. They produce crime. The prior question is why social controls are used to fix prices, deal drugs, dump chemicals or steal hub-caps. Profit and personal gain may have something to do with it.

One could go on in this vein endlessly. The theories of crime taught in establishment sociology are exercises in careless thinking. It is an embarrassment to have to mention them in the presence
of students and colleagues in other disciplines. A better view of these theories is that they are ideology. Modern criminology is ideology. It serves to reproduce existing systems of law, of policing, of justice and of corrections. It is not science.

FORMS OF CRIME

There are five major forms of crime that are directly linked to the dynamics of capitalism. Corporate crime, street crime, organized crime, political crime and white collar crime all have differing sets of dynamics. None of these crimes has any special relationship to poverty, to social drift, to genes, to racial traits, to ethnic variables, to differential association, hormones or deviant subculture. They do relate to such social variables as separation from the means of production, predatory individualism, profit, political legitimacy, life crises, and the commodification of sacred supplies. Of these five, only street crime and organized crime are studied extensively in American criminology.

Corporate crime includes violations of tax laws, currency laws, product safety laws, environmental protection laws, worker safety laws, collective bargaining laws and campaign contribution laws. Corporations in a capitalist economy have three goals in conflict with these laws: profit, growth and control of the business environment. When the goals of production are changed to those which protect workers, which serve human need and which preserve the environment, the impetus to crime is reduced. But the corporation would no longer be a capitalist corporation. It would be a socialist corporation (Young, 1975).

Political crime in the U.S. has two major forms. The first entails crimes of the state against its own citizens and laws. The second entails crimes of citizens against their own state. One can understand political crime only in terms of the structural contradictions in a society. In the U.S., there is formal (and real) democracy in the political sphere together with authoritarian (bureaucratic) relations in the private sector. In order to maintain political legitimacy the Congress must pass laws protecting
workers, consumers and the environment. In order to protect capitalism the state must go underground to destabilize movements toward democracy in the workplace; in stores, shops, and factories. The State must protect American capital overseas. It works in secret to subvert political opposition to such action (Chomsky and Herman, 1979). A vast network of underground policing structures develop in capitalist democracies (Young, 1983). At the same time, citizens try to use institutional politics to gain social justice and, failing, go underground and try to use force to achieve their needs. Workers, peasants, Blacks, small business people all turn to political crime in elitist systems when institutional politics don't work. Theories on bonding, drift, oedipal complex, constraint, anomie or association simply do not deal with the central dynamics of political crime.

Organized crime deals in the privatized production of those solidarity supplies used in most societies to establish and celebrate cherished social relations (Young, 1972). Alcohol, drugs, sex, violence, gambling, lending money and protection are oriented to the creation of community and a sense of the sacred in traditional societies. The production and use of drugs is defined as right and proper if used in religious or male solidarities in a variety of societies. It is defined as corrupt to use them for private purposes in these societies. The same is true for sex, alcohol, risk, violence as well as wealth. There are terms of opprobrium for such private use of sacred supplies: addiction, alcoholism, usury, perversion, gluttony and murder. But the logic of capitalist production oriented to profit rather than to community does not scruple to produce and sell such solidarity supplies for individual or nonsocial use. Individuals alienated from control over their social institutions can exercise a thin and risky freedom in abusing their bodies. Again, the usual theories of crime fail to explain these activities. Sometimes drugs and sexuality are used for solidarity and sometimes for the facsimile of solidarity. Capitalism commodifies every cherished good or service. These solidarity supplies become market commodities in a profit oriented society...sold to anyone for profit. Capitalism has no interest in
community or collective. Privatized use of solidarity supplies is most congenial to the individualism and market liberalism of capitalism.

White collar crime involves lawyers, doctors, bankers, managers, clerks, and professors who violate their position of trust in an organization for private gain. This can best be understood in terms of the dynamics of a competitive system of production and distribution oriented to privatized accumulation and consumption. White collar workers have life styles which are oriented to high levels of consumption. Unexpected crises can threaten life style. Downturns in the economy, disemployment, inflation, catastrophic illness of parents, spouse or children, cutbacks in federal funding, divorce and other personal crisis can propel an otherwise law abiding citizen to embezzle funds from one's bank; compel doctors to perform unnecessary surgery (usually on women undergoing a crisis of femininity); lead clerks to systematically pilfer from cash boxes, induce professors to use state property for privately paid consulting and so on. Neither differential association theory, deviant subculture theory, physiological variables such as blood sugar levels or psychological variables such as insanity can explain this crime. It is done to create and protect a life style and a social standing.

Doctors must overcut, overbill and overpush drugs in order to create an estate and a portfolio which will see them through their senior years since the welfare state guarantees only a minimal, degrading and insecure old age retirement program. Those in real estate, auto repair, stock brockering, law, and small shopkeeping are in an especially precarious position. They must, willy-nilly, accumulate an estate or $700,000.00 or so. Anyone who doesn't is foolish in such a society. In the social position they occupy, they must cheat customers, evade taxes, exploit workers, and bribe officials to survive and to build a portfolio. It is relationship to the means of production and one's position in the political economy which is related to the amount and kind of crime white collar criminals commit—not one's skin color, body chemistry or fantasy life.

Street crime; burglary, shoplifting, auto theft, mugging, robbery, prostitution, and rape vary with a
number of factors including disemployment, privatized acquisition, racial hostility, authoritarian relations, distorted sexuality, and compulsive consumption. Women who own only their body as a means of production can sell it when they can't sell their labor power. Young people excluded from employment can steal autos, bikes, and stereos advertised so energetically and thus reunite production and distribution. Men, caught up in authoritarian relations at work can transfer the alienation of work into brutality toward women and children. Thus they reclaim, in the family, the power lost at work in distorted form. Sexuality which is used as a commodity in thousands of ads, as a male solidarity device in myriad "jokes," and which is oriented to violence in a hundred movies create a masculinity crisis in which rape and psychological violence toward women seems natural. A conflict-ridden society, using force to resolve societal conflict, models the behavior of all parties in personal relations. None of these dynamics is connected to genetic, physical or psychological variables taught as theory in criminology texts. Violence varies with social and cultural formations, not with physical and psychological variables except as a learned response to the culture of violence in which people must live their days in some societies. In other societies, people with the same genes, same body chemistry, same drives do not murder, rape, pillage or prostitute themselves.

Separated from the means of production, taught that consumption is the supreme test of the good life, socialized to privatized accumulation, living in class, racial, ethnic and gender conflict, recruited by organized crime to buy and sell, young people live in a crimogenic environment. One could scarcely design a better milieu for crime were one to try. Social welfare and the criminal justice systems are too little and too loose a means to control crime.

The dynamics of capitalist production are intimately related to the conditions above. Production for profit requires that ownership reduce costs, especially labor costs. Automation, investment in capital intensive production, relocation to cheap labor markets, and superexploitation of existing workers all hurl millions of workers into the surplus
population and keep more millions out, especially young minority males. With such disemployment, and with such compulsion to consume, people have but five major ways to reunite production and distribution. They can sell their labor power in low wages and in part-time markets; they can turn to the kinship structure for resources; they can beg from private charity; they can humiliate themselves by applying for state welfare—and they can turn to crime. A great many do all five in some combination. These are the mega-choices which limit all other choices.

And one must not forget that crime is very profitable as an underground system of production and distribution. The drug industry, pot and coke, is a multibillion dollar industry of rising importance in Florida, California, and Hawaii. Even sober, church-going farmers in Kansas raise pot. Auto theft, burglary, robbery, price-fixing, swindles, and prostitution are multi-billion dollar pursuits employing tens of thousands. If the economic sector embracing crime were to disappear, the U.S. would face a depression of major proportions. Many legitimate businesses: banks, hotels, restaurants, travel services, real estate, automotive and personal service enterprises make that little extra indirectly from crime which means the difference between success and failure. Without crime many would fail. Hundreds of thousands are employed in policing, processing and feeding prisoners. Police, lawyers, bonding companies, construction firms, food wholesalers and hundreds of spin-off businesses serve the criminal justice system. Without crime, they would be unemployed. In capitalist societies, all this unproductive labor fuels and inflates the economy. Capitalism, as a system of production and distribution, could not survive without crime, especially corporate crime. Yet, as crime rates climb, capitalist societies find it more difficult each year to secure the domestic tranquility and must spend more of its resources on social control technology.

This, then, is an overview of a critical analysis of crime in the U.S. It sketches out the major forms of crime in the U.S. and their relationship to the ordinary workings of a capitalist economy. It lays out the major systems of justice and notes their
inadequacy as an approach to reduce crime in the face of such powerful incentives to do crime. It is in this context that contemporary criminology puts forth its depoliticized and mindless theory. Bad theory makes bad policy. It is this distorted society that American criminology serves as a handmaiden to power, privilege and punishment.

AN AGENDA FOR CRITICAL CRIMINOLOGY

In the last part of this paper I want to build, from the first part, a critical criminology which would serve the policy needs of our crime-ridden society. In the recommendations which follow, the emphasis is upon prevention of crime by instituting programs of social justice in office, factory, shop, store, school, health care, sports and home. Rather than production for profit, the emphasis here is upon production for human need, for community, and for praxis.

1) THE ROLE OF CRIMINOLOGY. The role of American criminology must change. At present, American criminology is little more than a reporting service which describes the variety and incidence of predatory crime. Studying the correlates of crime in one society is not adequate. Investigating the careers of criminals in this or that historical epoch is but part of the task. In order to get a comprehensive theory of crime and anti-social behavior, a mature criminology must make trans-societal comparisons, must examine anti-social behavior in the context of the social formation in which it appears (Platt and Horton, 1983; Alder, 1983; Holyst, 1981). An adequate criminology must contrast wrongful behavior to the social factors and social formations which produce prosocial behavior. It should study social relations and social position rather than individuals. It should study the position a society has in a world system of economic production and political privilege rather than just the people caught, indicted, and imprisoned. Holyst has sketched out such a cross-societal research design (1981: 98). But most of all an advanced criminology must not be mystified by conceptual constraints which deflect attention from the research designs which

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challenge the legitimacy of existing social formations.

2) A SOCIOLOGY OF CRIME. If one would protect a society from critical reflection, one would do well to locate the sources of crime in non-social factors. American criminology does just that. The various texts and articles in criminology emphasize such physical factors as genetics, body type, blood sugar levels, and age. They focus upon such psychological variables as moral development, childhood trauma, values, bonding, brain damage and intelligence as a source of crime. Such interactional variables as differential association, resi'enee (urban-rural), age grade linkage, and prior socialization in games, sports and religion are thought to predict on crime. Even geographical variables such as temperature, humidity, length of daylight, and altitude are brought forward to explain crime. Agriculture varies with geography but it is not used as a theory of agribusiness.

A more sociological approach would look at social relationships and social position. Persons separated from the means of production and thus from systems of distribution may reunite production and distribution through crime. Disemployment does predict upon crime rates against poverty (Balkan, 1983: 68), upon imprisonment rates (Balkan, 1983: 70), and upon family violence (CBS Reports, 13 August, 1983). If one wishes to pursue policy which inhibits crime, labor intensive systems of full employment would be advisable. Jobs not jails.

Private capital disemploys people by deserting low profit, labor-intensive lines of production for high profit; by introducing automated lines of production; by disinvesting in high cost labor markets; by deserting communities in the U.S. for free rides in the Third-World; by diverting capital from socially necessary production toward speculative finance investment. In a legal system where these property rights are permitted, the conditions for crime are promoted. There are two kinds of data which support a social relations theory of crime: within capitalist societies, crime varies with disemployment (Brenner, 1976); forms of crime vary between capitalist and socialist relations of production and distribution.
Persons located in a consumer-oriented economy and with income inadequate to pursue such high levels of consumption are objectively in a crime-prone position. This includes doctors, lawyers and professors whose income cannot always match expenditure requirements for an affluent middle-class life style. People who have no secure relationship to the means of distribution after retirement must, if prudent, accumulate far more than they can possibly spend in order to provide for an uncertain future. Persons in a position of trust must look ahead to less certain positions in the distributive system and cut corners to protect their position.

Corporations, caught in a profit squeeze, beset by employees demanding higher wages, better retirement benefits, more medical benefits, adequate vacation benefits, necessary unemployment benefits, safe working conditions, control over the work process and respect on the job are in a crime-prone situation. These demands are costly and reduce profits. Capitalist corporations must use and discard employees to avoid these demands. Add to that competition from other national and foreign corporations, environmental protection laws and taxation patterns all in a context of a demanding Board of Directors and profit hungry stockholders, venal politicians and cagey suppliers then one has all the ingredients for corporate crime. One does not need genes, ethnicity, penis envy, childhood trauma or heat waves to develop a theory of corporate crime. Generally, a critical criminology studies people and organizations in the social relations in which they must live out their lives.

3) THE CONCEPT OF CRIME AND ANTISOCIAL ACTIVITY.
Criminology in the U.S. is severely crippled by its definitions of crime. Since the crime-defining process operates within the logics of any given social formation in history, the concept of crime varies with the logics of the economic, political, familial, and religious institutions making up that formation. Much of the antisocial behavior of a feudal, slave, or class society is taken as unproblematic even though it is antisocial on a number of counts. Endangering the health of workers, consumers or future generations is
antisocial but not illegal in the narrow definition of crime in a capitalist system or in a legal system controlled by capitalist logics. Since the law making apparatus in the U.S. is controlled by the rich and powerful (Domhoff, 1967; Parenti, 1974), the concept of crime is bent in their direction. American criminology accepts that bias as unproblematic. Crime is much more than the narrow concept used in American criminology. Disinvesting in socially necessary lines of production such as child care, education, housing, and low energy transport is not conceived as a crime in the various legal codes of the U.S. Exploiting workers is not called a crime. Deserting communities is not considered crime. Drawing wealth and food from the poorest countries in the world is not considered crime. Imperialism, economic exploitation and wars of oppression are not conceived to be criminal. It takes a technologically oriented mentality to exclude these acts from a study of crime.

A critical criminology needs to distinguish between necessary repression and surplus repression. Necessary repression is that required to create a decent social life world and should be the foundation of criminal law. Surplus repression is that repression necessary to reproduce the structures of class, gender, national, racial, or authoritarian privilege. It is necessary to repress the unnecessary repression of women, workers, minority groups and political dissidents. More generally, human rights should ground criminal law. Every act hostile to the human process should be the subject of repression.

4) CRIMINOLOGY AS SOCIOLOGY RATHER THAN TECHNOLOGY. Most criminology courses are oriented to criminal justice programs inserted into the University by the L.E.A.A. sponsorship of American Criminology. This strips American criminology of its critical self-reflective dimensions and reduces it to a one-dimensional positivistic science. There is a sort of keynesian political economy in American criminology. The state injects money into the knowledge process in order to stimulate the production of the kind of knowledge necessary to make the officially given criminal justice system work. In such a science, criminology is little more than a record keeping enterprise coupled with the training of technicians to
staff the criminal justice system. It has no philosophy; only a technology. It has no questions; only answers. It has no science, only a politics. It has all the critical and theoretical elegance of a school for morticians. Rather than seeking to motivate, train and place students in the criminal justice system, criminology should critically analyze the systems of social control in American society. It should distance itself from any given system of law, of corrections, of political philosophy or of economic endeavor. It should stand outside of the particular history of politics of any given society but inside the human project.

As indicated earlier, there are in the U.S. several justice systems. The criminal justice system is for the poor, the young, and for minorities. It embraces retributive justice. Private justice systems are for white collar criminals and corporate criminals. They operate on the nexus of distributive justice. The Medical Justice System is used to keep the middle class out of the Criminal Justice System. It operates on the idea of individual welfare. Psychiatrists, Clinical Social Workers, Physicians and Clinical Psychologists provide gentle and sympathetic treatment for drug addicts, alcoholics, shoplifters, murderers and child molesters who happen to be wealthy enough to claim sickness or madness successfully. A sociology of crime control would examine side-by-side alternative methods to get a safe and decent society.

The fact is that most people who engage in crime and antisocial behavior cease such behavior as they become integrated into work, family, friendship and community roles. Putting people in prosocial roles early on in life may be a better way to deal with crime than is punishment. However, the larger social factors which discard people must be transformed else no justice system, criminal, civil, medical or prosocial will work. Without social justice, there will be ever more subjects for such systems. There promises to be an ever growing cycle of people through the criminal justice system. We have created a crime machine which teaches young people greed, denies them work, tempts them with overflowing wealth, which polices and imprisons them and, in prison, improves their skills and techniques for harmful behavior. The
society which denies its young the resources to become productive citizens does so at its own peril.

It seems clear that a stable and competent self system located in a network of stable and cooperative social relations located in a system of stable and mutually supportive social networks and institutions oriented to produce a just and stable community is a better system of social control than are police and prisons. But stable self systems are not the aim of school systems--marketable skills and compliant workers are the aim in a market society. The schools push the young people out onto the street who don't fit into the sober, compliant, punctual, quiet, attentive model used in factory, shop and office. Cooperative social relations are not the aim in a profit oriented society--competitive self interest is the aim. Mutually supportive institutions are not the aim in class, racist, or gender systems of domination--the growth and power of financial institutions is given preference to the health and needs of family institutions or other necessary institutions--health care, child care, or energy-efficient transport. A just and stable community is not the aim of the productive process in American society. Whether the community thrives or fails is of little concern in the fiscal accounts of corporate capital--the bottom line is profit and growth in market shares (Iadicola, 1983).

FROM CRIMINAL JUSTICE TO SOCIAL JUSTICE

Cuba, China, the U.S.S.R., and other socialist countries emphasize social justice and they do better in creating crime-free relations (Shelby, 1981; Brady, 1982; Cantor, 1974). On all the important measures of social justice, socialist countries do better than countries with private capital systems of production and distribution (Cereseto, 1983; Gorin, 1983). Organized racketeering, government corruption, street crime and political oppression have been substantially reduced in Cuba and China (Brady, 1981: 22). Moscow, Havana and other major socialist cities have safer streets now than before the Revolution. According to Holyst there has been a steady decrease in crimes related to social inequality in socialist countries (1981: 117). In Poland, there has been improvement
except for homicide, robbery and burglary (121). In Bulgaria, there has been a steady drop in crime rates except murder, assault, morals and traffic offense (121). In Czechoslovakia, crime rates increased during the 50's, dropped in the 60's, increased until 1972 and improved since then (122). In East Germany there was a sharp decrease in crime the first fifteen years of socialism and lower decline since then. Serious crime is rare (122). Crime rates in Hungary show a slight increase led by homicide (200 cases in 1976) (123). In Yugoslavia, the trend is unclear from the Holyst data but appears low in Western terms. There has been an increase in crime against the economy, theft of social property, and bad checks (123). Crime has dropped precipitously in Cuba according to information provided this author by government officials. Organized criminals fled en masse to Miami at the earliest possible moment.

But it is not Soviet or Cuban socialism per se which creates a low crime social milieu. It is social justice. Among the Hutterites there is no murder, no divorce, no robbery, no exploitation, no drug abuse, no mugging or sexual assault and there is no poverty, no emphasis on privatized consumption as the essence of the good life and no exclusion from the means of production or distribution. In Cuba, China, as in other low crime societies such as the Hutterites, community, prosocial behavior and social justice take precedence over profit, private accumulation, and affluent life styles.

If we are to deal with the ravages of crime: corporate, political and street crime; rape, assault, murder as well as crimes against property, a vastly different criminology is required. American criminology has not given America the theory it needs to develop such a a prosocial policy. Instead it mindlessly focuses upon inter-personal factors and studiously ignores the social and economic factors which produce corporate crime, white collar crime, street crime and political crime. It is in sad disarray having sold itself to a primitive criminal justice system in which it has no other role than to collect and report crime statistics, to train workers and to create poorly grounded ideology. It is a pathetic apology for the status quo and a disreputable
discipline on the take from the state. It should be banned from all respectable universities—or at the least placed on probation until it gets its theoretical house in decent repair.

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ABSTRACT

Criminology traditionally has been the study of twin forms of intolerance—crime and punishment. Punishment can only increase crime. Criminology ought to become a study of how to alleviate crime and punishment by engineering tolerance of greater varieties of human behavior, where "social control" takes on positive connations. A framework is outlined for making criminology a force for human tolerance.

When national spirits are low as now in my country, crime is fearsome and war or its onset palpable. Spirits become low as it becomes apparent that national appetites are unsatisfied. Within a society, the problems may range from children dying of hunger to chieftains ordering death and destruction because palace vaults remain unfilled. While it is tempting to point fingers at villains to punish for national disspirit, and while the hungry children deserve more sympathy than chieftains whose thirst for power is unquenchable, the only cure for a national disease like ours is one that satisfies human appetites throughout society. Unless paths to power can be so directed that wealth moves toward the poor and the food moves to hungry children, even the chieftains risk a premature violent end.
Crime and punishment, then, are among many symptoms of a national meanness of spirit--of a disease of the central nervous system of a people that drives the people to victimize one another in the name of survival of the body politic.

Among our people today is a group who call themselves criminologists. Criminologists are those whose livelihood rests on the promise they offer of contributing to a prescription to relieve the symptoms of crime and punishment. The position of criminologist during national disspirit is both established and marginal. It is solid because people are willing to pay a lot to be able to victimize (or punish) offenders before the offenders victimize them. It is vulnerable because those at the top of the political order feel so vulnerable to collapse of the order itself. Criminologists whose work implies prescribing political reordering by extension question rulers' prerogatives, and question imprisonment and execution of dissolute poor young men. On the surface, they side with devils against national heroes and saviors. If not allied with the devil, if on the political side of the angels, the work of the criminologists must confirm the possibility that punishing poor young men can be a just and effective cure for crime. This constraint has the same effect as limiting medicine to treating hemophilia to the science of using band aids for treatment. When patients keep dying because internal bleeding is ignored, suspicion can be expected to rise that the doctors do not know what they are doing. Promising young doctors stand to be cast as buffoons or quacks before their careers end. Some of these criminologists rise to wealth and prominence for a period. During this period, they may gain the sanctuary of sinecures at prominent institutions. But people soon stop expecting to learn anything new from them about crime or its control.
While few criminologist understand our marginality, all of us soon feel it. Whether we side with the devil or doom ourselves to ineffectuality, we are driven to form alliances against the form of marginality we encounter. Often, our safest targets turn out to be other criminologists. Our alliances take the form of declared allegiance to schools of criminology. The banners of these alliances carry many names, from the general to the esoteric, from the impersonal to the personal: such names as "science," "empirical," "critical," "ethnomethodological," "Marxist," and "humanist." Battles fought under these banners are largely a waste of lives of criminologists, who apart from secret signs and rituals among members have little sense of what about crime they are fighting to establish or vanquish. On the other hand, generally subconsciously, school members share basic religious assumptions about how crime can be understood and treated, about the origins of sin and redemption. Among those who assume that conformity to political authority is both natural and necessary, sinners are those who depart from reason and virtue, and redemption lies in supporting the forces of law and order. As Weber (1958, originally 1904-5) describes it, Calvinism is the purest expression of this religious premise. Offenders are born to be damned and those in a state of grace are born to maintain discipline among the damned. Discipline may range from lobotomies to sterilization to incarceration to education to positive peer pressure. At any rate, this kind of criminologist is called to help us understand how to do unto offenders before they do unto us.

Those who call themselves humanists have rejected religions that absolve some of the sins of others. As a corollary, victims and
their allies cannot be redeemed without redeeming offenders. This religion is called "humanism" because it acknowledges no higher purpose to the life of each of us than to improve the lot of the meanest, least successful people among us. Each of us who lives among badness shares responsibility for failure to give wrongdoers enough power to do good and justice to others. In a nutshell, our redemption lies in giving killers and thieves power to profit more from saving lives and sharing wealth. Means to redemption must be just and beneficial in themselves, since humanists reject knowledge that destructive or hurtful means can be revealed to have served good ends in some future day of judgment. Human beings can do no better than to pass judgment on their own actions here and now, and to presume that another's offenses represent a failure of one's own social imagination in practice. Ultimately, sin in others is a mark of one's own social inadequacy, and deserves to be dealt with as such.

So it is that humanist criminologists presume their choice of calling to lie in their own hands. No practical reality of earning a livelihood can justify to a humanist overlooking an immediate responsibility to address how to reduce crime by changing the political order shared by offenders and victims. It is axiomatic to the humanist that crime is caused by a political disease that infects the entire society and everyone in it. Crime is presumed somehow to be caused by a tacit agreement of a society's members to reward sin rather than redemption by good works. Humanists, therefore, characteristically engage in critical analyses of social reward and property structures. They assume that crime occurs because virtue does not pay big enough dividends, and ask how pay scales
might be adjusted to reward virtue, so that
the rich get richer faster the more quickly
they arrange for the poor to catch up with
them, in sum as rich and poor redeem one
another. Humanists presume that a gap
between rich and poor impoverishes most the
spirit of the rich--that the appetite for
redemption takes precedence over all others,
so that the appetite of those who rise
highest above others in power is the appetite
for power that is least sated. As compassion
in action, the redemption of the
criminologist that entails improvement of the
material lot of the poor also entails
improvement of the spiritual and impoverished
intellectual lot of the rich.

This article falls within the humanist
tradition. It addresses the issue of what
kind of impoverishment of holders of economic
power impoverishes those denied economic
power, and in the process exacerbates crime
and punishment. Crime and punishment to this
humanist criminologist are what law and order
are to a Calvinist criminologist: I assume
you cannot have more of one without having
more of the other. Punishment is an
inextricable part of the forces that produce
crime, and the solution must somehow entail a
new system of rewards. The question that
confronts me as a humanist criminologist
boils down to this: How can people be freed
from having to engage in the business of
crime and punishment?

THEORY AND PRACTICE

This article is unabashedly theoretical.
It has become commonplace to figure that
theory is by definition impractical and
unempirical. Nothing could be further from
the truth. In any science, a theory is
simply a way of explaining the mistakes people have experienced (that is, doing an empirical analysis) that implies odds-on bets as to how to avoid similar mistakes in future experiments (that is, being practical). According to the theory derived here, it is the height of impracticality to invest in more police and prisons in the hope that crime will be conquered. And yet, implicit in the finding that punishment just makes crime worse is the possibility of a prescription for success at reducing crime and making our streets safe to walk. According to the theory, new forms of government investment in American enterprise can be hypothesized to free us from crime. In recognition that being practical requires a theory of how to achieve success, I cannot as I write rest content to let facts about crime and punishment speak for themselves.

FREEDOM THROUGH SOCIAL CONTROL

One should engineer for variety.

--Les Wilkins, 1975

We study social control.

--Vic Streib, 1977

When Les Wilkins made his assertion in a class on philosophical issues of law and social control we taught, I argued that he was contradicting himself. When Vic Streib made his assertion (see Streib, 1977) during faculty discussions of how to rename our Department (almost everyone having agreed that "Forensic Studies" needed changing), I dissented vehemently. I have since learned that I was wrong on both counts. I credit Les and Vic--both trained as engineers--with forcing a major insight on me.
I am a criminologist who wants to learn how to make my society freer from crime, violence, predation and fear. I am inclined toward seeking ways to free us from crime by giving citizens greater liberty to control their own destinies. Engineer and social control connote restriction of personal liberty, and I have therefore been predisposed to resist them. But wait. Perhaps Les and Vic have a point. Perhaps there are organized ways to expand personal liberty, and perhaps this kind of organization offers paths to crime control. If so, the business of the criminologist who seeks to free people, as from crime, may well be to design and test plans for engineering social control. Social control can connote shared control of personal destiny; social control can bestow power on citizens and set them free.

In this article, I hope to show how to distinguish repressive social control from liberating social control. I shall try to show that criminology has largely been a science of repressive social control, but that it need not remain so. Indeed, if our knowledge of crime is to help us achieve greater freedom from crime, our science will have to be one of liberating social control. Ours will have to become a force for human tolerance.

CONSTRAINING METHOD TO FREE SUBSTANCE

We must learn to accommodate variety.
--Les Wilkins, n.d.

Les Wilkins's starting point for analyzing crime and criminal justice is information theory (as in Wilkins, 1974). It is a useful starting point to put ideas ahead of material
conditions. As Les also argues, it is useless to ask whether a model is "true" or "real." The issue ought instead to be whether a model "works," whether application of the model helps us to do things we otherwise could not conceive or evaluate. Granted, material conditions—as reflected in the class structure—must be changed before Americans can become freer of crime. Granted that material circumstances shape much of our thinking. Still, as Marx for instance recognized in his early writing, if people are to break free of material circumstance and change their social world, someone must first break free of material constraints on thinking enough to conceive a critique of the present and a plan for the future. If we criminologists, especially those of us who enjoy the relative freedom of tenured faculty status, cannot break free to think independently of material circumstance, we might as well give up on having others break through to something like a true class consciousness. Material conditions are no excuse for us to fail to try thinking freely, independently, radically. This is the underlying premise of an information systems model that challenges us to think about how variety can be accommodated. The model implies that we must first conceive how to think less unjustly, more tolerantly, to generate hypotheses about what changes from present material circumstance might improve, or at other times or places have improved, our social lot.

Wilkins (1964) has most thoroughly described his model as one of "deviance amplification." Whatever norms of behavior, appearance or status members of a society impose, whatever system or model we impose to describe or prescribe behavior, some behavior, appearances or statuses will lie outside the system. Any definition of
conformity implies the existence of deviance—of inexplicable departures from the norm. No model of information can account for all cases. We are then left with what Les Wilkins portrays as a crucial choice. We can reject or ignore or try to suppress the deviance, or we can learn from it and incorporate what we have learned into a new model. As he stresses, this is not merely an academic issue; it has profound practical implications.

He cites auto theft as an example. We invent cars, and create registration systems to maintain an order of car ownership, hence of car usage. Lo and behold, no matter how hard we try to perfect the system, some people use or steal cars without the owners' permission. The more resources we put into the creation of cars and car ownership, the more defiance of norms of ownership we encounter. In fact, auto theft rises in direct proportion to the number of cars we put on the roads. We have two options as to how to respond to this deviance.

We can persist in using our model. We can persist in the belief that the more force and resources we put into perfecting and protecting a system of owner registration, the more conformity will prevail over deviance.

Or we can presume that the rise of auto theft throws the model of ownership and registration into question. We can recognize that expanded auto registration and enforcement in fact creates auto theft. We can recognize that the more determined our efforts to regulate car usage, the greater the variety of arrangements we create to confound our system. For instance, when we succeed in stamping the serial number of a car indelibly on the engine block and body, and ensure that the police will check the number before anyone can take out
registration, we create chop shops to take parts off the engine block and body, and encourage the growth of a market in stolen parts. This drives up the overall price of transferring stolen cars or parts, and requires that more conspirators—including insurance agents—be corrupted into deviance. Auto theft—the deviance—expands to confound our model of control of car ownership.

The better option, then, is to change our model—our definition—of the problem of controlling access to transport. We might, for example, project that the more readily and cheaply available public transport became, the less people would care to invest in private autos, and the fewer cases of stolen autos we would encounter. Notice that when the model changes, not only our means of addressing the problem changes, but so does our very definition of the problem (from car usage to transport). Our new model proposes to explain not only what the former model proposed to explain (orderly auto usage), but the deviance (auto theft) or confounding of the old model. The new model implies that auto theft is lawful and normative. It accommodates auto theft as conformity to a system of transport, and poses an alternative to creating this normative problem. The message: If you cannot fight auto theft, join it and make the force underlying auto theft work for you. Or: You cannot stamp out deviance, but perhaps you can include it in future plans.

It is no accident that engineers like Streib and Wilkins are inclined to think this way. They know that you cannot beat structural weakness into submission. If too much weight is put on a beam, a bridge will collapse no matter how hard you beat on the manufacturer of the beam. Better to redesign the bridge, to allow for the tolerance to

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Engineers are trained to redesign systems to accommodate deviance from the best-laid plans.

Consider now the basic structural flaw confronted by criminologists. History demonstrates that for periods not exceeding one generation, political revolutions like that in China in 1949 can direct law enforcement toward corruption by officials and by persons of wealth. But in the longer run, our model of the crime problem produces a consistent, persistent problem in any society with chronic unemployment: Young, male members of the underclass—the chronically unemployed group—will threaten the breakdown of law and order. The more we try to punish and confine this "dangerous class," the worse the crime problem gets, and the more people fear to walk the streets of their communities. This model assumes that crime is inextricably linked to poverty. Either poverty itself causes crime, or something like bad genes that cause crime also cause poverty. Within the model, then, the poor must be beaten, cajoled or encouraged into submission to societal norms in order to free us from crime.

It is time to recognize that the model will not work. Its use will not free us from crime, and indeed its use dooms us to crime. If we cannot succeed by fighting the poor, we had better join them to fight whatever it is that keeps them poor and deviant. Our new model had better accommodate the poor, and assume that they are as normal as the rest of us. This indeed was the tenor of the work of a number of prominent Depression-era criminologists, such as Robison (1936), Sellin (1938), Sutherland (1940), and Tannenbaum (1938). But we criminologists largely fell back to our old model in the
wake of World War II, and here most of us remain to this day.

Fortunately, criminologists at the fringes of the profession (commonly known as "radical" or "critical" criminologists) have been laying the foundation for a new model of crime that accommodates the poor. Within the model, crime and punishment are treated as an inherently political game—a game of power. Those who have the greater power will be more inclined to victimize others, and greater license to victimize without paying a penalty. Thus, it is wealth and the power that goes with it, not poverty, that is the chief cause of crime. There is a wealth of corroborative evidence for this proposition. For instance, doctors alone unlawfully kill and steal far more than all street criminals combined (see, e.g., Sutherland, 1949; Reiman, 1984; Pepinsky and Jesilow, 1985). Even if nine out of ten police officers were assigned to patrol corporate and professional suites instead of the streets, (a) perhaps more unlawful harm would be detected and curtailed than at present, but still, (b) rich offenders would be less likely than poor to be caught and punished, since in most cases, it is hard even to detect that rich offenders have victimized anyone.

By this model, wars on crime cannot be won basically because they ignore the heart of the crime problem. They teach that might is right. They teach that poverty, or failure to get ahead by fair or foul means as circumstances permit, is a sin. Wars on crime teach people that naught but a thin blue line keeps at bay those who would take their television sets, their money, their paychecks, their dignity, their health or their very lives for profit. In a vicious circle, they teach that the Golden Rule is naive—that the real world requires one to do
unto others before they do unto oneself. These wars emerge when the babies of foreign or other civil wars reach adolescence, in post-war economies where too much money is chasing too few goods and too little employment in a cycle we have come to call "stagflation." General anxiety that livelihood and general support, respect and comfort are lacking becomes focused on a tangible, relatively powerless scapegoat—the poorest of the adolescent men in the society. (Women in these political cultures more than share the burden. While law enforcement toys with the men in the streets, women are charged with bearing and raising the next generation of men and of women to tend their homes.) The force with which suppression of the unemployed is pursued, to the exclusion of employment of the citizenry, only heightens popular insecurity. Prison populations swell to record heights, which serves only to fuel the general insecurity and fear of crime. This phenomenon has recurred for centuries (Melossi and Pavarini, 1981); today's Fourth American War on Crime is especially violent and frightening (Pepinsky and Jesilow, 1985).

Wars on crime are one of many forms that failure to accommodate variety takes. During these wars, parents tend to hate and fear spontaneity in their children. So while prisons, training schools and death rows are set aside for young men, parents work to create the atmosphere of prisons in their homes (Pogrebin, 1983; Aries, 1962). For the past century, and especially during wars on crime, concerted efforts have also been made to keep children in schools for most of their waking hours, where as now, discipline and suppression of youthful energy are stressed over inquiry and intellectual growth (Collins, 1979). Intolerance of variety at home has its counterpart in foreign
relations, where stronger nations aim to suppress weaker peoples (Tuchman, 1984). Whatever the rhetoric (as in advocacy of "socialism," "national socialism," "free markets," "liberalism," "conservatism," "demand economies," "supply-side economics," or "protectionism"), government intervenes on the side of preserving the power and prerogatives of the wealthiest and biggest entrepreneurs, rather than encouraging reinvestment in new systems of production. From the bedroom to the nursery to the streets to the schools to the workplace to the boardrooms and halls of government, the norm is to try to hold the line—to resist deviation from established models of exchange and instruction, notably by blaming the poor and the young for threatening established prerogatives of rich elders. In this climate of intolerance, lines are redrawn to cast larger proportions of outliers as ungrateful, irascible deviants. Or as Wilkins puts it, deviance is amplified, as determination not to accommodate deviance grows.

What would accommodation of variety entail? Jesilow (1982a; 1982b), for one among today's criminologists, gets straight to the heart of the matter. He asks that we look back to Beccaria (1968; originally 1764) and Smith (1937; originally 1776) for key insights. Both these thinkers were preoccupied with how to structure the political economy to promote the general welfare. Both assumed that government needed to be so structured as to constrain the citizenry to be productive rather than destructive. Taken together, they analyzed the yin (Beccaria's deterrence of crime) and yang (Smith's "invisible hand" promoting the greatest good for the greatest number) of the political universe. Read the two works carefully, and it becomes apparent that what deterrence requires for Beccaria is
essentially what Smith requires for the invisible hand to operate. Each thinker recognizes that destructive forces cannot be blocked by the wrong form of government. Despots and oligarchs cannot achieve peace and prosperity for the general public. Beccaria notes that repressive punishment does not deter crime. The public has to see that a captain of industry who steals a million dollars is as likely to lose a million-and-one dollars to the state as a mugger who steals ten dollars is to lose $10.01. Deterrence requires class-blind, restrained punishment; otherwise, punishment becomes a spectacle that invites rather than discourages crime. But Beccaria glosses over the hard question of how to make the state class-blind. Smith does not.

Smith recognizes that no market can be free, nor justice evenhanded, when government allows any economic enterprise to become too large and free of personal control. Instead, the governments of his time actually intervened to build oligopolies. A prime intervention was to issue charters of incorporation. These charters absolved investors (owners) from personal liability for the conduct of business affairs. Thus, investors could risk joining together as irresponsible strangers, and the large pools of capital that resulted could dominate markets with no one in particular being responsible for the conduct of corporate affairs. Alternatively, where incorporation were precluded, each entrepreneur would have to stake all personal assets on keeping the business honest, lawful and responsive to consumers. Even wealthy brothers would think twice about trusting all to a partnership that the partner might betray, or from incurring too much liability in a single enterprise. So, without this government intervention, enterprises would be
constrained to remain small. Each entrepreneur would be loath to trust personal wealth to strange suppliers and customers, and so markets would tend to be localized. Meanwhile, there was no reason to expect demand to be any smaller in such a free market than it would be under oligopolies, and so in place of small numbers of large producers, one would expect large numbers of small producers. Given the stake in adapting to market conditions that came with personal liability of entrepreneurs, and given that small enterprises are more manageable and easier to change than large ones, small enterprises would adapt to changing markets faster than large corporations. Small enterprises would be deterred from defrauding or cheating customers; they could not afford it, and local customers would detect fraud and dishonesty faster than strange, distant customers. When the state tried to enforce honest compliance with contracts, when it sought to punish white-collar criminals, the relative powerlessness and vulnerability of relatively equal small enterprises would facilitate evenhanded justice. And since entry into a market of small businesses is easier and cheaper than entry into a market dominated by large corporations, those who sought work could more easily create it for themselves; the underclass would dwindle, and with it crime and punishment. Smith's utopia was much like Marx's, where ownership of the means of production was as widely spread as possible among the general populace. It coincides with Schumacher's (1975) premise that "small is beautiful," that the scale of technology must be kept small enough for little groups of workers to afford it and to shape it to the forces of supply and demand. Indeed, Smith's initial prototype of the
successful enterprise is a needle factory employing three workers. To read Smith carefully is to wonder whether he is turning over in his grave at how economists like Milton Friedman pervert his ideas.

Smith's liberal economy is designed precisely to accommodate variety. Within a free market, he aims to maximize the variety of production systems, of worker methods and skills utilized, of products themselves, and of consumer preferences satisfied. Where, as here, variety is the norm, it becomes pretty hard to isolate idiosyncratic producers and consumers as deviant. And the scale of economic dislocation and conflict is kept small. If a typical three-person enterprise in Podunk goes under because it loses its market, that hardly presents the occasion for a major police crackdown on the newly swelled ranks of the unemployed. Because of the variety of producers, the failure of one scarcely entails the failure of many others. Nor will this be the occasion for a representative government to go to war, as when a threat to Anaconda Copper and ATT occasions our government's complicity in a military coup in a place like Chile. Since no producer has the wealth or power to do much damage even by determined fraud and criminality, the state has no call to impose heavy sanctions to deter crime. Hence, Smith's political and economic order is designed to permit the state to deter as Beccaria advocates. In sum, variety in the substance of production entails peace, deterrence, and relative justice.

As political scientist Elinor Ostrom has urged upon me, it is equally important to recognize that every variety entails a corollary rigidity. This goes to the heart of the seeming paradox posed by Streib and Wilkins. The methods delineated by Beccaria and Smith for achieving peace, justice and
general prosperity could hardly tighter. Put another way, when Wilkins calls for developing models to accommodate variety, he is advocating logically tight, carefully specified models for achieving the objective. The need to specify a method for encouraging personal variety should be quite familiar to us in the U.S.; it is enshrined in our Constitutional history. Like Adam Smith, the framers of our Constitution recognized that unconstrained government invited despotism. But as Tocqueville (1945, originally 1840: vol. 2, 336-39) recognized, the American Constitution and the values it represents invite a kind of despotism, in which people concede political responsibility to an oligarchy of state and economic leaders, indeed the very kind of oligarchy that Adam Smith criticized. So the question remains: How can a government be constrained to accommodate variety?

There is nothing wrong with what our Constitution contains. The problem lies in what it omits: principles of government investment. As Smith helps demonstrate, governments like ours invest heavily in the economy; even the most conservative government shapes the market by its patterns of investment. Not only do state governments ratify corporate charters. Some 30% of our workforce are literally government employees. A quarter of our gross national income is manifestly, directly expended by the national government for defense. Large corporate enterprise is subsidized via tax law, as by investment credits and depreciation allowances which favor enterprises with the largest revenues. Federal Reserve policies are designed primarily to guard the profitability of the largest corporate banks, which in turn favor the largest corporate and national borrowers. So to argue that American
governments engage in principled investment in our economy is not to advocate a change from non-involvement to government intervention; it is instead to argue that principles of intervention be changed. One shortcoming of Smith's analysis is that it assumes social processes to be reversible; the analysis assumes that a government which has intervened in the economy can simply back out. Darwin (1968, originally 1859) established the basic fact that life processes, from embryonic development to species survival, move forward with no turning back (Bateson, 1980). We have reached the stage at which government control is vital to moving the economy toward Smith's dreams. If governments were to withdraw subsidies from big business, such as defense contracts, investment credits, depreciation allowances and tax abatements, how would they reinvest?

The constitution of a British enterprise, the Scott Bader Commonwealth as described by Schumacher (1975: 274-92), provides sound guidelines for investment:

First, the firm shall remain an undertaking of limited size, so that every person in it can embrace it in his mind and imagination. It shall not grow beyond 350 persons or thereabouts. If circumstances appear to demand growth beyond this limit, they shall be met by helping to set up new, fully independent units organised along the lines of the Scott Bader Commonwealth.

Second, remuneration for work within the organisation shall not vary, as between the lowest paid and the highest paid, irrespective of age, sex, function or experience, beyond a range of 1:7,
before tax.

Third, as the members of the Commonwealth are partners and not employees, they cannot be dismissed by their co-partners for any reason other than gross personal misconduct. They can, of course, leave voluntarily at any time, giving due notice.

Fourth, the Board of Directors of the firm, Scott Bader Co. Ltd., shall be fully accountable to the Commonwealth. Under the rules laid down in the Constitution, the Commonwealth has the right and duty to confirm or withdraw the appointment of directors and also to agree to their levels of remuneration.

Fifth, not more than forty per cent of the net profits of Scott Bader Co. Ltd. shall be appropriated by the Commonwealth—a minimum of sixty per cent being retained for taxation and for self-finance [e.g., capital investment] within Scott Bader Co. Ltd.—and the Commonwealth shall devote one-half of the appropriated profits to the payment of bonuses to those working within the operating company and the other half to charitable purposes outside the Scott Bader organisation.

And finally, none of the products of Scott Bader Co. Ltd. shall be sold to customers who are known to use them for war-related purposes.

Schumacher goes on to report on this manufacturer of sophisticated petroleum
distillates:

When Mr. Ernest Bader and his colleagues introduced these revolutionary changes, it was freely predicted that a firm operating on this basis could not possibly survive. In fact, it went from strength to strength, although difficulties, even crises and setbacks, were by no means absent. In the highly competitive setting within which the firm is operating, it has, between 1951 and 1971, increased its sales from 625,000 to 5 million pounds; net profits have grown from 72,000 to nearly 300,000 pounds a year; total staff has increased from 161 to 379; bonuses amounting to over 150,000 pounds (over the twenty-year period) have been distributed to the staff, and an equal amount has been donated by the Commonwealth to charitable purposes outside; and several new firms have been set up.

(Schumacher, 1975: 276-77)

In an American context, where the scale of production has grown bigger than in Britain, we might have to accommodate the difference by encouraging the development of larger enterprises than Scott Bader. This would be especially so in using abandoned plants like steel or auto assembly factories. Here, where several thousand workers might be needed to use existing capital, we need not require that the plant stay closed because its workforce would so far exceed Scott Bader limits. Otherwise, the Scott Bader model ought to be as appropriate to American as to British circumstance.
Note that Scott Bader does not seek to revert to pre-corporate times; it uses laws of incorporation and shapes them to a new purpose—to provide guarantees to its workers and to its community. Its constitution sets minimal, basic restrictions on size, ownership, management and purpose of the enterprise.

I suggest that Smith and Beccaria's objectives might be approached if governments were to limit their investment to businesses that constituted themselves like the Scott Bader Commonwealth. There need be few restrictions on corporate purpose. Would-be entrepreneurs ought instead to be encouraged to invent all manner of products and services to meet local needs. For services like those of law and medicine, subsidies could take the form of special government insurance coverage of clients. Indeed, the enterprise of this kind that provided the lowest-cost service could be used as the standard by which limits on insurance coverage were set. The government could also reserve consulting services—for problems of management, marketing, training and accounting—for such enterprises.

Thus constrained, government investment would foster variety in production and consumption. It would encourage enterprises to commit themselves to long-term planning and to community welfare. While the variance in products and services, and in consumer preferences, within and among markets, should be increased if the model works as projected, the variance in indices of method should narrow. Two such indices of method are employment (level and average length of unemployment should decline as regular employment becomes the norm) and income disparity (both among corporations and among individuals, which should also decline).
Variance in cost of living over time should also decline, under a model that favored long-term investment over short-term profit-taking. Because the failure of any enterprise would cause minimal economic dislocation, and because re-entry into the market for displaced workers would be eased, bail-outs like those of Chrysler would not be needed. If the model worked, businesses would be rewarded for honesty toward their workers, suppliers and customers, and so the major crime problem—that of white-collar crime—should decline. The underclass should shrink, and so reported crime and punishment should also decline. As the variance in income among citizens declined, so, too, should severity and disparity of criminal justice sanctions. In sum, the model predicts that economic forces would combine to diminish and accommodate deviance rather than amplifying it. (This is essentially a summary of the argument laid out in Pepinsky and Jesilow, 1985.)

CONCLUSION

Social control and social engineering need not restrict human opportunity. Properly modeled, they can increase and vary opportunity, and in the process, reduce levels of injustice, crime, and war.

Since World War II, timidity has dominated American criminology. This is only natural for criminologists who had been confronted with bold, broad and penetrating critiques by Depression-era colleagues, but who were unwilling to forsake traditional models of crime and punishment. Until criminologists abandon the premise that poverty is unavoidably linked to crime, and that crime can only be controlled by restricting behavior most characteristic of underclass
young men, ours is bound to be a science of intolerance. We are bound to assume that crime is a departure from middle- or upper-class values, and to limit solutions to the problem to strategies for restricting variance from success within the dominant political and economic system.

If, then, traditional criminology produces practical knowledge of crime and its control, it must by definition aid repression and restriction of forms of human endeavor. Consciously or unconsciously, I think this reality is recognized by all of today's criminologists. At the same time, many of us are committed to empowering and helping rather than hurting and restricting those we study. Within the traditional model, our good will drives us to restrict the scope of our science, as to problems of "the middle range," and to what we assert are apolitical or value-neutral questions (Pepinsky, 1980: 190-93). Indeed, as I have heard many a colleague argue, it is dangerous to do grander work within traditional models. But middle-range, value-neutral work is no solution to the problem. In the aggregate, such works perpetuate, legitimize and foster the growth of repressive crime control. It is the models themselves that turn good-faith efforts to bad ends.

Above all, criminology is the study of human intolerance. We study how criminals fail to tolerate what is precious to their victims, and how victims and would-be allies fail to tolerate offenders. The corollary is that crime and punishment decline only as tolerance of people, and of their control of their own destiny, increases--where people choose not to restrict others' exercise of freedom to be and do differently by victimizing or punishing them for deviance from their own life patterns. Very few
criminologists (Christie, 1981, being one outstanding exception) even try to find what makes tolerance possible. If the models change, insofar as criminologists become scientists of human tolerance, they can in good conscience become avowedly and grandly political in building and testing theories of crime and its control. We have a strong classical tradition to build this effort upon in works of scholars like Cesare Beccaria and Adam Smith. We have in fact a highly developed body of empirically based and tested theory from which to proceed, once it is recognized that the work of scholars like Adam Smith and E. F. Schumacher belongs in our field. As here, paradigm shift is never easy not because the new paradigm is unproven, but because of the political and psychological investment all scientists tend to have in asking traditional questions (Kuhn, 1974). There is a way for the criminological community to build knowledge that enables Americans and others to free themselves from crime. Whether there is a will remains to be seen.

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ABSTRACT

The present paper focuses on several prominent organizational and ideological aspects of academic criminology and the criminal justice system in an effort to assess the prospects of developing a criminology that is informed by humanistic concerns. The conclusion is that, for the immediate future, the prospects are minimal.

INTRODUCTION

Before considering the future prospects for humanistic criminology, the terms humanism and criminology need defining. Though humanism has meant many things to many people, its unifying thread is a concern for the worth, dignity, rights, responsibilities and fulfillment of the person (Cheyney, 1932; Schiller, 1932; Sutich and Vich, 1969:8) and relevant social reforms. The following pages concern the prospects of creating a criminology that is consistent with these matters.

While, for most people, criminology is a body of special knowledge or an academic discipline, it is regarded here as a process consisting of the
activities of representatives of the criminal justice system, with academic criminology constituting only one element in the larger whole. This perspective is intended neither to trivialize academic criminology nor to ignore its relationship with applied criminology. Rather, this definition accords with my belief that a vital humanistic criminology calls for humanistic principles to give form to the institutionalized activity that impacts most directly on people's lives. In short, this definition affords a means of focusing on humanistic tendencies where they matter most—in the affairs of everyday life.

With these two definitions in mind, let's consider the current condition of the criminological enterprise relative to embracing a humanistic perspective, giving special attention to its ideological and organizational features.

HUMANISM IN CONTEMPORARY CRIMINOLOGY

Though academic humanism has a long and distinguished history (Lee, 1973; Goodwin, 1983), its concerns and perspectives are manifest in the criminological enterprise only in a relatively minor sense. Evidence of this is found in both practical crime control policy as well as academic criminology. Comments on both are in order.

Crime Control Policy

We begin by noting that the practicalities of operating the crime control apparatus are the responsibility of a relatively small cadre of people. As a collectivity, these functionaries are hardly unique. Overall, they are ordinary human beings and may be expected to behave accordingly. This suggests that the majority of these practitioners have likely internalized prevailing (official) models of humankind and society, as well as "taken-for-granted"
explanations of behavior that inform the activities of the crime control establishment and popular ideas regarding the "crime problem." In short, their work is likely to reflect the current orthodoxy.

Thus, it is plausible to suggest the bulk of crime control practitioners pose no significant challenge either to the processes engaged in or to the philosophical/ideological stuff by which they are rationalized. That is, few criminologists are inclined to engage in a genuinely radical or creative examination of the social reality used to make sense of their activities. Among the reasons for this is that official reality is subject to constant reinforcement in the course of daily professional activity. A reluctance to engage in critical appraisal is further reinforced by the expertise and authority claimed by and granted to practitioners, as well as the tendency for personnel to legitimate their work on the basis of the practical necessities and organizational imperatives. An example may serve to make the point.

As shown by Shover's (1984) research, novice corrections workers are subject to rather systematic socialization by older workers, through whom they are introduced to work routines, given examples of how reports on inmates are to be written, and learn what kinds of information about offenders is and is not considered useful and important. Differences between the work of the novice and the veteran are resolved in favor of the veteran. Pertinent to our present concern is that novices soon learn that the reports they write about prisoners serve primarily to rationalize policy decisions made on the grounds of what is regarded as necessary to promote the smooth and efficient operation of the organization. Reports are largely irrelevant to "treatment" or "rehabilitation." Shover notes, "what they write about convicts seems to be much less important than merely writing something. So long as they generate reports that satisfy the organizational need for a justification of the convict's presence in prison,
their work is evaluated as satisfactory" (1984:71; italics in original).

Realization of this fact by workers is often followed by disillusionment, a decline in their faith in the utility of the system, and a sense of cynicism concerning the profession and its practitioners. Many leave the corrections field to avoid being "trapped." Others find it necessary to accommodate to and accept the status quo. Thus, among those who remain in the profession there exists a reluctant acceptance of current orthodoxy overlaid with marked cynicism, the same sort of cynicism that has been found among police (Niederhoffer, 1967), probation officers (Blumberg, 1967), and public defenders (Sudnow, 1965). In each instance there is a realization that the "service ideal" and client needs are subordinate to organizational needs. At best, then, the development of a genuine professionalism is problematic; so, too, is the likelihood of a critical and humanistic orientation.

Related to this is the major organizational feature of the criminological enterprise, viz., its bureaucratic nature. Accordingly, agencies within the system display a hierarchical ordering of personnel who rely on formal rules and regulations (a "theory" of office) to govern relations with clients and solve problems. By definition, personnel are arranged in layers, each layer's occupants being informed by a somewhat different reality, with no one in a position either to acquire a valid comprehension of the system as a whole or to influence the system so as to effect a significant change in modus operandi. Moreover, given a reliance on formal rules and regulations for guidance, personnel are encouraged (in many instances, pressured) to deal with clients only in terms of their identity as rule breakers. Again, in contrast to dealing with persons, functionaries deal with cases according to organizational guidelines (Sudnow, 1965; Lundman, 1980:20; Shover, 1984). Cases are devoid of personal and idiosyncratic features; the human elements are systematically ignored in favor of their
typical features. Routinization promotes organizational goals at the expense of the personal needs and interests of the client population. In short, bureaucracies dehumanize.

It seems, then, that a gulf exists between everyday affairs of crime control agencies and their official raison d'être. Nonetheless, we cannot ignore the alleged trend toward humanizing law enforcement practices in this country, especially in the disposition of offenders and the reduction in the harshness of penalties. However, the long term changes that have occurred can hardly be the basis for satisfaction since they are no more than mere tokenism. They have been a long time coming, are far from securely established, and do not satisfy the essential meaning of humanism. While most of the repugnant and beastly methods of punishment of prior times have been suspended, the present age has its own forms of structural violence, brutalization (including sexual exploitation), and psychological, economic and social victimization (Sykes, 1958; Wicker, 1975; Foucault, 1977; Bowker, 1980; Lockwood, 1980; Wooden and Parker, 1982; Hardert, et al., 1984:21). Further the reinstitution of capital punishment and the insistent call for more certain and severe penalties (e.g., the new classicism of van den Haag and Wilson) in the name of deterrence by incapacitation, as well as the current increase in prison populations reflect "part of a general trend toward punishment" (Sutherland and Cressey, 1978:653; emphasis added) and suggest how tenuous any "progress" toward humanism has been. Despite the lack of evidence supporting the efficacy of punishment or a policy of selective incapacitation (Greenwood, 1982, 1984; von Hirsch, 1984), we continue to sentence a higher proportion of our citizenry to prison for characteristically longer periods than other industrialized nations. Far from the sanitized places sometimes portrayed in fiction and the media, prisons continue to be places that impose random and unpredictable vengeance on inmates and often "discharge bitter, mangled men bent on revenge" (McCoy, 1981:193). Further, arguments
supporting punitive policies, e.g., van den Haag's (1975:56-58) mechanistic, cost-benefit ratio approach to punishment and crime control (Jeremy Bentham in modern dress?), are simply the most recent attempt to legitimate standard crime control methods. This suggests the crime control enterprise is dehumanized--out of touch with those it was intended to understand and serve. The economic calculus advocated by van den Haag and others suffers from the elimination of the human factor (Schumacher, 1973:74).

A non-humanistic orientation is also found in the definition of the justice system contained in the still relevant report of the President's Commission on Law Enforcement and Administration of Justice, viz., that it is the "apparatus for apprehending, prosecuting, convicting, and sentencing those who violate the basic rules of group existence" (1967:7). In short, the justice system consists of a series of bureaucratic procedures having little or no relationship to justice or to humanism. However, the virtue of that definition is its descriptive validity and its reference to a pervasive and stubborn condition. Carried out under the aegis of "total institutions" (Goffman, 1961), arrest, detention, arraignment, pleading, sentencing, and imprisonment tend to be dehumanizing and brutalizing experiences having little or no discernible relationship to long term individual or community benefits. Adjudicative processes seem to be designed for the registry of ever larger numbers of people, usually the poor and minorities (Reiman, 1979; N.Y. Times, 4/9/84). The callous and indifferent routinization of everyday procedures in these agencies is consistent with the belief that their success is measured by numbers of cases handled rather than by the quality of service provided (Waegel, 1981). In short, such agencies ignore the human condition; at worst they promote its deterioration.

In characterizing the criminological enterprise as dehumanized, I am not unaware of specific instances that reflect genuine humanistic concerns. However,
most of these instances seem to be exceptions proving the rule or cases of "business as usual" overlaid with humanistic sounding euphemisms that lead people to misperceive. We are in a period when images count for more than substance, when sanitized terminology and the skillful use of money, media, and information control are used to legitimate public policy (Mueller, 1975; Hardert, et al, 1984:392-393). When the "hole" is replaced by "quiet rooms" or "meditation rooms," and when "bad asses" are replaced by people with "attitude problems" the public is led to believe something substantive has occurred. Such euphemisms divert criticism by masking dehumanizing procedures and lending legitimacy to the justice system, but more with an eye for the administration of justice than the justice of administration.

The use of language and other symbols to "sanitize" is seen in the case of New York City where the remodeled Tombs prison displays circus colors, molded plastic chairs, neon lights, gymnasium and other aspects of a "state of the art" jail (N.Y. Times, 10/17/83:1 and 12). However, simultaneously with the opening of the remodeled Tombs came the story of a 21 year old "child of bureaucracy" who, though acknowledged to be mentally retarded and a victim of a system that "shelters and feeds" but does not "confront [client's] problems or prepare them for life," was sentenced by the New York court to 1½ to 4 years in prison for burglary. This, despite the court acknowledging that the man's troubles are very much a consequence of the defects of a foster home care system in which he spent his entire life after age 5 months (N.Y. Times, 10/17/83:12; 10/20/83:17). These examples reflect the pursuit of short run superficial innovation rather than long-run substantive change, the sacrifice of people issues for the sake of appearances, and the primacy of the state's intent only to punish and control.
A similar lack of humanism seems to characterize academic criminology. Despite the intellectual ferment of the late 1960's and most of the 1970's, (Friedrichs, 1970; Gouldner, 1970), relatively little has occurred to suggest sociology (including academic criminology) has moved far from its traditional orientation, or that a radical, critical, or humanistic criminology is more than a minority view.

Evidence for this allegation is found in criminologists' writings dealing with the purpose and goal of their discipline. A brief, non-random examination of 12 general criminology textbooks in print revealed only two (Galliher and McCartney, 1977 and Hartjen, 1978) that refer to humanism as either a fundamental concern of academic criminology or a matter of relevance to the criminal justice system. Certainly, the general absence of a humanistic concern may mean many things, and we may not assume its omission reflects a lack of appreciation for the humanist perspective. At the very least, however, one may assume the bulk of these authors did not find the matter to be sufficiently central to warrant more than brief consideration.

These texts also were examined to determine if authors regard reform of the human condition (defined in terms other than simply controlling crime) to be one of criminology's goals. One author (Sykes, 1978:6) makes indirect reference to humanistic concerns by considering the prevention of crime via environmental modification; another refers to the reduction of pain and suffering in the world as a practical objective of criminology, a goal defined as comparable to the provision of "good medical care, good nutrition, and decent housing for all" (Sutherland and Cressey, 1978:24). Finally, Sutherland and Cressey note that compiling evidence supporting the wisdom of decriminalizing some crimes is a concrete way criminologists may work to reduce pain and suffering of offenders who broke laws
prohibiting participation in widespread, largely innocuous pleasures. Again, only Galliher and McCartney (1977) and Hartjen (1978) consider the discipline's potential for promoting broad social ideals or implementing the principles of humanism.

This is not to say these texts entirely ignore the radical, Marxist, critical, or humanist orientations. Exclusive of the Galliher and McCartney and Hartjen texts, the works examined devote some space (ranging from three paragraphs to about 14 pages) to these perspectives. However, though discussed, these perspectives tend to be portrayed as variants of conflict sociology, possibly another "fad", and lacking precision and conceptual sophistication (Sykes, 1978:21). At best, humanist orientations tend to be treated with reserve; at worst, they are seen as simply irrelevant.

Criminology as Organization

An appreciation of the preceding comments requires consideration of one final element shared by the criminal justice and academic branches of the criminological enterprise. Specifically, criminology is a publicly financed enterprise, consisting either of departments/agencies within the criminal justice system or, in academe, of publicly supported teaching/research units. In an important sense these units operate as interest groups and may be expected to give first priority to their organizational welfare. The question arises, then, how may a vital humanistic criminology arise and flower among agencies whose survival depends on satisfying the expectation that their operation be consistent with existing social arrangements, prevailing constructions of meaning, the interests of dominant power groups, etc.? How shall the output and activity of these agencies be rendered more humanistic in the face of bureaucratic and dehumanizing pressures?

The implications of public dependency for elements of the criminal justice system parallel
Norman Goroff's (1982:409) suggestion about social work and social workers, viz., the enterprise and its functionaries are properly described as political in that they are representatives of the state and dare not run counter to Leviathan's wishes. The fate of those who do is seen in the case of the Community Legal Services and the Legal Services Corporation as well as President Reagan's efforts to reconstitute the U.S. Civil Rights Commission as a result of Commission member's criticizing his policies concerning blacks, women and Hispanics (N.Y. Times, 10/26/83:2). Underlying this condition is a fundamental organizational operating principle, viz., maximize rewards and minimize strains. Whether in the justice system or elsewhere, that principle can have a chilling effect on fundamental procedural innovations.

Related to this is the situation faced by academics, viz., the opportunity to satisfy the expectation to do research and publish is to some degree dependent on the orthodoxy of one's material. For researchers, there is the problem of securing funds for projects that are independent of (not to say in conflict with) the orientation of funding agencies. Who would contest the idea that such agencies at present are principally governmental? Further, publishers and journal editors commonly define acceptable stuff as that which has a potential for attracting a substantial segment of an already crowded market. Rarely does this include the unorthodox. A result is that perspectives such as the humanistic are less likely to find acceptance because they reflect neither a popular model of humankind or society nor the official definitions of crime.

It is at this point that we note a fundamental "flaw" in contemporary academic criminology and the public policy for which it serves as apologist. Specifically, I refer to the positivist/empiricist orientation dominant in academic and practical criminology during this century and its accompanying consciousness.
Among the implications of this orientation is that the bulk of academic criminology concerns itself with the question of "why people commit crime", a question reflecting the taken-for-granted assumptions that: crime is an objective condition; that some people do not commit crime; that a substantively meaningful distinction can be made between the supposedly real categories of offenders and non-offenders; and that, once they are differentiated from others, offenders can be studied in terms of the impersonal forces (social and otherwise) that lead them behave differently. It is assumed that when these forces are identified, the problem of crime can be brought under control. Commitment to this orientation runs so deep that even the mountain of fruitless data compiled by positivists seem incapable of promoting substantial change.

This steadfastness reveals another facet of positivism. Specifically, I refer to the consciousness promoted by positivist empiricism, a consciousness leading to greater emphasis being placed on epistemological than ontological concerns, that seems to attach more importance to methodological than to substantive matters, and that assigns more importance to reliability than validity. As a result, there is a tendency to ignore the idea that the questions being pursued could be vacuous. Instead, it is taken as an article of faith that if "answers" are unsatisfactory it is due to faulty methods rather than faulty questions. Thus, orthodox criminology tends to persist in its concern over deterministic explanations of criminal behavior, is more concerned with "the crime problem" than with "the problem of crime," and is less than fully attentive to the relationship between the latter and the social order (Michalowski, 1985:4ff).

As such, mainstream academic criminology seems more interested in the manipulation of variables and second order constructs than in grappling with the pluralistic world people experience. As Otto Larsen has noted, "the failure [of academics] can often be
attributed to an obsession with abstract concepts that leads to a masking of the social experience that [they] are attempting to comprehend" (1976:ix). Downes and Rock also propose that "sociologists who lean on external accounts and objective evidence can have no appreciation of why people act. Neither can they apprehend environments and history as their subjects do. They are imposing an alien explanation whose links with a problem are a little tendentious" (1982:37). The price of that obsession with a world of abstractions is the sacrifice of the opportunity to implement a genuinely grounded, existential and humanistic perspective.

In summary, most criminologists, it seems, are guided by assumptions that ignore the element of human agency and that are the antithesis of a humanistic perspective. Overall, rather than promoting greater sensitivity to or understanding of humankind, these guiding and unquestioned assumptions sustain a dehumanizing public policy as well as an academic orientation that largely fails to appreciate law and crime as products of the myriad contradictions and conflicts, the dialectic, of a complex society.

CHANGES AND THEIR PROSPECTS

The preceding remarks suggest that a turn toward humanism requires change in the conceptual stuff of orthodox academic criminology as well as in the standard, taken-for-granted understandings underlying the functions of the criminal justice system. Let's talk of specifics. Regarding perspectives on crime/criminals, a humanistic orientation would require the adoption of markedly different perspectives than now prevail. As one example, Tifft (1979:382ff) suggests that current ideas concerning crime rest on the principle of legality and rely on the legal to protect against appropriation of human or extra human resources. By definition, a humanistic orientation would require abandoning the principle of legality for that of justice, and adopting a perspective that defines crime retrospectively rather
than prospectively as at present. That is, from a humanistic perspective, what is fair and just, might best be defined after the fact rather than before. To be sure, since defining specific events as crime is always a matter of classifying acts after they have occurred, the application of law is a retrospective exercise. But Tifft is suggesting something more; to the degree the prevailing system of prospective legality supports a hierarchical and stratified system that is, by and large, advantageous to a select and powerful segment of the population, and because prospective legality is inclined to defend property rights in preference to human needs, that system would have to be dismantled in order to establish a just and humanistic criminology. Yet, because the bulk of practicing criminologists identify with the prevailing system, the prospect for change in the near future appears to be somewhere between nil and zero.

Another needed change is abandonment of the tendency to define expert knowledge as inherently superior, more revealing and more valid than lay knowledge. Such change would simultaneously call for abandoning the tendency to allow expert knowledge to be shaped by and subordinate to conventional research methods. The imbalance favoring hard positivism and empiricism needs to be corrected in favor of greater reliance on field methods and ethnographic types of research (following the course suggested by such scholars as Polsky (1967), Denfeld (1974), Warren (1974), Weppner (1978) and others. In turn, this might serve to expand our appreciation of the complex, morally pluralistic society we live in, and provide a more secure place in academic criminology for perspectives other than those reflecting a spurious morality -- sometimes referred to as the dominant or public morality. If humanism is to mean anything, scholars must be free and open to impartial consideration and use of alternative perspectives, techniques, and programs. In the academic there must be renewed effort to avoid positions best characterized as doctrinaire. Yet, as sure as I am of the need for such changes, I am equally skeptical
of many criminologist's willingness to accept them. One need only note the resistance to acknowledging the general validity and meaningfulness of the labeling perspective (Gove, 1980). The dominion of orthodoxy must be overcome and replaced by an acknowledgement of the multiplicity of social realities and an awareness that even the interpretations of criminologists are mere social constructions. Criminologists might benefit by modeling themselves after the Dancing Wu Li Masters (Zukav, 1979).

Related to the foregoing are a number of seemingly mundane but critical issues. For example, how realistic is it to anticipate a significant alteration in people's beliefs about the status quo when they feel they have a stake in its maintenance? How shall we dissuade people from identifying with the purpose and operation of agencies from which they believe they derive benefit? How shall we dissuade people from embracing and legitimizing the definitions and constructions of reality they use to make sense of their world and from which they believe they derive satisfaction? The point of such questions is that the various agencies of the criminal justice system and the ideological stuff that gives them legitimacy are things with which many people identify and to which they assign great importance. To be sure, some people are extremely dissatisfied and disenchanted with certain aspects of the operation of the system, as well as with the work of the highest office holders in the nation. They also may be terribly ill-informed about the workings of the system (Arizona Republic, 10/22/83:A-1). However, dissatisfaction, disenchantment and ignorance may not equated with a readiness for radical change. Certainly, the past few decades have witnessed shifts in values and ideas concerning the general matter of doing justice. One is reminded of the ferment linked with the counterculture of the 1960's and 1970's, including its skepticism about crime, criminality, and the administration of law. Just as it would be easy to overemphasize the practical impact of that ferment, so too would it be unrealistic to anticipate early or significant revi-
sion of the basics of the criminological enterprise. But there is more.

A vital humanistic criminology must be responsive to human needs and, consequently, might best be linked to a sociology of human rights (Hartjen, 1978; Young, 1981, 1984a, and 1984b). While I am sympathetic to such a criminology, I suggest that its appeal, to some degree, likely rests on its generality. However, because a meaningful criminology must at some point get down to details, let's turn to some specific questions that a few criminologists have raised but that none seem to have resolved.

For example, if the expansion of human rights is the goal of a humanistic criminology, what rights are being considered, and to whom shall these rights be granted? Second, how shall the extension of these rights be secured and maintained? Concerning the first question, Hartjen (1978:226) suggests a humanistic criminology would be concerned with securing freedom from tyranny, repression, and oppression, whatever their form or source. Again, I am surely in favor of such things. But I also recognize that we exist in an incredibly pluralistic society wherein power shifts constantly (Wrong, 1968 and 1979). For very practical reasons, then, it is probable that at some point realization of one group's sense of right and justice will lead others to experience conditions they perceive as threatening, frightening, etc. Since "one man's meat is another man's poison," whose definition shall prevail? Whose rights shall take precedence? And, when rights are seen as mutually exclusive, on what grounds shall one set be given priority over another? It seems inevitable that in a morally pluralistic society such questions always will persist and that their resolution undoubtedly will result in some measure of perceived misery. The pursuit of abstractions will not suffice to resolve the dilemma.

As to the second question, because the state rests on an organized interest structure and is an
interest group in its own right, it does little good to assign the responsibility for attending to these matters to that entity. Surely, no one with an awareness of history can realistically regard the state as a dependable guardian of human rights. As Platt has noted (1969), the state has been far less concerned with protecting the victims of dehumanizing conditions than with protecting society from their anticipated depredations. How shall we assure that human rights will be granted to representatives of all groups, recognizing that the assignment of respect and contempt are indeterminate and shifting conditions? A simple case in point is the criticism heaped on the American Civil Liberties Union for trying to safeguard the constitutionally guaranteed rights of unpopular groups. In short, if among the fundamental rights to be secured is the "right to be different," we seem eons away from its realization.

More, if the state's record in defense of human rights is less than encouraging, on whom or what shall we rely to resolve these basic issues? Hartjen has proposed that "the definition of what constitutes fundamental human rights is for the individual to decide [and their pursuit should be] left to the marketplace of conflicting ideologies" (1978:226). Unless I completely misunderstand, that is an invitation to perpetuate the very condition humanists seek to eliminate, i.e., a condition in which conflicting, often mutually exclusive interests compete with one another for legitimation in law. Given our system of doing justice, that competition invariably ends to the advantage of one and detriment of the other.

Another way to address this basic issue is suggested by Chambliss and Seidman (1982). In our society, formal legal dispute settlement most often follows a pattern characterized as "winner-takes-all," a pattern rooted in a society in which disputants are so dissociated from one another as to be unconcerned with any lasting sense of antagonism or feelings of injustice by one of the parties. Contrasting with
that is a dispute settling method called "give-a-little, get a little," a method found in societies "where parties want or must have continuing interactions of a non-antagonistic nature after the dispute [and] must leave the dispute-settlement procedures without too great a sense of grievance" (Chambliss and Seidmann, 1982:39).

The important question is whether it is possible to introduce a "give-a-little, get-a-little" model of justice into a heterogeneous society marked by sometimes deep, complex normative divisions and conflicting interests. This is not to suggest that such a model cannot be found in our society (Chambliss and Seidman note the case of business persons v. customers whose patronage continues to be sought), only that it is atypical. The issue is how to encourage greater utilization of this style, an issue rendered difficult since much more than a simple matter of style is involved. If a humanistic system is one in which differences are tolerated or resolved in an atmosphere of compromise, how can we extend the spirit of compromise (hence, "give-a-little, get-a-little") into the settlement of matters revolving about norm enforcement ("winner-takes-all")? As Chambliss and Seidman note, in societies like our own, where extensive role differentiation exists and the number of norms increases accordingly, dispute settlement becomes more complicated; consequently, a "winner-takes-all" method may be necessary in order to maintain the social fabric. If so, the very nature of social relations may preclude realization of a humanistic system of justice. Certainly we cannot resolve the issue here, but perhaps it is the most fundamental issue with which humanistic criminologists must come to grips.

There are additional issues to be considered. For criminology to truly serve human needs the current definition of "doing criminology" as well as orthodox definitions of crime and criminality must change. This suggestion has multiple implications. First, as we've seen, the dehumanizing positivistic approach
that emphasizes scientific causality is well suited to promote conformity and validate the idea that humans are automatons (Galliher and McCartney, 1973; Pepinsky, 1982). This is reflected in orthodox criminology's continuing preoccupation with reducing criminality and increasing social control. Reflecting those concerns too, is the tendency to invoke evermore sophisticated examples of "pathological" elements -- be they biological, psychological/psychiatric, or social -- as causative. Rarely, if ever, is there a conscious reflection on and repudiation of the intellectually vacuous proposition that "evil causes evil." This is especially noticeable in the current work of psychophysiologists and sociobiologists where one finds the most up-to-the-minute expressions of degeneration theory (Hahn, 1978). As an alternative, and to promote the goals of a humanistic criminology, there must be a conscious effort to amend the apparently fruitless singular quest for scientific causes in order to focus on how (rather than simply why) people act as they do. That is, in the Weberian sense of the term, what motivates people to respond in particular ways; what is the nature of the rationalizing behaviors people engage in to construct and negotiate meaning in their respective situations?

Second, to everlastingly seek the antecedents of behavior perpetuates the myth of dualism; the traditional search for causes lends credence to the notion of objective and essential human differences, and affords that orientation a cloak of legitimacy only science can provide. In their search for scientific causes a la positivism, practitioners are led to differentiate offenders from non-offenders and deal with the former as "basically and thoroughly different" from others. As Schur (1979:49) has noted, it is a well rooted tradition in our society to think of offenders as a "breed apart" but usually a "breed" of lower order organisms." While repugnant in general, such a perspective is particularly antithetical to a humanistic orientation resting on a foundation of social causality (Quinney, 1970:6-7).
Linked to this is the need to effect a model of behavior that is faithful to the human condition, one that stresses "... the human being as subject/actor who ... is an active, choosing responsible architect of self" (Goodwin, 1983:223). Is it possible to accurately describe and understand patterns of action without linking them with people's intentions, decisions and judgments? Can we have a criminology that is faithful to the human condition if it ignores the fact of human agency? Isn't it a bit contradictory to portray humankind as interactional organisms, while simultaneously pursuing allegedly objective, deterministic causes? To effect a humanistic criminology it is essential that human consciousness and purpose as elements of explanation replace the manipulation of variables with which orthodoxy is so concerned (Gove, 1980:15-19).

Lastly, a word on the justice of administration. There is little doubt that millions of Americans are disenchanted with our system of justice. This disenchantment rests on several grounds, including the belief that the justice system is ill-suited to assist people in resolving the sorts of daily problems they experience constantly in a consumption society. While not limited to them, these problems often include matters involving consumers and other relatively powerless entities confronting the awesome power of remote and impersonal corporations. Laura Nader (1980) refers to these matters as "little injustices," a term that nicely (though, perhaps, unintentionally) conveys the fact that the judicial system assigns relatively less importance, time, energy, and personnel to these problems than to others, and is generally irrelevant to the needs and goals of complainants. As such, that system is out of touch with people's needs and sense of justice. In response to their unmet needs the public in countless cases has turned to a wide variety of extrajudicial sources for relief, ranging from the Better Business Bureau and local representatives of the media, to Ralph Nader's Center for the Study of Responsive Law and the Consumer Complaint Research Center. Members of the
public are also taking direct action, including establishing alternative extra-legal "courts" through which they may obtain meaningful resolutions of their legal problems. The point of this is that if justice is to be humanized rather than merely made more organizationally efficient, it seems necessary to develop a wide range of alternatives to the existing bureaucracy, including the use of lay judges (N.Y. Times, 10/27/83:12), neighborhood courts and other innovative conflict-resolving mechanisms. Despite the apparent interest in, need for, and history of such innovative alternatives, critics persist in maintaining that such unorthodox programs "have no place in a fair, modern judicial system" (N.Y. Times, 10/27/83:12). It goes without saying that such critics often represent the interests of the established court system and the legal profession, and oppose the creation of a more responsive and humanistically oriented justice system.

CONCLUSION

Let me bring this to a close. I have focused on several features of the criminological enterprise that I believe identify it as decidedly non-humanistic. In taking this position, I recognize that the enterprise is a "mixed bag" as befits a pluralistic society and that within the larger enterprise, one finds point and counterpoint. While acknowledging that, I submit that the dominant orientation is away from humanism.

We are presently establishing and effectively rationalizing neo-classicism, an orientation that serves to rationalize a public policy aimed at controlling crime in the name of social defense (Ancel, 1965; Wilson, 1975, 1983; Greenwood, 1982 and 1984). Call it deterrence or selective incapacitation (euphemisms, to be sure), the current tendency reflects the same intellectual orientation that gave us sex psychopath laws and habitual offender laws (Jeffery, 1972:481). Consistent with that, legislatures are straining every fiber and turning every rock in search of funds to finance the
construction of more and larger prisons to house growing inmate populations for ever longer periods (N.Y. Times, 9/29/83:11). Reflecting similar tendencies, Chief Justice Warren Burger, with no apparent awareness of the inherent contradiction, has lent the authority of his office to legitimating vengeance and retribution in the name of achieving community solidarity and forestalling "mass neurosis" (Arizona Republic, 10/21/83:A-1). And this is a time when fundamental principles such as the prohibition against granting police power to the military is being reversed in the name of fighting crime (Arizona Republic, 1/16/82:A-20). The examples, all reflecting a non-humanistic orientation, seem endless.

Further, I have suggested a variety of conditions that must be dealt with if humanism is ever to be more than a tolerated, but largely irrelevant, orientation. These suggested conditions, when viewed in context, lead me to contend that existing crime control policies (and their legitimating ideology) reflect the kind of social organization we have created. These elements are in harmony. Ours is a crime control policy that focuses rather exclusively on restraining offenders rather than on more humanistic matters such as creating conformity (Michalowski, 1985:51), healing social wounds and repairing the social fabric. Current policy aspires to promote social control by means of coercion (punishment or the threat of it) rather than by seeking to institute social arrangements leading to willful cooperation and conformity. Given this condition, it is my sense that the distinction between coercive restraint and willing conformity is one that largely falls on deaf ears in the criminological fraternity. The consciousness of most criminologists obliges them to pursue knowledge concerning "criminal man" rather than the criminogenic society. The result needs no further elaboration. Stated most simply, I question whether it is possible to change contemporary criminology without transforming the social order from which it springs.
Beyond that, I perceive a potentially more ominous condition that may take us ever farther from a course of institutionalized humanism, viz., the erosion of freedom as a consequence of our entry into the nuclear age, the threat of nuclear war, and the need to guard against unauthorized access to radioactive material (Az. Republic, 9/13/85). Linked to this development is the emergence of the national security state and a "...supporting set of values and behaviors that are proving inimical to the practice of democracy" (Hardert, et al, 1984:398). Of relevance to our concern with criminology is that these "values and behaviors" neatly compliment the post-1960's expansion of proactive policing (including, especially, the escalation of "sting" operations) and a significant expansion of police use of agents provocateur (Wise, 1976; Marx, 1974 and 1981). Thus, the criminological enterprise currently exists in a context that calls for greater and greater surveillance and control (and an appropriate official apparatus). In this effort, the humanizing arts are increasingly subordinate to technological superiority just as there is a diminution of the "democratic ethos of liberty, equality and tolerance" (Hardert, 1984:399). I am aware of no change in society in the direction of humanism that is at all comparable to the foregoing.

Thus, not only does the criminologic tradition lack strong humanistic inclinations, but at present we seem to be exhibiting conditions and a consciousness (a police state mentality) that are especially anti-humanistic. Given these conditions and trends, my answer to the question with which we began -- what are the immediate future prospects of a humanistic criminology? -- is that they are bleak, indeed. I am of the opinion that our highly touted "open society" is fast becoming "closed." As the bureaucratization of society increases and the interstices between the limits of institutional existence become smaller and fewer in number, the opportunity for people to exist without organizational restrictions declines apace; organizational hegemony and humanism tend to be
mutually exclusive. This seems especially true when social control agencies assume preponderant influence.

NOTES

1. Two examples of how humanistic concerns receive minimal (or, perhaps, distorted) expression in policy are victim compensation and diversion. In the former, compensation most often gets expressed in dehumanized terms by placing a monetary value on victim suffering. In the case of juvenile justice diversion programs, a major consequence has been a new and larger criminal justice "net." Though intended to keep juveniles out of the justice system, diversion programs have been so preempted by police departments that such efforts have led to the "...sour conclusion that not only have the purposes of diversion been perverted but, moreover, police power has been extended over youths and types of behavior not previously subject to control" (Lemert, 1981:43; Empey, 1982:482).

2. "Radical" is used here in its etymological sense of getting to the root of things. I suspect the roots of many criminological problems lie in what, in retrospect, seems to be the uncritical (i.e., nonradical) way the problem of crime has always been handled and studied.

3. It is worth noting that bureaucracies not only generate rules and regulations governing their own operations, but a cadre of rule enforcers as well. More than simple rule enforcement is involved, however. Existing in a larger environment in which non-bureaucratic values, definitions, ethics, etc., prevail, functionaries are often tempted to ignore rules, do favors, or otherwise operate outside the formal regulatory boundaries of the agency. Thus, agency rules and
their ethical antithesis set the stage for a new layer of "criminality." On the one hand, the price of loyalty to the agency is the sacrifice of humanistic ethics. On the other hand, adherence to humanistic ethics is achieved at the price of being labeled untrustworthy. In this sense, the phenomenon of the "whistle blower" is instructive. In any case, agency personnel often find themselves pressured by operating in a "no win" situation.


5. A recent departure from this is James Q. Wilson's (1975, 1983) dismissal of the need to understand the causes of crime as a precondition of intelligent social policy.

6. As Irwin Deutscher (1973:106) notes, we have reached the point when validity is not only less important than reliability, but when it is assumed to be a function of reliability. An immediate example of this is the series of articles published in leading sociology journals dealing with the so-called "Werther effect" in suicides (Phillips, 1974) and subsequent articles by Phillips on the relation of violent behavior and mass media (Phillips, 1977, 1978, 1979, 1980a, 1980b, 1982a, 1982b, 1983). Despite at least two responses to Phillips' work (Kobbervig, Inverarity and Lauderdale, 1982 and Altheide, 1981) showing its lack of theoretical foundation, it was only recently that a rejoinder to Phillips' work appeared giving it the extensive criticism it deserved. Sadly, however, the argument continues to revolve largely around
methodological concerns (Baron and Reiss, 1985a and 1985b; Phillips and Bollen, 1985) and ignores the dehumanizing assumptions that inform Phillips' work.

7. The most recent variation on this theme involves acknowledging the widespread nature of criminality while simultaneously focusing on the "high rate offenders", a tactic resting on the belief that "high rate offenders", who may or may not be substantively different from others, can be adequately (but not perfectly) identified simply by examining their criminal history. Those identified as "high rate offenders" are then seen as candidates for selective incapacitation. In any case, the distinction between "high rate offenders", about whom we ought to be concerned, and others who apparently are not a serious threat, seems to be the latest version of the old notion of the "dangerous classes". (See: Greenwood, 1982 and 1984).

8. The tendency toward dogmatism is most often hidden behind a facade of scientific and intellectual dignity and impartiality. At times our biases show through, however, as when radical or critical criminology theory is captioned and referred to categorically as "leftist" (see Nettler, 1984:186ff). The capacity of such terms to "poison the well" is too obvious to require comment.

9. The instance leading to the qualifying "usually" is white-collar crime.

10. Reference to the need for alternatives to bureaucratic systems needs to be tempered by an appreciation for the long-standing tendency for people to resolve conflicts without recourse to law and formal litigation. For commentary on this practice, see: Auerbach, 1983; N.Y. Times, 2/13/83.
11. In this context I am reminded of news stories of President Reagan's proposals for "anti-terrorist legislation," allegedly based on the rationale that terrorism poses an immediate threat to "our way of life." And in my own state a cadre of "anti-terrorist" police were trained to counter anticipated terrorist activity during the 1984 summer Olympic games in Los Angeles. In addition to the mentality leading to this type of effort is the question of how these forces and laws will be dismantled or rescinded and, once created, whether they may not serve to "facilitate" the very conditions they were intended to combat (Marx, 1981).
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