

## **The President's Message: Crime and Punishment**

Throughout the centuries, those who committed crimes against the prevailing social order were handled primarily by elimination and separation. The eliminated criminal certainly was not likely to repeat his crimes. The separated criminal was isolated or transferred to a setting where the new environment often allowed for the development of different, more acceptable, and even adaptive behavior patterns. England had its American colonies and later Australia; Russia had and has its Siberia.

A third mechanism of the criminal justice system is segregation of which geographic separation is one variant. Segregation or incarceration removes the offender from the community for a specified period; it does ensure that the person who is isolated will not disturb the outside community during that time. Those antisocial acts associated with youthfulness and poor emotional controls usually diminish with aging; therefore institutionalization acts to minimize current crime and to delay further social exposure until a time when such persons are better able to conform in an organized society. Crime statistics amply reflect this characteristic. Thus, paradoxically, there may be justification for harshness in dealing with the younger age groups whom many sympathize with and picture as victims of their environment or too young to be held fully responsible.

A fourth and very sound principle of criminal justice is that of punishment. The essence of learning, of growing up, of many religious philosophies, and of group socialization is the credo that one will be treated according to his behavior. Children learn by a system of punishment and reward; so too do students, workers, and just about everybody else. When the reward and punishment system is separated from the quality of performance, then performance deteriorates — as it does in an overly protective civil service, schools without grades, and occupations without standards. Fear of punishment acts as a deterrent to children and adults, criminals and non-criminals. The actuality of punishment must, of course, exist for fear to be meaningful. In those few environments where individual attention can be given to a misbehaving person, a behaviorally oriented control system can be quite effective in improving adaptive patterns. Such systems have worked in many mental hospitals, juvenile programs, and some special offender programs. When a punishment system based on continuing rewards and penalties is attacked and eliminated as a violation of civil rights (should criminals really be equal?), then that practice is diminished in its impact and utility.

Punishment is related to the fifth and perhaps most important element in a criminal justice system — deterrence. Deterrence has a two-fold purpose — to deter the individual found guilty of social transgression from the later

repetition of similar acts and to influence others not to commit such acts. Essential in deterrence and in reinforcement of its symbolic social value are uniformity and expectation of application. Sleazy plea bargaining, easy probation, minimal sentences, and unmerited parole act to encourage further criminality and to reduce public confidence in this system, as does the rationalization involved in the misuse of mental or physical health problems and social factors. The continuing misapplication of these elements of the criminal justice system to white collar and government crime fosters corruption, a low level of morality, and anger and hostility in both the aggressively-directed criminal group and the public at large.

The later development of the principle of individual rehabilitation is the greatest apparent failure. Rehabilitative efforts are expensive, rarely attempted, and without much basis either theoretically or in terms of practical accomplishment. However, because of the potential of rehabilitation, at least for some, continuing efforts and experimentation should be supported.

Society at this time must therefore rely on punishment and separation with allowance for some individualization constrained by the principles of consistency, reasonable uniformity, and limitations on escape mechanisms for the influential and the manipulative. Furthermore, focus on the penal aspects alone is likely to have little effect if we ignore the social and psychological substrates of crime and the role of the legal system, its bizarre procedures, and its reward mechanisms which have seemingly contributed so much to the furtherance of crime in this country. If we are genuinely interested in lessening crime and punishing malefactors — all malefactors — then we need to broaden our perspectives in considering not only the perceived causes of crime, but also all of the elements in the criminal justice system that actually encourage further criminal activity.

IRWIN N. PERR, M.D., J.D.