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Summary

Although fictional representations of crime depicted in TV shows, movies, and other popular media tend to be simplistic and unrealistic, these portrayals shape much of the American conventional wisdom about crime. This article contrasts fictional depictions of crime and criminals with how criminality actually is seen in society, what causes it, and how it can be addressed.

Additional information

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THE COMPLEXITY OF CRIME

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Crime is the major American pastime. Radio, movie, comic book, magazine and television depictions of crime and criminals not only entertain, they educate Americans about the nature, causes and cures of crime. Most people, before they can walk, commence their study of crime under the tutorship of such casual instructors as Scooby Doo and Batman. Advanced instruction is not, as might reasonably be expected, provided as a part of the public school curriculum - woodworking and cookie baking courses are offered more frequently than criminology - it is presented by such dramatic instructors as Charlie's Angels, Kojak, Perry Mason, and Starsky and Hutch.

Even though such fictional presentations portray a far less accurate picture of crime than the Archie Bunker program paints of the average American family, the implications gleaned from them combined with folklore about crime and criminals from out of bygone days seem to be the cornerstone of American conventional wisdom about crime. Public confidence in the factual nature of such osmotically acquired knowledge appears to be very firm. Some of us with apprehensions about our ability to correct a clogged sink, have no doubts about the causes of crime or how to reduce criminality in society.

IS CRIME SIMPLE?

Some of the earliest historical records were written nearly 36 centuries ago in an area called Mesopotamia near the Persian Gulf.

These records indicate that the ruler, Hammurabi, devised a criminal code which appears to be extremely consistent with the philosophy underlying much of the crime presentations of the mass media and the prevailing public sympathy about crime. Among the concepts of the Code of Hammurabi was an "eye for an eye." There were no constitutional rights and no court imposed restrictions on police investigative practices. There was practically no limit on the proportion of the people who could be employed in policing.

If our common sense understandings about crime are valid, Mesopotamia should have been a crime free country. Indications are crime was the major social problem.

In the 36 centuries since Hammurabi, crime has been a continual social problem, regardless of the variations in the swiftness of the apprehension of law violators or the severity of the punishment. At one point in history the English were publically hanging people for pocket picking, yet historians report other pick pockets were picking the pockets of the crowds. The English also initiated a system, Transportation, which involved shipping convicted criminals to Australia and the United States. Crime rates remained high or varied independently of the use of such techniques.

If crime and the solutions to problems of criminality are as simple and widely understood as television programs and American folklore make it appear, why has crime constantly stayed at the top of the list of social problems of every complex society in recorded history? Why do we still have crime? The answer, to many law makers and enforcers, is quite clear - crime causes and cures are absolutely not simple.

WHY IS CRIME COMPLEX?

Aside from the unrealistic portrayal of the behavior of police and lawyers, perhaps the most deceiving feature of the television presentation of crime is its exclusive concentration on the criminal

justice system response to crime rather than on criminal acts and the circumstances surrounding the commission of these acts. The public is left with the impression that the definitions of criminal acts are simply direct reflections of moral principles held by a majority of the people.

The facts do not support this public impression. Most laws may be founded on some widely held underlying moral principles, but laws are written by human beings. Humans have different understandings of moral principles and what they mean, therefore, laws may or may not reflect the morality of a beholder. A person who violates a law may or may not be behaving immorally. After all, Jesus Christ was judged guilty and executed for violating Roman law.

Legislators and judges, while trying to reflect our prevailing moral principles, find it impossible to write or interpretate criminal laws in a just manner without creating so-called technical loopholes. For example, nearly everyone in Alaska agrees the deliberate killing of one human being by another is a heinous, immoral act. At first blush most people would strongly support the creation of a law without loopholes which would make such killing a crime. More rational assessment, however, shows that loopholes are essential.

Most everyone would insist on a loophole for soldiers who kill enemy soldiers in combat. A substantial number of the population want to exempt from guilt government agents who execute prisoners found guilty and sentenced to death in accordance with law. Others want a loophole for anyone who kills another in self-defense or defense of an innocent person. Many would make an exception allowing sworn police to take the life of a fleeing felon. Sizeable

segments of the population support exceptions from guilt for insane persons, people with extreme mental deficiencies, medical officials who kill unborn children in the course of saving the life of the mother, a boxer or football player who—while following the rules of an athletic contest—kills an opponent.

The list could go on, but it should be apparent why the laws are complex and replete with technical loopholes. It should also be apparent why simplistic solutions such as eliminating all loopholes for crime are unworkable. Legislators and judges who make crime complex need support because they are attempting to comply with our expectations.

WHO ARE CRIMINALS?

Another misleading characteristic of the image of crime provided by the media is the presentation of all criminals as people who are completely evil and always acting with specific evil intent in their own interest. If this concept were accurate, crime might be controlled by simply making the punishment greater than the benefits to be gained from crime. If it is not entirely true, to the extent it is not true, other strategies for crime control maybe appropriate.

Many studies have been conducted in this area and the universal conclusion is that the description of a criminal held by most people is wrong. For example, one study of adults in New York State revealed that approximately 91 percent of the people admitted to committing one or more criminal offenses. Eighty-nine percent of the men acknowledged committing larceny, 85 percent disorderly conduct, 49 percent assault, and 35 percent concealed weapon. Eighty-three percent of the women admitted to larceny, 81 percent to malicious mischief, 76 percent to disorderly conduct, and 74 percent to

indecenty. Statistics regarding common offenses such as drunk driving, speeding, jaywalking, and improper use of drugs were not included in the survey.

Since actions of business corporations often involve several decision makers, one might guess that businesses commit fewer crimes than individual citizens. Professor Edwin Sutherland did a classic study of criminal violations by the 70 largest corporations in the United States which reveals otherwise.

Data were assembled on violations of laws in areas such as restraint of trade, misrepresentation in advertising, infringement of patents, trademarks, and copyrights, unfair labor practices, rebates, financial fraud, trust violations, etc. All 70 corporations were found to have been guilty of at least one criminal offense.

The "habitual criminal" laws of some states impose severe penalties on criminals convicted the third or fourth time. If this criterion were used here, about 90 percent of our largest corporations would be habitual criminals.

It would be tempting to dismiss the acts reflected in the preceding statistics as not representing real crime. However, the difference between assault and murder is often determined by the physical condition of the victim. The distinction between the automobile mechanic, doctor, or lawyer who takes money for work which was not performed and the person who takes a lawn mower left in a yard is hard to discern.

The evidence is clear, evil people motivated by self interest commit a relatively small proportion of our crime, while nearly all people occasionally commit criminal acts. Most of our alarming crime statistics are created by basically good citizens who error in judgment or self control. Some authors, mainly in jest, go so far as to suggest the real deviant is the person who has never committed a crime.

The reasons for criminality are numerous. People are some-

times not aware of laws making some behaviors crimes. In some instances, such as traffic violations, we are simply careless. Sometimes a few too many drinks weakens our judgment. On far too many occasions people act out frustrations and commit assaults — which at times culminate in murder. Others just try hard to make extra profit and cross the fine line between legitimate business practice and crime. Crimes preplanned for profit ^{or} power ~~or~~ are rare.

Despite rationalizations, the fact remains that most people interested in seeing an actual or potential criminal might be as successful by looking in a mirror as by looking for a depraved, evil person.

The nature of criminals and the extent of criminality within society should cause us to seriously reconsider our attitudes and actions concerning crime. We might question whether a few simple strategies such as more police officers, stricter laws, or more penal institutions are adequate to produce any substantial reduction in the amount of criminality in society. We should also consider the social cost and implications of such strategies. How much larger will the criminal justice system have to be? How many more jails will we have to build and staff? Who will foot the bills?

CITIZEN INVOLVEMENT

The causes of crime are at least as numerous and varied as the causes of disease and illness. If there are a variety of causes for crimes, then there are surely many different preventions and cures.

The simplistic strategies such as more police or stricter enforcement on which we may be tempted to rely, produce mixed results. They frequently do not reduce crime rates or increase

feelings of public security. There is evidence to the effect that some of the commonly used methods of dealing with crime have serious adverse side effects or are counterproductive. Such strategies may result in increases in rates of reported crime, social disruption and citizen insecurity. Finally, they also tend to be extremely expensive both in human and monetary costs.

As a society we should attempt to move beyond our conventional knowledge and emotions about crime. In the same way we have accepted the process of developing cures~~one at a time~~for our diseases, we should be realistic about our ability to impact crime.

Citizens place an enormous obligation on elected representatives and other public officials to define and deal with crime. We should expect only the possible from them and encourage them to make judgments on sound knowledge and fact rather than folklore. Carefully considered step-by-step decision making, experimentation, and enlightened community involvement provides the brightest avenue for our progress.