

The Meaning of Crime

If you are a typical American citizen, chances are that in your life you have committed some crime for which you could have been sent to jail or prison. In all probability, you have stolen something from a store, cheated on your income tax, or committed some other punishable offense.¹ Similarly, as a typical American citizen, chances are that you have been the victim of crime. Your house has been burglarized, your car has been stolen, or you have been cheated by a fraudulent repairman. If you are an American citizen who is poor, chances are that you have been the victim of crime many times.²

More than 2 million burglaries, 300,000 robberies, and 15,000 murders are committed each year in the United States.³ Hun-

1. Very few studies have attempted to measure the proportion of the general population which has committed one form of crime or another. Such a study obviously faces serious methodological problems. One of the few studies which has attempted this produced some startling results. Based on a sample of 1,020 randomly selected males, it was found that 26 percent admitted to auto theft, 17 percent to burglary, and 13 percent to grand larceny. Overall, 91 percent of the respondents had committed one or more offenses for which they might have received jail or prison sentences. Cited in the report of the President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society*. (New York: Avon Books, 1968), pp. 147-148.

2. For a discussion of victimization from crime, see pp. 38 ff. below.

3. *Uniform Crime Reports*, 1971, published by the FBI.

dreds of millions of dollars are stolen from consumers through criminal consumer fraud. Nobody deliberately designed this pattern; nobody says that it is desirable to have this much crime. Yet, the level of crime in American society and the forms which it takes are substantially the result of *political choices*.⁴ Although the state does not desire this pattern of crime, it chooses courses of action which make such high levels of crime inevitable.

In certain situations, the relationship of crime to political decisions is very direct: the extremely high homicide rate in the United States, for example, is due in part to the absence of any real control on guns. More often, though, the relationship of crime to political decisions is less obvious. A high level of "street crime" is one of the prices the society pays for creating high levels of urban poverty and systematically discriminating against certain groups of people. Broadly speaking, the pattern of crime in America is a product of the basic political choice to maintain the existing structure of wealth and power in this society.

The political nature of crime can be clarified by looking at such problems as traffic fatalities and unemployment. In the case of traffic accidents, the unwillingness of the government to impose strict safety standards on automobiles or systematically to enforce the laws against drunken driving contributes substantially to the death rate on American highways. High profits from automobile sales and repairs, and the individual's "right" to drink when and where he pleases, have been considered more important than the lives lost on the roads each year. While it cannot be said that the government, the automobile manufacturers, and the voters and consumers who support them want

4. I will use the word "political" to refer to aspects of a system that center on power and power relationships, especially power that is connected with the state. A "political choice" refers to a course of action (or inaction) adopted when alternative courses of action are available. For example, in a wealthy country such as the United States the existence of poverty is a political choice in the sense that alternative choices are available which would eliminate poverty.

50,000 people to die each year in automobile accidents, they refuse to take necessary steps to reduce the number of those deaths. This refusal is a political choice, and the ensuing fatalities are its consequence.

The case of unemployment is even clearer. It is standard economic policy that under certain circumstances unemployment should be deliberately increased in order to "cool off" the economy. Rather than deal with problems of the economy by reducing profits or by fundamentally restructuring the economy itself, the political decision is made to increase the number of people without work. Again, it is not that the government likes to see people without work, but rather that it feels it is more advantageous to increase the unemployment rate than deal with economic problems in other ways.

To say that traffic fatalities, unemployment, and crime are products of political choices does not mean that they are purely political phenomena. Individual characteristics obviously play an important role. But it is important that these individual factors always be placed in a social and political context.

The relationship between individual and social-political factors is especially clear in the case of traffic accidents and unemployment. In any traffic accident individual explanations are always available: the driver was incompetent; there was ice on the road; the driver was depressed about his job and not paying attention. Similarly, there are always individual explanations for why a worker is unemployed: he has a bad work record; he is too lazy to look for a job; his firm lost a great deal of money and had to lay off many employees. These sorts of explanations may be useful for understanding why a particular accident occurred or why a particular worker is out of a job. But they are not particularly useful in understanding the *rate* of accidents or of unemployment. To explain the rates, it is necessary to look for factors which affect the system as a whole and influence the outcome of many individual situations. In the case of traffic accidents, issues such as the absence of good, inexpensive public

transportation and the safety of cars need to be examined. In the case of unemployment, it is necessary to look at such things as the policies which influence the job market and the kinds of incentives which exist for finding new jobs.

If in the study of crime, a main concern is to explain why one particular individual commits a crime while another individual, in roughly the same social position, does not, then broad social issues may be relatively unimportant. The emphasis in such an analysis would be more on individual psychological characteristics, differential associations with various kinds of peer groups, and so on. Here, however, our basic interest is in explaining broad patterns of crime, and the analysis shifts to the sociopolitical forces at work. Although the individual is not ignored in this analysis, the focus is on the social reality which impinges on his life, and the political forces which sustain that social reality.

The following discussion will examine how patterns of crime in America emerge out of the social forces which confront people in the society. Social structure influences the pattern of crime in three essential ways: by creating *problems*, especially economic problems, which confront individuals in various positions of the society; by creating a particular pattern of *options* available to individuals for solving those problems; and by creating constraints which influence the *decision* to adopt a particular option for solving problems.⁵

5. Much of the sociological writing on crime involves some variant of the general perspective that crime should be seen as an outcome of the problems faced by individuals and the opportunities available for solving them. The classical statement of this viewpoint is made by Robert K. Merton in his article "Social Structure and Anomie," *American Sociological Review*, Oct., 1938: "It is only when a system of cultural values extols virtually above all else certain common success goals for the population at large while the social structure rigorously restricts or completely closes access to approved modes of reaching these goals for a considerable part of the same population that deviant behavior ensues on a large scale." In American society Merton saw this as meaning that the poor accept the values of individual wealth and success but lack access to legitimate means of fulfilling their aspirations, and thus they turn to illicit means. The analysis of this chapter, however, suggests that crime is a consequence of the problems and options of all social classes, not just the poor.

A variant of Merton's thesis is what has been called the theory of delinquent

PROBLEMS

The problems which confront an individual are to a large extent the result of the society in which he lives and of his particular place in it. Many of these problems are bound up with economic issues: how to acquire the resources for food, clothing, shelter, recreation.⁶ In American society, the intensity and concrete forms of such problems vary considerably with class, race, sex, and age. A corporation executive, for example, never faces the problem of how to cope with the rats in a tenement or where to get money to pay the rent. A worker, on the other hand, never faces the problem of how to get promoted to a top managerial position or how to get a favorable ruling from the government on an antitrust case.

subcultures. While accepting that crime is a response to blocked opportunities, this perspective sees crime as a repudiation of middle-class values rather than as an attempt to realize those values through criminal means. For two different versions of this general approach, see Albert K. Cohen, *Delinquent Boys* (New York: Free Press, 1955) and Richard Cloward and Lloyd Ohlin, *Delinquency and Opportunity* (New York: Free Press, 1961).

Without denying that the subcultural approach may be useful for the study of certain questions, I will use a narrower problem-opportunity model of crime. I do this for several reasons. First of all, most of the literature concerning delinquent subcultures has focused on juvenile offenders, not on the adult criminal. The subcultural perspective may be quite useful in understanding youthful vandalism, but it is really unnecessary in explaining theft. The vast majority of crimes are economic. They represent the illegal appropriation of the property of others. It is unnecessary to postulate a subculture of vice or crime to explain why people turn to illegal activities to acquire material wealth. Second, the view that crime represents a natural, adaptive solution to problems stresses the essential continuity of working-class crime, middle-class crime, and crimes of the very rich. The problem-opportunity model of crime highlights the fact that criminality is not a special characteristic of the poor, but rather that the available criminal options of the poor and the rich are very different. The subcultural model of crime sees working-class crime as a fundamentally different phenomenon from white-collar and business crime; the problem-opportunity model stresses that they are all efforts to solve problems through illegal means.

6. Throughout this discussion the emphasis will be on economic problems because most crime is associated with the economic difficulties people face in their lives (see p. 19 below).

Many of the problems which individuals face are intensified by the consumption values of American society. People are constantly told that their status is defined in large part by the level of their private wealth and that happiness is dependent upon ever-increasing levels of consumption. Because they have accepted these individualistic consumption values, even the relatively affluent face the "problem" of how to acquire more wealth. When the poor accept these values they are placed in an especially difficult situation, since they have the most limited opportunities for such consumption.

Not only does the society determine the problems the individual faces (or feels he faces) but it also influences the way the individual analyzes his problems. The ideology of competitive individualism, which is such an important element of American culture, tends to make people see their problems in highly individualistic terms. Even when there is a realization that their problems are shared by others, many people still fail to see the problem as stemming from the structure of the society itself, and so they seek individualistic solutions.

OPTIONS

The options available to the individual for solving his problems are, like the problems themselves, closely bound up with the society in which he lives. The individual's position in the society defines to a significant extent what alternative actions are realistically open to him. The options available to a twenty-five-year-old unemployed black for solving his economic problems are more limited than those of a twenty-five-year-old white with a college degree, or those of a fifty-year-old wealthy doctor. They may all have certain economic problems in the sense of having limited resources to satisfy their needs and desires. However, the ghetto black rarely has the option of getting a job that pays well or of taking out a mortgage on a home.

The way the individual perceives and analyzes his options is

also strongly influenced by the society. The competitive individualism which defines economic problems in individualistic terms also defines solutions in individualistic terms. Success is seen as the result of individual competitive effort, rather than of collective cooperation. When the individual seeks ways to cope with the problems which confront him, his socialization directs him toward individualistic forms of action. Most crime represents this type of individualistic solution to problems.

Frequently, some of the significant options available to the individual are illegal.⁷ Like legal options, the illegal ones are often closely tied to the individual's social situation. An unemployed worker cannot embezzle cash from the till of a bank or claim illegal business deductions on his income tax returns. Similarly, a bank president never needs to consider the option of holding up a bank; a wealthy home owner never needs to consider the option of burglarizing wealthy homes. Given the competitive individualistic outlook on solving problems which is so pervasive in American society, it is not surprising that under certain circumstances individuals at all levels of the society should turn to illegal options.

A significant difference between the illegal options available to the poor and those available to the more affluent is the question of violence. Most violent crimes, especially robbery, are committed by the poor. Middle-class and upper-class property crimes are characteristically nonviolent. Rather than taking

7. There has been much discussion in the field of criminology over what is the most useful definition of "crime." In general, criminologists have increasingly tended to adopt a somewhat narrow legal definition of criminal behavior. That is the definition that will be used throughout this discussion: a crime is an action which violates the criminal law. There is no necessary implication in this definition that a particular crime is immoral or antisocial. For a good general discussion of the problems of defining crime, see Edwin M. Schur, *Our Criminal Society: The Social and Legal Sources of Crime in America* (Englewood Cliffs, N.J.: Prentice-Hall, 1968), especially the introduction. For specific discussions of the legal definitions of crime, see: "The Legal Definition of Crime and Criminals," by William L. Marshall and William L. Clark, and "Who Is the Criminal?" by Paul W. Tappan, in Marvin E. Wolfgang, et. al., *The Sociology of Crime and Delinquency* (New York: Wiley, 1970).

place in the street, they frequently occur in the privacy of the home while filling out income tax forms, or behind the closed doors of a corporation president's office. The poor lack this access to circumspect property crime. This means they are much more likely to confront the victim of their crimes, and violence is much more likely to be involved in the outcome.⁸ This does not mean that the poor are necessarily more violent than the rest of the society. Rather, it means that the nature of the illegal options open to them tends to make violence more common in their crimes.

DECISIONS

In general, the problems an individual faces and the options open to him do not totally determine the particular course of action he follows. Two people can face roughly similar problems and have roughly similar options and still make entirely different decisions as to what to do. Specifically, one person can choose a legal option and another an illegal option for coping with the same problem.⁹

8. It is important to stress that even among the poor the vast majority of crime is still nonviolent. According to the FBI's *Uniform Crime Reports*, there were 2,169,300 burglaries (i.e., theft resulting from an illegal entry in which the criminal does not personally confront the victim) committed in the United States in 1970, 1,746,100 larcenies of over \$50, and 921,400 automobile thefts, for a total of just over 5 million nonviolent serious property crimes. But there were only 348,380 robberies (i.e., theft in which the victim is confronted by the criminal). Thus, theft involving even the threat of violence amounts to less than 8 percent of all thefts. Furthermore, the President's Commission on Law Enforcement and the Administration of Justice estimates that physical injury occurs in 25 percent of all robberies at most, and death in fewer than .5 percent of all robberies. (*The Challenge of Crime in a Free Society*, p. 91.) Thus *actual* violence occurs in less than 2 percent of all serious thefts.

9. Throughout this discussion, the commission of a crime will be considered a *decision* on the part of the individual (i.e., an action that to some degree involves weighing alternatives and making a choice between them). David Matza, in *Delinquency and Drift* (New York: Wiley, 1964) and *Becoming Deviant* (Englewood Cliffs, N.J.: Prentice-Hall, 1967), sees criminal behavior in these terms as a positive choice. To say this does not imply any hard notion of "free will." Rather, it implies that human behavior is "choosing behavior" which

Many considerations enter into the actual decision to commit a crime, to choose an illegal option for solving problems. Four of these are particularly important: the crime's *effectiveness*, its *risk*, its *ethical implications*, and its *intrinsic satisfaction*. We will consider each in turn.

The effectiveness of illegal options in solving the problem (especially compared to legal options). In many cases an illegal option may be the only viable option for effectively solving a particular problem. For a person whose business is foundering avoiding bankruptcy may necessitate bribing a public official in order to obtain an advantageous government contract. For a ghetto youth, the *only* way that he can acquire the symbols of American affluence—a new car, flashy clothes, money to throw around, and so on—may be through illegal means. For a political activist, the only effective option for political action may be illegal. In the early 1960s this meant illegal sit-ins and other forms of nonviolent civil disobedience. In the labor movement it has meant illegal strikes. In each of these cases, legal means are not simply less effective or slower, but under the given circumstances, they will not work. In such situations the individual has the choice either of abandoning the goal—letting a business fail, becoming resigned to one's poverty, accepting the defeat of one's social and political goals—or of adopting the illegal, criminal option.

makes discriminations, weighs alternatives, evaluates consequences, and then makes a choice. It is a real question whether all criminal acts can be so described. Thomas Szasz, in his book *Law, Liberty and Psychiatry* (New York: Collier, 1968), argues that all human action, even the most apparently insane, involves elements of decision making. In his analysis, even the most compulsive, psychotic criminal chooses to commit his crimes: "... insofar as men are human beings, not machines, they always have some choice in how they act—hence, they are *always* responsible for their conduct. There is method in madness, no less than in sanity" (p. 135). Other writers draw a sharp distinction between the criminal who is "responsible" for his acts and the criminal who is driven by some "irresistible urge." As I will argue later, most crime can be considered relatively rational, adaptive behavior, and thus it is reasonable to assume that the substantial majority of criminal acts involve decisions (see pp. 17 ff. for a discussion of the mental-illness theory of crime).

Most situations are more ambiguous than this. Rarely is the choice between completely abandoning the goal on the one hand and accepting illegal courses of action on the other. Rather, the individual is faced with a variety of alternatives, some of which take longer than others, some of which are more certain, some of which are illegal. In such situations an important, although not necessarily decisive, consideration is the extent to which the illegal course of action is also the most effective course of action. If the most effective course of action is legal, then most people would adopt it; if the most effective course of action is illegal then other factors come into play.

The risk involved in the illegal option. There has been much debate about the extent to which punishment acts as a deterrent to crime. Obviously, the threat of punishment does not deter those individuals who actually commit crimes. And equally obviously, the threat of punishment is not a deterrent to those people who are never in the position to commit a particular crime.

The important question is whether the risk of punishment has an effect on those individuals who have to choose between legal and illegal actions. In certain instances it would seem that risk plays a decisive part. For example, in the case of draft evasion, the threat of three years' imprisonment for refusing induction is a significant issue. The risk in draft evasion is very high, in terms of both the likelihood of being caught and the likelihood of being punished. Many people are unwilling to take that risk. In a criminal action in which the risk is marginal, such as smoking marijuana or tax fraud, the fear of punishment plays a smaller role. In cases like robbery or burglary where the chances of getting caught are significant, but not high, the importance of the risk involved will depend upon the individual.¹⁰ Some people are easily intimidated; some people are unrealistic

10. According to data presented by Ramsey Clark in his book *Crime in America* (New York: Pocket Books, 1971), pp. 101-102, the odds of being apprehended for burglary or robbery are still relatively low. A robber has only about a 1 in 12 chance of being caught; a burglar, a 1 in 50 chance.

in their assessment of risk; some people decide that the risk is irrelevant. Of course, even the experienced robber or burglar who is not deterred from committing a crime by the risk will choose the form and target of his crime in terms of minimizing his chances of being caught.¹¹

Ethical implications. Two basic moral issues are involved in the commission of a crime: the morality of lawbreaking per se; and the intrinsic morality of the criminal act itself. Much of the conservative outcry against the desegregation sit-ins of the early 1960s focused on the first of these. People argued that it was wrong to break the law, even if the law was flagrantly unjust. If you feel that all lawbreaking is necessarily immoral, then the ethical implications of choosing illegal options become very simple.

The question of the intrinsic morality of criminal acts is considerably more complicated. Most people regard certain crimes, such as murder or rape, as immoral. However, for some criminal acts there is no such consensus. Possession of drugs, homosexuality, prostitution, and other so-called crimes without victims are regarded as morally reprehensible by people in America possessing one set of values, and as morally acceptable (although not necessarily desirable) by those possessing another.

In certain situations, ethical imperatives directly operate to encourage or to justify crime. This is most obviously the case in politically motivated crime in which the individual feels a moral obligation to commit certain criminal acts. The romantic image of the Robin Hood figure who robs from the rich to give to the poor also depicts crime as highly ethical. Ethical imperatives may also be involved when a poor black holds up a ghetto store and feels that his action is justified because of the way that store has treated him in the past. This is also the case in various middle-class forms of petty theft, such as flying youth-fare on

11. A more detailed discussion of the question of deterrence is presented in Chapter 2, especially pp. 34 ff.

airplanes when the passenger is no longer legally eligible. Such actions are often justified by saying that no one is hurt by them and that it is all right to "rip off" capitalist businesses.

Even if the individual sees a criminal act as being intrinsically immoral, he may still feel that he is justified in committing it. The moral issues in human decisions are rarely so simple that one decision is all good and another all bad. An individual may face the ethical dilemma of being unable to provide a decent standard of living for his family if he does not commit a crime. In such a case it is not at all clear which choice is "moral." The individual may feel that stealing is still wrong, but that under extenuating circumstances it is justified.

Finally, an individual can look at the society around him and feel that many profoundly immoral, exploitative activities are protected by the law. A black in Harlem experiences the law as supporting the collapsing tenements of the ghetto. A migrant farm worker experiences the law as supporting intolerable working conditions and miserable wages. As a result of such experiences many people, especially the poor, feel a profound disrespect for the law and a pervasive alienation from the institutions which the law protects. An individual can easily come to the conclusion that crime is no more exploitative and vicious than many legal and respected activities. Without necessarily going through a conscious process of analysis, he can rationalize his own behavior by saying that he is merely doing on a small scale what big business and the government do on a large scale. It is not so much that he feels his criminal activity to be ethically justified, but rather that the issue of morality has become largely irrelevant.

This view of crime and morality is articulately expressed by Alfred Hassan, a former prisoner of the California Prison System:

Don't be telling me what is right. You talk that right jive, but where was you when my old man and the neighbors

was teaching me how to steal and shoot dope? Where was you when me and my brothers and sisters was crazy and blind from hunger? Where was you when my mama was gambling away the welfare check? Where was you when the World was calling me a dirty nigger and a greasy Mexican and a poor white peckawood? Where was you when the cops was whipping me upside my head just because my skin was dark? Where was you when I was losing respect for your law and your order? Where was you when Wrong was my salvation? I'll tell you where you was. You was clear across town—Y'know, over there living in them big, fine houses—talking that trash about right and wrong. But check this out: There ain't no such thing as right or wrong in my world. Can you dig? Right or wrong is what a chump chooses to tell himself. And I choose to tell myself that stealing is right. I had a choice: to be a poor-assed, raggedy-ass mothafukker all my life or to go out into the streets and steal me some money so I could buy me a decent pair of shoes to wear, or shoot me some dope so I could forget about the rat-and-roach infested dump I live in. Yeah, I got a chip on my shoulder. But it didn't get there by itself. And it's gonna stay up there until you eliminate the funky conditions that breed cats like me.¹²

Intrinsic satisfaction in the illegal option. A crime may not simply be a means to some other end; it may also be an end in and of itself. It can provide the perpetrator of the crime with a variety of intrinsic satisfactions. This is most clearly the case in crimes without victims, but it is also the case in other kinds of crime as well. A study of white-collar embezzlement conducted by Lawrence Zeitlin found that one of the main reasons for such crime by retail store employees was the boredom of the job itself:

When the average retail employee becomes dissatisfied with his job, if he doesn't quit, he starts stealing from his employer. He gets back at the system. In a sense, the intel-

12. Quoted in Eve Pell (ed.), *Maximum Security* (New York: Dutton, 1972) p. 2.

lectual and physical challenges provided by opportunities to steal represent a significant enrichment of the individual's job. He can take matters into his own hands, assume responsibility, make decisions, and face challenges. The amount he gets away with is determined solely by his own initiative. He is in business for himself.¹³

The same issues are involved in "street crime." Various forms of theft, rackets, drug pushing, and so on may offer the individual a greater realm of personal initiative, of individual responsibility, of excitement and challenge, than any alternative employment available to him.

Undoubtedly, for some people the emotional satisfaction of crime stems from its exploitative, manipulative character. Crime, like police work, can offer outlets for sadistic urges. It can also satisfy needs for power and domination. In the act of committing a crime, an individual who is otherwise powerless can, for a moment at least, hold considerable power in his own hands. This is especially true for a crime like armed robbery in which the robber directly confronts his victim.

Crime can also be a significant outlet for rage. It can be a form of primitive rebellion against what is experienced as a hostile, oppressive society. But unlike revolutionary militancy, most crime is an apolitical response to oppression. It is a highly individualistic form of revenge against "the system" and is generally not connected to any broad conception of social and political change.

The extent and nature of the intrinsic satisfaction of a crime will, of course, vary considerably. For some individuals the specific material gains of a crime are secondary to the satisfaction gained from the *process* of the crime itself. To others, there may be very little satisfaction in the criminal act itself and even a great deal of guilt. For most individuals the situation is undoubtedly somewhere in between.

13. Lawrence Zeitlin, "A Little Larceny Can Do a Lot for Employee Morale," *Psychology Today*, June, 1971, p. 24.

The decision to follow an illegal course of action to solve one's problems is, then, not unlike the decision to adopt a legal course of action. In both cases the individual makes some assessment of the effectiveness of his action, of the risks involved, of the moral implications of what he is doing, and of the intrinsic satisfaction to be gained from the action. This assessment is not necessarily systematic or even completely conscious, but it is common to both criminal and law-abiding behavior. What is distinctive about the decision to commit a crime is the particular risks involved and the specific moral question of breaking the law.

This view of crime is very different from that of most American prison administrators and many criminologists who view criminality as a form or symptom of emotional disturbance on the part of the criminal rather than a more or less rational, natural way of solving problems.¹⁴ The conception of crime as pathological includes a wide range of specific hypotheses. At one extreme is the view that crime is primarily the result of genetic factors. At the other extreme is the sophisticated notion that emotional disturbances which lead to crime are the result of poverty, alcoholism, family disorganization, and so on.¹⁵

In all these notions, crime is seen as basically *irrational*, caused by emotional problems in the individual. However, irrationalities and emotional problems enter into virtually all human decisions. Crime, while in general no more rational, adaptive, or sane than law-abiding behavior, is not necessarily less so.

14. I am referring to crime as "rational" behavior in the sense of being an effective means to some end. There is no implication that it is necessarily an ethically desirable means to that end, or that it is always the most effective means to that end.

15. Although the subcultural theories of crime and delinquency (discussed in footnote 5) formally reject the conception of crime as a symptom of emotional disturbance, an implicit image of criminal behavior as illness often persists. While the individual is not seen as individually sick, he is seen as accepting and participating in a "sick" subculture. Criminal behavior thus becomes the active manifestation of this deformed subculture, rather than a rational, adaptive action by the individual.

Furthermore, in some situations the "normal," rational, sane response is to commit a crime rather than to obey the law.

Much of the argument that crime is a form of mental disturbance is, in the final analysis, simply a matter of formal definition. If "respect for authority" is seen as a necessary element of sanity and rationality then the criminal becomes a priori emotionally unbalanced. If the unwillingness to "delay gratification" of material desires (which in the case of most poor people would mean to delay gratification permanently) is taken as an indication of immaturity, impulsiveness, and emotional maladjustment, then many criminals are, again by definition, sick. While the idea that crime is a form of inherent "wickedness" has generally been rejected, many people are unwilling to accept the indictment of the social order implied by the view that crime is a more or less rational means of solving real problems. Instead they have developed the notion that crime is a form of emotional illness, and they have defined illness and sanity in such a way as to support the conclusion.¹⁶

Aside from the issue of what "sanity" is, two basic objections can be leveled against explanations of crime in terms of mental illness. First of all, even if most criminals were incapable of "controlling their impulses," or were in other ways emotionally

16. It is, of course, very difficult to find data that would clearly support either the problem-solving or the mental-illness view of crime. It is not possible to get hard data on the total population of "criminals" per se, but only on individuals who have been caught, convicted, and incarcerated for crimes. Data on prisoners, especially psychological data, cannot be considered a reliable indication of the characteristics of criminals in general. The experience of imprisonment itself has an enormous impact on the individual; it is a frustrating, oppressive, degrading experience. Any data will, therefore, be distorted by the fact of imprisonment. Since reliable information on criminals cannot be obtained by asking prisoners questions, and since it is not feasible to give personality tests to criminals at large, the next best thing is to look at the criminal act itself in order to see whether it is more consistent with the problem-solving view of crime or the mental-illness view of crime. For a good discussion of the issue of whether or not crime should be considered a form of illness, see Nettler, "Good Men, Bad Men and the Perception of Reality," in Wolfgang, *The Sociology of Crime and Delinquency*, pp. 49-60, and Szasz, *Law, Liberty and Psychiatry*, pp. 91-146.

disturbed, this would not explain the overall *pattern* of crime. It might help to explain why one brother in a family became a burglar while another did not, but it would not explain why a poor criminal is likely to commit burglary whereas a rich criminal is likely to commit fraud. It does not explain why a poor man who cannot "delay gratification" or "control his impulses" may commit a crime to obtain possessions, whereas a rich man with the same "emotional problems" may simply spend his money impulsively. And it doesn't go very far in explaining the extremely high levels of crime in American society among all social groups. To understand these patterns, it is necessary to look at structural forces, rather than simply at individual pathologies.

A second objection to the mental-illness theory of crime concerns the nature of the criminal act itself. There are, of course, some criminal acts which clearly indicate mental disturbance. Crimes such as rape, child molesting, or mass murders cannot be considered rational, adaptive behavior. However, such acts are a very small proportion of the crimes committed in the United States. The vast majority of crimes are economic. According to the FBI's *Uniform Crime Reports*, approximately 5,600,000 Index Crimes (homicide, forcible rape, robbery, aggravated assault, burglary, larceny over \$50, auto theft) were committed in the United States in 1970. Of these, just over 4,800,000 (87 percent) were property crimes, and only 700,000 were crimes against persons. In these statistics the 350,000 robberies were regarded as crimes against persons, not as property crimes, even though robberies are essentially crimes for economic gain. Moreover, these figures only include crimes designated as "serious" by the FBI; they do not include the vast realm of white-collar crime, nearly all of which is economic.

Crimes are thus overwhelmingly committed in the pursuit of property. Given the economic realities of most people's lives, such behavior does not need to be explained in psychiatric terms. Many problems in people's lives center on economic

difficulties of various sorts, and crime is an effective way to solve many of those problems. This is true not only of the poor, whose economic problems are particularly oppressive, but of the middle class and the rich as well. In a society which places such emphasis on consumption, moving up the economic ladder simply means that one's needs increase and one's economic difficulties change form. Moving up the ladder also means that the opportunities for illegal solutions to those difficulties change in character. Thus, the poor resort to robbery and burglary, the rich to bribery and fraud.

Crime can thus be broadly interpreted as a response by individuals to the problems which they face in their lives. The level of crime and the particular forms it takes in American society reflect the pattern of problems and the pattern of solutions available to different groups in the society. The "crime problem" is a problem of the social structure, not of individuals. This means that solutions to the problem of crime must involve political action to change the social structure itself.

The analogy between crime and traffic fatalities discussed earlier in this chapter will help to explain this point. Broadly speaking, two approaches can be taken to reduce the level of traffic fatalities: a massive campaign could be launched to convince people not to drink when they drive and to teach them to drive carefully; or there could be a radical change in the pattern of transportation, in the economic structure of the automobile industry, and in the enforcement of drunken-driving laws.¹⁷

Of these two approaches, change in the underlying social

17. All of these changes would involve political action in one form or another. Good public transportation could be created so that people did not have to rely on private cars. The automobile industry could be publically owned so that safety and durability replaced profits as the basic determinant of how cars are made. And there could be stringent enforcement of drunk-driving laws through devices such as the breathalyzer test.

structure is likely to be more effective than efforts limited to trying to change individuals. For years attempts have been made on television, in schools, and in the press to improve the quality of the average motorist, but with little success. People are still in a hurry to get where they are going; they still drive when they are sleepy; they still feel that a few drinks won't hurt. Cars are still deadly, and inexpensive alternative forms of transportation are still largely unavailable. There will not be a significant change in the patterns until the structures which support the high levels of accidents are themselves changed.

The same is true for crime. As long as American society maintains a distribution of income and power which creates serious economic difficulties for the poor, and as long as it maintains an opportunity structure which makes legitimate solutions to those problems difficult, then crimes of the poor will continue at a high rate. And as long as the society continues to pose both problems and solutions in highly individualistic and competitive terms, the choice of illegal options will continue to be a natural response to the economic difficulties people of all social classes face.

No concerted political effort has been made to deal with the underlying causes of crime. To do so would be to threaten the established order. Instead, the political system has responded to the problem of crime in a way that leaves the structure of wealth and power untouched: by maintaining an elaborate system of *punishment*, in which prisons play a key role.