ETHICAL PRINCIPLES AND QUESTIONS IN CORRECTIONS:

A cognitive, transformational ethics as it applies to professional and volunteer workers in Corrections.

A CaVIC MODULE

BY

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PREFACE

This module was written because I felt that the ethical basis of the criminal justice system has rarely been dealt with as a specific topic in itself. And yet, the justice system is essentially an ethical system - the criminal law being the major statement of behavioral values in our society. A main hindrance in this area has been the attempt by professional disciplines in the social services to adopt a stance of moral neutrality - "objectivity". In fact, the economic and political power of professionals in the western world depends on their pretense to an impartial and amoral knowledge, a knowledge which supposedly can be exercised with clinical impartiality.

However, the major thesis of this module is that all human acts are based on ethical assumptions. The failure of professional groups to admit their ethical biases has greatly hindered society in its own search for intelligent values, and more dangerously it has allowed professional groups to inculcate their real values without the public's full knowledge of what they are doing. Recently, for example, following a sensational murder trial, and merely on the basis of this one event, a psychiatrist in Toronto publicly stated in the press that the government should censor all pornography because of its potential harmfulness! Now, censorship of the press in any form is a political issue, and a medical doctor certainly has no training in ethical or political sciences. This is not to say that censorship is not a valid issue for all citizens, but simply that one of the major problems of our society is the pronouncements on ethics that are constantly being made by professionals of all kinds under the guise that their limited and specialized training gives them some kind of infallible insight into the "correct values" a society should hold. The social sciences are in any event made up of such a patch-work of theories and assumptions that it is very easy for individual professionals

to simply choose a school which supports and predicts their own personal and idiosyncratic values. What is needed, therefore, is at least a rational exposure of the values that do or do not underlie a particular social science theory.

A second major theme of this module is that correctional workers have a central position from which to understand the ethical conflicts of our society. Their work exposes them to the real world conflicts that occur between individuals and social systems. Therefore, it is particularly important that corrections and the justice system as a whole develop a science of ethics. This is needed both to work effectively with those citizens who enter the justice process and to be able to feed back information to the public about the results of institutionalizing certain values in a legal code. A sub-theme here will be that corrections is essentially an ethical discipline, and therefore it cannot afford to become subordinate to or borrow its principles from existing social sciences insofar as these sciences have avoided the whole question of ethics.

This module is not meant to authoritatively pose ethical questions, analyze them, and then pretentiously give the reader THE ANSWER. It is rather a kind of thinking out loud - an attempt to make clear to myself first of all what ethical assumptions I make in my work and how I can at least recognize them if not always change them. As Benjamin Disraeli once said, somewhat sarcastically, "The best way to become acquainted with a subject is to write a book about it!" Similarly, the last major, and very personal, theme of this module is that the most valuable writings today are not those which tell the reader a spectacular new way to solve their problems, but rather those which expose a way of thinking in which the "answers" are not so important as the author's processes of analysis and synthesis, his process of discovery. In our rapidly changing modern world, "how" to think is a much more valuable asset than "what" to think.

Realistically, though, every writer has assumptions which he cannot escape, and my own will appear throughout this module. Some of the more central ones are as follows:

1. All biases should be stated as strongly and univocally as possible. Total eclecticism, perpetual fence sitting, is perhaps a way to have friends and influence people but hardly a basis for any clear thinking. As has been said, more progress is made from clear error than from vague, fuzzy truth. Thus, this writer will state his ideas as strongly as possible, not so much because there is no respectable contrary opinion but so that error can clearly be seen and corrected.

2. I have a strong bias in favour of values which promote man's understanding of himself and his world, and little empathy with those who actively hinder knowledge in the name of "safety". The fundamental, first and last source of knowledge comes from experiencing life at first hand. A social recluse, one who has grown up with and now lives one set of ethical values, is scarcely able to understand or appreciate other values. Therefore, given a varied ethical community, the discovery of what values are functional for the people can only be done by the people themselves.

3. It takes little familiarity with the social sciences to realize that professional specialization has resulted in man's nature being analyzed and divided into a multitude of often unrelated components. Various therapeutic theories and schools are founded on these divisions within man's personality, and so have a strong vested interest in maintaining these divisions. As Lazarus (1976) has discussed in more detail, the confusion that now exists in the field of psychology and psychiatry is in part due to the very human penchant to: (1) analytically simplify a client's problems to one or two major areas (e.g., he has this or that emotional

problem); and, (2) searching for unitary treatments or cures (which include such panaceas as megavitamins and primal screams, and specific treatments such as aversion therapy for addicts). My bias is not against the analytic technique per se, but toward the idea that we cannot understand nor act with moral certainty until we "put things together". Human beings do not have "some bad parts" with some "good parts" (e.g., criminals suffer from a "bad will", an "intellect deficit"), nor do societies have some "bad components" while all others are good and pure (e.g., the assumption that there is no functional relationship between criminals and societal structures and laws).

4. I have a bias against the excessive dependence in corrections today on the limited disciplines of psychology, sociology and social work. Given the fact that some criminal behavior could be partly related both to man's internal biochemical processes as well as to the structures and processes in the community, there is a great need for a new synthesis which will form a "science of corrections" out of the disjointed and disparate insights of the various modern sciences.

5. The correctional system and the larger criminal justice system have yet to define concrete scientific goals. There can be no correctional science until there is some kind of commonly agreed upon object. "Rehabilitation", which is the concept usually used to express the goal of corrections, is totally inadequate since it admits of no precise definition. Further, it can hardly be the central rationale for any one science since it can be equally and as vaguely applied to any social discipline - doctors, dentists, urban planners, etc. All rehabilitate in one form or another. Therefore, corrections needs to define its own goals and scientific methodologies if it is ever to focus and prove the effectiveness of its work.

6. Because of the lack of a correctional scientific theory, both professionals and volunteers have no clear and uniform role definition. Volunteerism in particular has been poorly accepted by professionals on this account. With no clear role definition, professionals tend to perform very practical activities for offenders (e.g., find jobs, give advice or enforce controls). Since volunteers can logically perform any of these practical functions, they pose a threat to the professional's "role" and identity. The solution to the question of the professional's and volunteer's roles can be answered only by a systems approach - i.e., by working out a joint job prospectus based on their complementary skills and talents. Less efficient, though perhaps the common procedure today, is for one group, such as professionals, to define in isolation what they will do and then say to the other that "the rest is yours"!

The most important thing that a particular school of philosophy or theory in science can contribute is the "question it asks", its basic assumptions, or frame of reference. The "answers" we get from a science flow from its question and logically are contained within the question itself. All human systems have certain limits to their knowledge, limits in their ability to experience the world, and this constraint is necessarily reflected in the concepts and language that the system uses to express what is "true or false", good or evil", for it. (Unless specified further, the word "system" in this paper refers both to individual human beings and to social groups). One could even say that the coming to be of a community out of a mere aggregate of individual persons and groups is the result of the people's acceptance of a common symbolism (verbal and ritual) which unites them around a consistent set of values which give directionality, purpose and integrity to the community (the past, present and future, united under one frame of reference).

The primacy of the concept of value perhaps arose with Socrates who, according to Langer (1951), brought an entirely new question to Greek philosophy: what values do things have? Are things good or evil in themselves or in their relation to other things, for all men or for a few, or for the gods alone? Socrates did not ask the common question of his (and our) day, "Which answer to a question is 'true'?", but rather he asked, "What is truth?", "What is knowledge and why do we want to acquire it?" What Socrates did, and why he was so upsetting, is that he went to a new level of discourse, a meta-level, in which he questioned the basic assumption of the mandarins of his age, namely, that the only perspective that is important is the one which understands the physical, casual relations between things.

If we now jump to the 20th century, we see much the same kind of socratic, meta-level discourse being used in the therapeutic work of Watzlawick, Weakland and Frish (1974). They point out that to consciously and intelligently change a system, the change agent must be able to get "outside" the system and criticize its basic premises. Change depends first of all on the ability to know and put into words the laws and constraints under which the system operates. For example, a society which believes that value lies in the conformity of "the masses" to a code of law will have no ability to conceive of the morality of an act which is contrary to a written law. Even more difficult for a legalist culture would be to comprehend that a human morality might lie primarily in man's "reason", and only secondarily in the products of his mind (language, concrete laws). Fully human values would then arise within a dialogue and not by the control of the powerless by the powerful through written law.

In a psychological frame, then, we can say that the central concern of ethics is to identify the relationship between man's consciousness of values and the effect it has on his actions, and correlatively what effect his actions have

on his values. Our choices of goals and actions are predetermined in the first place by the system of ideas we carry in our head about what is to be done or avoided. The meaning or value of a reality depends upon how we "frame it" - our conceptual and/or emotional givens in relation to which we experience a reality. For one person, rock music is pleasing while for another it is pure noise. For one culture, ants are food; for another, the idea of eating them is revolting (unless mass starvation breaks out, and a new context of survival forces people to eat anything to stay alive).

It is, therefore, a first order assumption of this module that "values" exist only in the mind. They are not "things-in-the-world". Just as we might say that an animal puts a certain value on its territory, it is also clear that there are no real boundaries "out there". The territorial boundaries exist only in the animal's mind.

To think that "things" are good in themselves is an error in classification. Nothing in a set can also be the criterion of the set, e.g., no shade of blue is a truer blue than any other. Therefore, if good were a "thing", a reality out there, then it could not be a criterion for other "things" - "good" would have to be judged by something outside of itself and that in turn would become the criterion for good-ness.

It is clear then that the ultimate criteria of a system, its parameters or boundary concepts, are "beyond good and evil". They are assumed values, values which are chosen by the system in order that it will be able to classify and order the world. The finding of these "boundary values" is crucial for the identity of a human system. Without our boundary values and assumptions, we would not be able to have any continuity in our lives or make consistent decisions.

However, it is also true that frames preclude solutions to problems. Once we believe very strongly in a particular intellectual or ethical point of view (schools of thought), it is difficult if not practically impossible to be as open to contrary views. It is not "bad" or dysfunctional to have strong beliefs. What is dysfunctional is not to be aware of one's assumptions or "boundary values", and so to be unaware both of their relativity and that the assumptions of others are just as valid, at least until concrete evidence proves one to be better in certain situations than others. For example, if one assumes that all criminal actions are a result of either "madness" or "badness", then one will not be able to appreciate the possible functionality of some criminal acts in particular situations.

The main concern of this module is, again, not to give a set of "right" ethical principles and to argue the reader into accepting them. Rather, it is to examine the question of "how" we come to accept any standard of values, "what" use they are in corrections, and therefore to stimulate thinking in this area. The criminal justice system generally needs constant and high-level ethical input both because there is a great mass of uncritical and uncriticizable ethical assumptions now within it and because its power makes it potentially either one of the most dangerous or helpful forces within a society.

INTRODUCTION

The word value will be used in this module in a functional sense. Values are the chosen end-states of a particular system, those scale of goals by which the system chooses certain actions as fitting to it or not. Problems arise, however, when either one set of values in a system conflict with another set (a man values economic security but finds this requires him to work at a job which is uncreative), or when one set of values conflict with realities outside the system.

In its complete sense, ethics is a science which deals not only with how a system chooses a particular set of ultimate boundary values (ends or end-states), but also how a system arrives at a set of hierarchically ordered sub-principles and laws through which it chooses behaviors which are harmoniously ordered to each other and which are adaptive in terms of the constraints placed on the system by its environment. This rather complicated statement requires some further discussion.

1. Laws, Constraints, Boundary Values and End-States

These four concepts are key ones throughout this module and so need to be discussed carefully.

The distinction between laws and constraints is important to keep in mind. Laws describe the regularities that exist between the phenomena being looked at, and so are relatively few in number and of wide application (e.g., the law of gravity). The many "laws" which characterize legalistic, ethical systems are not laws in the scientific sense but (to be generous) practical determinations of ethical principles.

A "constraint" in a system explains regularities which the law itself cannot, such as specifying the initial conditions (or more properly, "boundary conditions") of the system. Thus, the laws of physics do not speak about the givens that were present in our universe when it began, nor about the starting points of any other

systems it analyzes. Similarly, in the field of corrections, an effective worker knows that while there are general rules which apply in any interpersonal transaction with a criminal offender, it is also necessary to "start where the person is at". The constraints in an ethical system will then refer to the given values and environmental conditions which affect how well the system will be able to choose and actualize its values.

"Boundary values" are those "ultimate" values of a particular system which are essential for it to have a consistency within itself and its actions, and thus to have an identity. A modern corporation's primary end is to make profits, for example. Similarly, human beings choose one or more boundary values which they strive to maximize in their day-to-day lives, although these may change either because the person's environment radically changes and/or the person comes to a significantly new level of awareness and maturity. Boundary values, end-states, are only "ultimate", then, within a given time frame, and this time frame must be specified in any intelligent ethical analysis of a system. Therefore, end-states differ from other values both by being more general and abstract and because they change much more rarely and slowly.

Another major quality of boundary values is that they cannot be scientifically proven as "good". To do this would require, as we saw earlier, new values outside of and higher than they are, and so these new values would become by definition the new set of boundary values. Therefore, the error of circular reasoning occurs whenever some system tries to prove its boundary values are the highest (best) ones possible. In doing so, the usual error is to appeal to some product of the system - my values must be right because I am (e.g.) happy or rich or contented. But of course this is a self-fulfilling prophecy - if one believes one's values are best, then whatever results they produce are seen as the most valuable as well. To try to

prove ultimate values is very much like asking, "Which is better - an elm tree or an oak tree?" The question is unanswerable in the abstract - and boundary values are always of the highest abstraction.

A major problem arises when individuals or social systems have contradictory values within their set of boundary values. This can happen by a person being taught by another person or system to believe that two values are harmonious when in fact they are contradictory or at least irreconcilable. One example of this is the so-called double bind, e.g., a person is deliberately programmed by his family or other social groups to believe in mutually exclusive concepts and values, such as: You must love your parents (when love is also taught to be a free gift between human beings); or, law must be obeyed by a mature person (whereas maturity is also taught to demand self-directiveness).

Or, a person can have a schizophrenic split between his values and his behaviors because of a constantly shifting environment. For example, a person might choose honesty as one of his boundary values, yet lie at times, using some such rationalization as: "Honesty is all important to me. However, I've learned it doesn't work in such and such situations - but this is not because honesty is dysfunctional but because these situations are evil or deficient." The person then is in a stress situation - reality does not conform to his values, and he refuses to credit outside reality with any force or counter-value. The simplest and most extreme example of this is a prejudice, viz., an assumption which lacks any intelligent correlation with the physical world.

2. The Existence of a System of Hierarchically Ordered Sub-Principles.

In any system of values there is a certain more or less clear ranking of these values - i.e., within the boundary value set, and the more concrete values below them. These latter, sub-ordinate, values can be proven deductively insofar as they are consistent with the end-states.

In the systems of criminal law and corrections there are very serious problems with the values that have been chosen to guide their behaviors and the rank order (or lack of it) given to these values. A good example of this is the attempt to simultaneously make deterrence, retribution and rehabilitation ends of these systems. These values are not absolutely compatable because they attempt to balance consideration for individuals (rehabilitation) with the needs of the whole societal system (deterrence and retribution). Therefore, they can only be sub-principles. The rather ambiguous association of these values however has resulted in a confusion in the correctional subsystem as to its own role. A great deal of discretion is used by workers in the correctional system as to when they will take a therapeutic stance toward a client (which also implies judgments about which antisocial acts will be considered not relevant enough to warrant further criminal charges as well as which antisocial values of the client "should" be changed), and when they will use their power to punish their clients out of deterrent or retributive rationales. However, with very few criteria by which to make these decisions, the correctional worker is often in a quandary as to whether he is being too harsh or too permissive.

3. Values Must Prove Themselves By Making The System Adaptive In Its Environment.

Values are to choice what symbols are to language - they are highly abstract models or constructs through which a human system expresses the goals and purposes of its existence. In societal systems, these values may be given authority either by one of its sub-systems (e.g., religious principles which simultaneously determine both the system's law and the minds and values of the citizens), or from the authority of the society itself (the State which "allows" certain values to exist and so rewards kinds of life styles). Whatever the source, values are cognitive representations which are the enduring themes that transform a mere aggregate of people into a

community. For example, one such value for a social system would be democratic "diversity". As Clark (1975) noted, it may well be that survival and growth in the modern world will depend on a maximum diversity of social and political systems, so that democracy is not just a possible value choice but a necessary one.

The Two Major Sources Of Ethical Principles In Corrections

Since the criminal law is par excellence that part of law which enshrines the values of a society, and since these values authorize correctional specialists to forcefully intervene in the lives of private citizens, it is imperative that the question of ethics be dealt with by a correctional program. Corrections cannot pretend to have a valueless objectivity, since without a clear and exact standard of "health" and morality there is no way for a correctional worker to draw the concommitant conclusion about what is to be encouraged, allowed or forbidden in the offender's conduct.

The central question of methodology in any system of values and ethical principles is their source - who is to say what is of value and what is not? Norms themselves are simply and purely logical determinations of our actions, what we do because we think we "ought" to. An appeal to the norm itself as its own validation is irrational.

There are two major sources for ethical norms, and the choice of one or the other by a society (or any sub-system within it) will determine the kind of values it holds and so what behaviors are encouraged or punished. These two sources are nomological ethics (from the Greek word nomos: law), and axiological ethics (from the Greek word axia: worth, dignity, goodness).

Section I of this module will deal specifically with the distinction between the nomological and axiological sources of ethical values.

SECTION I - NOMOLOGICAL AND AXIOLOGICAL ETHICS

A. NOMOLOGICAL ETHICS

As with any science, the key issue is the starting point, the assumptions made about the nature of the science itself and the problem to be investigated. For a nomological, legalistic school of ethics, the starting point is a codified body of law, a given set of rules. (From the outset, though, it should be understood that an axiological and nomological ethics are two ends of a continuum. Every system has varying degrees of law and freedom. For simplicity's sake, the terms nomological system and axiological system will refer to systems where the balance is heavily in favor of codified law or ethical principles respectively.)

The principal assumption in a nomological ethics is that law is logically prior to the system it governs - that is, it is the law which judges not only the individual actions of persons in the community but also judges the community itself. The law, for example, not only says an action has no value ("adultery is wrong") but also that the person doing it has no value (the adulterer is stoned, or put outside the community of the righteous). In order for the position to appear humane (a political necessity), the lawgiver presents some kind of intellectual validation of this position, for example, that one "loves the sinner but not the sin". This type of rationalization is always present in a nomological system. Being based on law (ideas of what man ought to be, not what he is), a nomological ethics allows a system to punish or destroy concrete human beings while at the same time holding a boundary value such as law is for the good of the individual human being.

The simplest example of a nomological principle is the commonly accepted generalization that the highest purpose of criminal law is "the protection of society". This principle, if followed to its logical conclusion, must hold that

any deviation from law puts the person at least temporarily outside of the community. This, in turn, makes it impossible for a society to conceive of the value of deviation, either in theory or in practice (the law admits no exception to itself), and so there are no internal principles by which to recognize or promote those non-pathological deviations (evolutionary trends) which promote system growth.

The essential process by which values are arrived at in a nomological ethics is through a "translation method" - the projection of the values of one system onto another system. For example, it is obvious that our system of law has clear historical and logical roots in the Judaeo-Christian subculture. Thus, the current debates over the freedom of citizens to have access to explicitly sexual materials, to control their own birth rates through abortion, or the right of the State to use capital punishment are types of issues that are in fact political-religious debates, where emotion and tradition are more significant than rationality.

The translation method is the method a nomological system uses to label and control its environment. Language is the principal instrument for translating the ethical values of one system onto another. One of the most common techniques used is labelling - naming undesirable realities with "bad words" and desirable realities with "good words". Some examples of this are:

(1) Sexual behavior is accepted as a human "need" by most systems. However, since sexual activities and unions have dangerous political and ethical possibilities, allowing sex to be merely called a need is not acceptable. Therefore, sexual behavior is translated into the value-concepts of love and intimacy. In so doing, a society covertly programs the people so that they believe they are only "allowed" to enjoy sex if it serves a societal purpose. If sex were encouraged outside marriage, all kinds of

disastrous things might happen - inaccurate tax roles, loss of support for christianity and its churches, and the loss of control over the family and its programming of the young.

(2) The aggressive "instinct" in man is a basic need, one which drives him to grow and to modify the destructive aspects of his environment. Too dangerous to be ignored, though, it is therefore translated by social systems into such values as "self-improvement", "service to one's nation", or destruction of differing political systems in the interest of "national security".

It is important to realize that through the translation of needs or simple desires into values something is lost as well as gained. Language is not passive. The danger in institutionalizing generalized needs into narrower ethical concepts is that the individual will be subordinated to these collective norms, that every action in those areas must serve the State (or system) which defines the norms. Such values could eventually serve (in a collectivist society) to prohibit all differences which threaten those in political power.

The basic paradox in translation methods was exposed by Whitehead and Russell (1910) in an axiom within the Theory of Logical Types. This axiom states, "Whatever involves <u>all</u> of a collection must not be one of the collection". Therefore, the properties of a system cannot also be one part of the system. The formal properties of a system apply to none of the individual components. For example, a nation has an immigration-emigration rate, which rate cannot be said to apply to any one person in the system. A social system is not simply a sum of all of the persons in it, but is a kind of entity in itself. Correspondingly, an individual is not simply one-n^{th} of the system, a reproduceable cog, but has unique properties never found in the system's structure or processes (revolutionaries often tout this point while forgetting that the system is also unique and not a simple mirror image of the individuals within it).

Now, if the ethics of a State are merely a translation of the ethics of one of its component systems (e.g., one of its religions), a paradox is created, as the ethics are self-validating. What is all of the system cannot be part of it. Thus, if the central church supports the State, and the State supports the norms of that church, a circular system will exist (although it will be denied by all those in power since awareness would lead to possible other choices). Similarly, if the State is the ultimate judge of what is right and wrong, how is it to be judged? It cannot validate itself by its appeal to the justice of its acts by its own canons - although Machiavelli urged rulers to make unjust regulations appear to be just precisely in this way. Therefore, a nomological system has no real way to avoid circular value formations. Consequently, no State can of itself and in itself claim to be absolute, i.e, to define "justice". It can only express rules which are most functional for certain of its members at certain times and places.

Nomological stresses are present all around us. One constantly meets people who feel guilt (a religious emotion) for having made choices which they knew were intelligent yet which went against the accepted norms. It is very difficult to escape this nomological mental bind since to disagree with accepted norms has been labelled as "bad" and/or "mad" behavior. To be different is to experience alienation and loneliness. Those who agree with institutional norms will in turn have the experience of "being right". The law abiding will feel they are happy, but they will have difficulty seeing that it is not their behaviors that cause happiness but the support and praise they receive for them.

A nomological system will produce its own brand of "therapy" for dissidents, one which will be aimed at convincing deviants that they are maladaptive because their behaviors don't work out in the community - a particularly interesting

example of a self-fulfilling prophecy. We might even hazard the generalization that much of contemporary therapy has also supported the values of the majority. No brand of therapy can escape the fact that it is based on ethical assumptions and teaches or reinforces given ethical values. To assist a person in changing his behaviors, or to try to get a person to "see" other meanings to his behavior and to "recognize" the value of new behaviors is an ethical act. All therapy is in fact the attempt to substitute the language and rituals of one system for another - to assist persons to behave in a more adaptive way.

Any discussion of ethical systems is consequently a discussion of language. A central question in ethics therefore is whether the same kind of language is suitable for talking about unique human beings as for speaking about larger social systems. Are these the same or different? Should we merely translate one into the other? For a social system operating out of a nomological ethics, the answer is yes - because its primary concern is to control the activities of all those within it, to have them obey a codified law (a logical language). A nomological social system is analagous to a computer. It must be programmed to think with one set of symbols, to believe the same truths. A computer is the purest form of a nomological ethical being: it takes its values from its "leaders" (programmers), does everything in an orderly way, is never deliberately deviant, and is totally non-violent no matter how poor the conditions in which it is housed.

As will be seen later, an axiological ethics demands a different language, a different set of values whenever different system levels are involved. It posits the need for a "transformational methodology". A translation method is essentially concerned with how a system can get to a pre-programmed goal. Since the goal is fixed, the system's energies will be generally devoted to developing better and better technologies for reaching its goal . This of course is also its strength. A confusion or ignorance about one's goals hinders the single-mindedness necessary for technological or even artistic production.

Transformational reasoning, on the other hand, is a "methodology" - methodology being a concept on a higher logical level than "method". A methodology involves the analysis of the different methods that are proper to different systems in their search for end-states and how to best reach them. Therefore, to appreciate the need for a methodological enquiry, one must recognize that there are different levels of systems in the world which require different concepts of truth and ethics to describe them (a translation theory assumes truth is one and universal, and that there is one right way for all persons and systems to behave). Looking, for example, at the relationships between a system and the various subsystems within it, we can express their difference in terms of the concept of "irreducibility", that systems are not only nonsummative complexes (they have properties and functions that are specific to them and not additive from their parts) but also that one cannot simply reproduce systems by having similar components. For example, a society is not just "x" number of people living together, and its values are not necessarily the same as each individual person. Nor can we say that a system like a society should have the same ethics as its individual components.

But, since common sense tells us that there must be some similarity between a society and the people living in it, the task then is to discover how the values of societal groups and individuals interact, are <u>transformed</u> from one into the other.

The emphasis here on methodology is directly related to the earlier assumption that boundary values are meta-principles, assumptions, frames of reference, which are not proveable in any absolute sense. There is no "right" ethics any more than there is any right language. All ethics are matters of faith ultimately, matters of choice. The ability of man to grow, to develop in his ethical principles will depend primarily on his awareness of and critical assessment of boundary values.

The central concepts and boundary values of a nomological ethics are: justice, protection, authority, will and obedience. An examination of each of these concepts will follow in order to highlight some of the ramifications of a nomological ethic.

Justice

Justice is one value among many. If one were to break up a society's values into those necessary for survival and those necessary for excellence, justice would certainly fall in the former group. In its classical definition, the fully human quality of justice required not only the payment of debts owed, but also the spontaneous willingness to do so. Human justice, therefore, can never be legislated but only the just act.

However, when jurists take over the power in a system, justice becomes the central value. A "jurist" is defined here as a person who understands reality and finds its excellence primarily in terms of legal, rule-bound concepts. In a society run by jurists we find such characteristic traits as: laws being endlessly multiplied, with ever more obscure interpretations of each law (one needs a lawyer to do anything of significance); the definition of justice is restricted to its behavioral aspect so that "virtue" lies in the mere compliance with the law; and, there is an inevitable exhaltation of jurists as the guardians of the morals of society. Thus, note the following statements of the Fourth Annual Report of the Law Reform Commission of Canada:

(1) "Respect for peace, for order, for agreeing to differ, for non-violence..... these then are some of the values that are essential to society... Essential values have to be protected to stop society's disintegration" (pp.6,12). Besides ignoring the rather obvious historical fact that no society has ever existed which has uniformly operated in this manner (including contemporary Canada), the obvious

implication here is that legislative and judicial steps are necessary to stop the alleged "disintegration" of values among Canadian citizens (to label change as "disintegration", especially the assumed change of a whole society, is surely somewhat presumptuous, and reflects the sense of some kind of divine or kingly mandate). This attitude is even stronger in the following quote.

(2) "Our values must be learnt and reinforced. These need various teaching and socializing agencies like families, schools and churches. But one such agent, and one all the more important as those others gradually seem to abdicate their teaching role, is criminal law." With one fell swoop, we find a legal organization standing in judgment of all the families and other institutions in the society; and, what is even more incredible, the assumption is made that law alone actually has the ability to teach adults. In classical tradition, law was more intelligently perceived as that which taught children or the child-like. An adult needed wisdom, not law. And, wisdom is hardly taught in law schools or to be found by definition in jurists. Rather it is found in wise men and in the collective wisdom of the community. Certainly, legal specialists have no training or particular expertise in ethics, and it would be doubtful if they intellectually knew any more about ethical theory or the social sciences than citizens from other walks of life.

While the definition of justice is an important question, a more significant methodological question is whether or not justice has the same form in different systems. In a relatively small, homogeneous and static society, for example, it is easy to define the notion of "debt". Specific transactions require specific exchanges (one wife for 20 head of cattle) and there typically is a tolerance for a wide variety of different kinds of roles and role obligations. As Wilkins (1965) noted:

> It is well known that villages can deal with and integrate members of the community who deviate quite widely from the norm. Both the village idiot and the village squire are acceptable members of the village culture. If, however, the village idiot were to move into an urban culture, he would be rejected and removed from the system.

In large, urban and complex communities, debts and interpersonal transactions become stereotyped. "Mass man" comes into existence in the city. Transactions occur between "kinds of people": we buy from A & P, not a personally known grocer; we go to a doctor, but one whose personal life never crosses with ours; the policeman on the beat becomes the stranger in a patrol car, a person who can exercise only impersonal discretion, rarely knowing or caring about the people he meets.

In corrections, there is the typical problem of the "city idiot", the person who has so few social and educational skills that he cannot fit in to the middle-class roles or functions that determine economic security and self-worth. Such a person is often foisted off on vast, impersonal and monolithic social agencies. If "justice" is the abiding by the norms and values of the successful citizens (as it is in all nomological ethics), then the inept and unskilled will inevitably supply fodder for the juridical juggernaut.

As societies become more complex, there will inevitably be a concomitant complexity in the number and kinds of transactions between people, and therefore an increasing opportunity for different types of crimes. The tempting, initial response will be for jurists to increase the amount of law, and to phrase it in ever more abstract language so that it will be able to cover this multitude of behaviors. A problem arises as to how modern society can control the increasing complexity of its life without at the same time producing an over-abundance of law and crime.

A nomological system can only answer such a question in one of three ways: (1) ever tighter controls and laws; (2) a greater control of educational and learning institutions so that the young can be programmed to behave in socially accepted ways; or, (3) an attempt to decriminalize certain minor deviancies while maintaining control over the central activities of its people (e.g., how and where they may live, or how they may cohabit and raise their children).

Protection and Safety

As Henry (1959) noted, "Protection, fear and control are inseparable. It is impossible to protect a child without inspiring a fear of danger in him and without controlling his mind and body". If one needs to be protected, then the world is necessarily a dangerous place. And the more we protect others, the more we transmit the subtle message that they need to give up their freedom to us in order to be safe.

A nomological system takes man's innate desire to protect his life and possessions and directly translates this into the primary end of law. Such a system will necessarily value law and order above all other values. The "protection of society" is its theme song.

However, it is obvious that some degree of protection is necessary for all systems. In Maslow's hierarchy of human needs, for example, he places "safety" as the most basic human need after food and sleep, after which there are the more mature and adult needs for group membership, self-actualization and creativity. It would appear reasonable to assert, therefore, that where safety is the primary definition of an ethical system (such as in the criminal justice field in Canada today) we have a young, immature system (or an older system going through a transition period to a new ethical maturity).

How is the people's need for safety translated into a code of law? The answer is twofold. First of all, by prohibiting certain behaviors, law teaches what allowable range of behaviors are permitted, are safe. Secondly, by asserting its own primacy, nomological law seeks to give a community a sense of identity, a sense of tradition and enduringness. These traditions tell the people which values and behaviors have been useful in the past in keeping a safe and equitable balance both among the diverse groups within the society and between the society as a whole and its human and non-human environment.

However, when a society enters into a transition period, when new sets of values are coming into being, then law can be a hindrance to a community's safety. New individual life styles or new social situations will generate behaviors which are not recognized by and occasionally forbidden by the existing law. Western political tradition has always tried to remain open to change, to keep a balance between law and freedom. Defining law's end as the protection of society is, in all fairness to nomological ethics, an attempt to keep law to a minimum, in theory at least. As John Stuart Mill said in On Liberty - "The end for which mankind are warranted, individually or collectively, (in) interfering with the liberty of any of their number, is self-protection". However, this only serves to make the issue clearer, not resolve it. The question still remains as to how many of the system's institutions and processes should be included in its "self" and so be protected. A parent who protects a child from too many of life's dangers creates a dysfunctional child. A society which has a broad definition of its national identity can assume unlimited powers in regulating citizen's behaviors, as well as be prone to make the first line of its defense against deviance (variety) the enactment of more laws and the criminalizing of more citizens.

Buckley (1968) shows as well that social deviance can even be promoted by a system's institutionalization of values, that order can be a direct cause of disorder. Order and disorder are not necessarily contradictory states. For example, an organization which tries to maximize the efficiency of its employees by excessive rules and laws may and probably will produce employees who have little personal allegiance to the organization, persons who seek every opportunity to avoid more than the minimum possible work. Similarly, the apathy of citizens toward law may in part be the direct result of too large a body of law, and this apathy can mistakenly be interpreted by the legalist as a signal to create even more laws (a positive feedback cycle).

A monolithic legal system can easily share the great failing of all corporate giants, namely, that its major function is self-protection, not societal protection. Given the fact that such systems are made up of real people whose economic income, political and professional prestige is dependent on the control they exercise over other's lives and decisions, it is to their advantage to increase rather than decrease their control over the society. This is the problem with a translational method of nomological systems - the larger social system cannot do other than reflect the values and goals of the majority. Perhaps the only principle which can keep a nomological social system from destroying all the individuality of its members is that it should only "protect" the minimum number of citizens' rights - these rights being operationally defined as those which local communities are absolutely incapable of protecting themselves.

Authority

By authority is meant the ability of a person or other system to make decisions for others, an ability that is conferred on the authoritative system by

another, higher system. Authority is principally a "structural concept", i.e., it refers to a person's or group's status within a hierarchical arranged system.

A central problem for the people in any social system is how to make it operate in a desirable way, e.g., be more reliable, convenient or economical. Therefore, systems gradually evolve control mechanisms - ways of regulating the decisions people make in certain key areas. For example, a society may want to regulate the use of a scarce resource (which, again, is a goal proper to a system not to a lone individual), and may try to do this both physically (cutting down demand or supply) and/or changing the people's attitudes by connecting this goal with the people's sense of patriotism.

Two general methods exist for controlling people's behaviors. First, the leaders of the system, having defined their goals, can simply translate these into suitable behaviors for the various subsystems of the community and establish a system of rewards and punishments. This method is best where the goals are rigid and unquestionable (autocratic law). Second, the leaders could study the system, find the already existing behaviors or laws within the subsystems, and then add additional factors which unite these regularities with the desired new behaviors and goals.

The first control mechanism is the one used in a nomological approach. The ability to accomplish this will require a simultaneous control of the people's attitudes and their ability to make free decisions, and so, the development of a method of technological control.

1. Attitudinal Control - "Father knows Best"

The primary attitude which maintains a nomological ethics is that the people are children who are not really capable of determining their own fate. This is the "father knows best" syndrome. For a nomological ethics to work, it must therefore convince the people that the environment is inherently non-rational and

so dangerous that spontaneous behaviors will lead to a disintegration of "true" human values, and thus that the professional leaders in authority must always be obeyed. The themes of protection, fear and authority are intrinsically related. For example, volunteer workers in corrections can easily be taught that mysterious, irrational psychological forces exist in offenders which they cannot understand, and so they must continually receive approval for significant decisions from their professional leaders.

When a legalistic, control method becomes rampant in a society or system, when people come to believe that the world is essentially irrational, they will "spontaneously" clamor for more and more laws to cover every aspect of life. We thus arrive at a system of "well-adjusted children". However, past a certain critical point, too much law will make life itself unrewarding - "father" will be unable to satisfy the individual needs of his children. This is true because law, as a macro-system process, is only able to be geared to the average, the norm. When the people begin to recognize the loss of their individuality and group identity under law, a dissatisfaction will set in with "big government", "father" will fall from his pedestal. And so, perhaps, the apathy and disillusionment people are now feeling toward law and big government is part of a normal and healthy growth process. To have given away too much power to others is an understandable error, and we must all come to realize that our fathers are both human and ultimately incapable of helping us avoid responsibility for our own lives.

2. Power

By power is meant the ability of a person or group to affect the decisions of others by means intrinsic to the powerful entity. Power is thus different from extrinsically conferred authority. For example, a parent may have legal authority over a child, as given to the parent by a State or a religion but the child may have

significant power over the parent. Power is a "process" concept as distinguished from the structural concept of authority: power is the ability to change another's behaviors by one's own skills whereas authority can reside even in the completely incompetent (which is why authority is normally backed up by armed forces).

To accomplish total control, the freedom of people in the system must not only be reduced to childlike levels, but the system will use its authority to subtly program punishments so that alternative choices actually do produce failure and pain. For example, a parent who is intent on keeping his child dependent upon him will not encourage or assist the child when it tries to act independently. Lacking this vital support, the child may then fail, "proving" the parent's values (if this succeeds, the parent may gain power over the child, the child endowing the parent with a personal infallibility). The same situation exists in today's community - those who wish to act out different values (e.g., single parents, working mothers, religions other than judaeo-christian ones), have fewer and sometimes very little public support for their life styles.

In all such power manoeuvers, though, it is essential that a human system allow some smaller freedoms. As is known in economics, for example, cartels will not destroy all competition, as they easily could do, since this would make their position too obvious and invite controls by government. An illusion of competition must be kept so that the people feel their market place decisions have some affect on prices.

Correctional offenders are also caught in a power play in which their rehabilitation is judged by saying and doing the right things <u>because</u> of being rehabilitated. Offenders often get "bad reports" on their files, harsher supervision, or delayed parole or termination of probation if they don't show the "proper attitude".

This inevitably produces people who beat the system simply by being good actors, and others who lose merely by refusing to play the game of being "reformed and adjusted" (perhaps because their basic problems have not been dealt with). In this regard, specific and unalterable punishments are often more humane since they establish a specific price for a specific offense, and no rewards are given for acting skills.

The same paradox exists in all nomological ethics. Not content with controlling people's behaviors (for their own good, of course), it also wants them to like these controls!

The most effective counter-response to such controls will be to feign the correct activities while secretly opposing the system's laws and rules. Secrecy and non-communication will predominate. Without real power no one person or system will communicate fully with another. Thus, where people do not have easy access to the power structures in their communities, "crime" must result - the secretive seizing of the instruments of power such as money or property. Or, in a correctional system in which the leader treats the staff as children, the result will be a secretive staff whose reports contain just the kind of information the leader wants. Relationships in such a setting are ones of "pseudo-mutuality", as described by Wynne, Rycoff, Day and Hirsch (1958). Mature, open interactions are replaced by a set of rules, laws, which keep the people from ever facing issues that could cause conflicts. A "happily married couple", for example, could be sustained simply by the fact that they have "agreed" to never discuss issues which might expose the fact that one of them is exploiting the other (as in Ibsen's, "Doll House").

Thus, in a nomological system, authority and power are synonymous. There is no distinction between the leader's status and the degree of control he exercises -

whatever the leader says is right, e.g., because he has a professional status, has more academic degrees, or was appointed to the leadership position by higher authorities.

The alternative view is an axiological ethics which puts the basis for all authority in the system itself. Here, a component of a system has power insofar as it performs a task useful to other components, a situation in which the basic authority lies with the whole community. To take a simple example from genetics, Pattee (1973) notes that:

> At the lower level of the gene, the authority relation of the hierarchy is often popularily expressed by referring to DNA as the "master molecule" of life, but here again we must emphasize that there is no intrinsic chemical property of DNA that allows it to hold this office. It is the integrated collection of "ordinary" molecules we call the cell that endows DNA with this authority.

Thus, the authority in a community originates not from one or a few of its components but more properly from the interface between all levels. The consequence of this insight is simply that if there is not an on-going communication between lawmakers and others in the community, the law will not be able to be enforced. If law pretends to serve the people, but in effect serves only special interest groups, it will have no real power, merely authority.

3. Technologies for Control

As we mentioned, a nomological system will maintain power and authority by technological means, the primary one being language. A nomological language diverts attention away from the cognitive use of language (understanding and creativity) and toward attitudinal concepts. Such a language system will also create words which give a special status to the ruling "linguists" (professionals) so that other societal groups will not feel competent to question their word-use (diagnostic categories) and methods of work. Some of the more obvious ways to spot that one is dealing with such a system are the following.

First, the language used by the rule givers is such that no one "outside the club" can understand it. Such a system masquerades as a highly cognitive one but it is not. Intelligence operates at its highest level when it clarifies reality, not when it muddles it up. This seizing of power through linguistic tools is an unfortunate characteristic shared by both science and religion. Thus, if one wants followers (respect) in a new discipline, the first thing one has to do is invent new ways of naming things to distinguish oneself from others in the field. The Oracle at Delphi was no less puzzling or consistent than the welter of complicated answers we get today whenever we present our simple problems to scientific shaman.

Second, such systems usually create vague, amorphous danger words for non-programmed behaviors - e.g., explicit sexual information is "pornography", or less law will lead to "anarchy". Once one sees of course that the basic attitude behind nomological systems is a fear of freedom and mistrust of the "ordinary man", then it is clear that the people must be frightened and deterred from experimenting with different behaviors and life styles.

Third, such a system will usually set up utopian end-states for the system to strive for. This will conveniently make it impossible for the system to ever be criticized for failure to reach them! Correction's goal of the "rehabilitation" of the offender is a case in point. "Success" demands a change in the person's whole attitudinal structure - from antisocial to prosocial. This is impossible, of course, because such a goal can only be attempted through the coordinated efforts of a great many social structures, most of which are beyond the control of and indifferent to corrections. If one lives in a slum and cannot get a decent job, it is a bit much to expect that counseling will lead the person to accept a middle-class or law-abiding set of values. Therefore, unrealizable goals even though they sound

humanistic may in effect be inhumane and cruel. To say that one is going to bring about individualization, happiness or self-determination with "clients" might be better phrased (in some instances at least) in terms of smaller and more manageable goals such as "decreased suffering", a more permanent job, or getting more friends within one's neighborhood.

Utopian goals have also led to the creation of monolithic social welfare organizations which spend huge amounts of money, with little appreciable effect. One wonders, for example, what might be accomplished if some of this money were diverted to corrections (a very poor sector of the economy) for the specific purpose of creating more practical benefits for offenders such as jobs in the community, housing facilities (community resource centres), or for funding volunteer and professional staff so that more personalized attention be given to offenders and their individual needs.

Will and Obedience

From the above it follows that the aim of nomological ethics is to bind the will of the person so that he acts as he is told to. An individual person's or group's reason cannot be the basis of his own acts in such an ethics since per se the law admits of no higher authority than itself. The refusal to agree with the law can only be because a deviant person is "wilful", "stubborn", or "sick in the head". For a pure nomological ethics, the will alone is important ("keeping" the law). It has no basis for understanding deviance or the possible benefits it may have to a system.

As Campbell (1964) observed, in a culture where obedience reigns supreme, whether in the mythological cultures of Indian Buddhism, Shinto, Taoism, Confucianism or Western Christianity, there is a metaphysics which is neither ethical nor rational but trans-ethical and trans-rational. For, when the right world order has been set in advance, either by personal or impersonal forces, there is no course but to obey that order or risk non-existence (ethics is ontology).

For Campbell the first great ethical thinker to have stated an alternative view was the Persian prophet Zoroaster (c. 1000 B.C.). Zoroaster saw the world as changeable. History was not an instant re-run of some pre-ordained plan. Man's perfection was not to be found in disengaging himself from the earth to seek some kind of "real" world outside of it but in his engagement and participation in the world.

The key ethical difference between Zoroaster and later Christianity lay in the fact that for Zoroaster there existed a separate evil principle (the demon of the lie, Angra Mainyu) who was a cosmic principle, other than and preceding man (as was Ahura Mazda, the lord of life, wisdom and light). For the biblical myth, however, evil was caused by man himself through an act of disobedience. The only path of redemption in the biblical myth is thus through obedience. And, a fact which made the biblical myth especially suited to legal translation, the basic aim of this obedience was not merely a cosmic redemption but also a political one - the raising of Israel to world leadership. For Zoroaster, however, the final redemption lay not in political terms but in restoring (transforming) the world to its original goodness and eternal existence.

The central themes of these two mythic streams still exist in the political morality of the West. An ethical discussion of the criminal law has to recognize therefore that it represents a political enforcement of a certain set of moral norms, and that this enforcement stands in tension with the themes of freedom and participation in the world, in tension with any ethics which places a higher priority on virtues other than obedience (e.g., on love, wisdom, happiness, creativity). Or, to put it more simply, the question is whether the foundations of morality lie in man in his world (so that it is the State and its laws which evolve from and are justified by the people), or whether morality is the province of social systems (Churches, States) so that they justify the people, define for the people what is criminal or not.

The Definition of Crime by the State. Following Schafer (1974) we can define crime in a functional sense as "prescribed morality", the translation by the State power of its political value system into legal terms. Even though the State may invite discussions about its decisions from groups within the society, and thereby gives the appearance of a Democratic process, it is the State which both has the exclusive monopoly on the final definition and interpretation of justice and which plays the major role in "socializing" the people into what is permissible to think and believe.

The socialization concept as it is defined by sociologists is too narrow a term to describe the State's power in this latter regard, since they generally use the term to imply that the State and its subsystems are some kind of passive carriers of culture. Rather, these systems take a much more active role. The State, for example, gives social subsystems (e.g., the family) a definite set of legally useable rewards and punishments whereby they cannot only teach their members what are the proper thoughts, feelings, beliefs and attitudes they may have (to the point where no others may even occur), but that they are responsible to teach these to their members (failure to do so can result in this power being taken away by the law and the courts). Thus, the prescriptive mandates of the State not only contain the concrete values which must be followed but also the rule that these must be taught to others - socialization does not "happen" spontaneously.

The attempt to value freedom in such a system is subject to the same contradictions that are present in the biblical myth. Given the fact that the source of both existence (Being) and morality are united in one "place", the only way to Be is to Obey. These two concepts of obedience and freedom are irreconcilable, although authoritarian systems try to maintain the illusion of freedom by such

phrases as "freely being obedient". But one cannot freely obey any more than one can be commanded to love. This paradox of course has its metaphysical roots in the positing of just one source of being, and thus the problem arises of how evil can originate given a totally good first principle - a god or a state.

Similarly, in the political sphere, the State gives one "freedom to be" only insofar as one freely believes in the key political values. It is this which has also led some jurists to define the State's role as the protection of a set of values and rights, and only secondarily the protection of persons. Some criminologists have thought this to be a mistake (Grygier, 1975; McGrath, 1975) but it is not so. The highly abstract principles and laws of the State are, as will be shown throughout this module, formally applicable only to classes of persons or behaviors. In no way can law take into account the uniqueness that makes up an individual. In fact, if the State were ever to become formally concerned with the individual, the realm of freedom would entirely disappear (as anyone knows who has received help from a government, this help is also tied to control). If I am to be protected totally, I will also be controlled totally. The mechanisms for recognition of individual differences within and outside of law is best dealt with at least in part by systems which are not political in nature, e.g., an independent judiciary or local communities.

Thus, all crimes are in essence political crimes. The surest indication of this lies in the fact that criminal codes rarely even have the category of political crime - there is no real distinction in the lawmakers mind between political and non-political crime. One possible conceptual framework for understanding criminal behaviors is therefore to see the criminal as one who acts out the ethical tension in society between the values of freedom and obedience. This acting out may be in very small ways (the breaking of a law just because one spontaneously wants to assert one's independence from the State) to the full-fledged attack on boundary values of the culture by organized crime. This

perspective does not mean to rule out other perspectives, e.g., those which describe the psychological etiology of crime, but what it uniquely does is to make the criminal act an ethical act. The criminal act now has a particular ethical context, one which differs from the medical model in that it represents to some degree an expression of the difference between the individual's goals and those of his society. The perspective does not excuse the criminal of responsibility for his actions, but it does give a social meaning to his actions, rather than labelling them merely as those of an "unsocialized" or incompetent personality. This perspective also makes clear that the fully "socialized man", he who has a blind conformity to all law, may be as dysfunctional as the fully criminal man in that both have opted to escape the human tension between freedom and obedience by flight into a trans-ethical absolutism of either self or State.

One practical import of this for corrections is that correctional helpers are quasi-political agents regardless of their allegiance to "civil service" or "voluntary" structures. When one "corrects" a person or a system, one is resolving in some way their tension between these two ethics of freedom and obedience. To "change" cannot be considered apart from the question of "change toward what". Similarly, it is impossible to speak of the causes of crime without considering the political etiology of the law in the first place. For scientific disciplines to devise theories which places the causes of crime merely in the individual or within a particular sub-culture or community subsystem is not only short-sighted but may reflect a covert political manoeuver by which the scientific disciplines involved are supporting the State. This is the weakness of the criminological, psychological and sociological research of the day. By their "objective" morality, by merely researching what either public or private systems want to be researched, they must unconsciously but responsibly support the values of those systems.

The volunteer mystique is perhaps the most dangerous of all in this regard because it pretends to an ethical purity which in fact it does not have. The field of volunteerism has in reality no conscious ethic but rather presumes that if highly socialized persons are turned loose on un-socialized ones only "good" can result. Undoubtedly, individuals will be helped, if only because of the fact that even volunteers are not that socialized! But, spontaneous and unstructured happenings do not an ethic make.

What is needed is a more conscious and responsible focus of corrections on the sources of conflict between individuals, subsystems and the society as a whole, the search for principles which will define how each of these can be corrected, and some kind of tentative statement at least of the balance that should be struck in contemporary society between the need for order and the need for individual liberty. Thus, for example, to simply find jobs for criminal offenders is one thing, and very useful, but to fail to try to correct the societal structures which make jobs difficult to get in the first place is irrational. To cure diseases is good, but it is criminal to ignore the sources of disease. To put it simply, corrections needs a balanced approach between helping individuals, helping groups and helping society itself.

A subsidiary theme, and one that will reoccur throughout this module, is that of "responsibility". The very essence of law lies both in presuming that people are responsible for their acts and in its wider goal of teaching people to think of themselves as responsible for their decisions. In so doing, law assumes an ethic of free will and rejects absolute determinism. It is the socialization process in a society which inculcates the sense of responsibility in people, and as part of and a regulator of these processes, law supports them to the fullest. A failure in socialization is the cause to which we normally attribute criminal

tendencies - the failure to present sufficient rewards and punishments which would have kept a person from breaking the law. However, the socialization process also has the reverse effect - it decreases responsibility, it restricts an individual's ability to know and to choose in that it forces him to accept certain frames of reference, those inherent in the language and in the values of the persons and systems around him. Therefore, when a society demands responsibility and free action, what is meant is that the person is only allowed to do this within the bounds set for him.

The criminal is "irresponsible" in that he does not agree with the cultural values. He may be this way perhaps because rewards for prosocial behavior have not been effectively presented to him, or because he may perceive another good which is forbidden by the culture's norms. This does not mean the criminal is able to prove his position philosophically but simply that in his environment certain antisocial behaviors have more rewards than prosocial ones.

The normal correctional response to the criminal is to try to present him with opportunities to choose new, prosocial behaviors, such as in programs of counseling or job finding. However, what must also be kept in mind is that if the person is going to continue to live in an environment where society's norms are not relevant, then the person will not even be able to perceive that a particular event is rewarding. Correctional agencies, then, will have to be aware of the social settings of their clients, especially where cultural subgroups are concerned so that they do not over-socialize them in the interests of the majority in the society. It also behoves the justice system to recognize that where the society itself has not presented sufficient rewards for a person to believe in the value of law, then justice demands that society assume some of the responsibility for criminal behaviors. For example, the unfortunate new concept of "victimology"

(by which victims of crimes are helped to recoup the losses they suffered in the crime) can easily put the criminal in the specious position of "powerful aggressor". Now, while those who suffer from crime should be recompensed, the criminal may suffer from the fact that he is the victim of the powerful and amorphous sector of a society which withheld the socialization rewards from him in the first place (a sector which may include the victim). Also, where a society has a general apathy toward those who are suffering within its own midst, and this results in some harm to particular individuals within it, the over-simplistic term of "victim" may really just serve to let the people absolve themselves of the responsibility for not having made the community a more just place to live in. The lesson is simple here: if you are going to take advantage of someone else make sure you are part of a large group, preferably a corporate entity!

The Good Man

It therefore follows that one of the primary end-states and boundary values in a nomological system is obedience to legitimate authority. A person is "good" by the mere fact that he does not break a law, and "bad" by the mere fact that he does. The "good man" is not valued or even recognized, but rather the "man who does good (acts)". "Salvation" is to be found in good works (whereas the axiological concept of the "good man" refers instead to a person who acts out of a personal set of values). When one exists in a society which has produced a great quantity of law, life for the nomological man degenerates into a series of disconnected acts, the avoidance of a multitude of illegal behaviors. In a social system, then, one can be sure that the jurists are in control when its main energy is devoted to developing more and more detailed codes of right and wrong behaviors.

B. AXIOLOGICAL ETHICS

In order to arrive at the norms of human behavior, a second alternative to a nomological ethic is available, namely, an axiological methodology by which a system defines the "principles" which should regulate both its internal structures and laws as well as its relationships with the environment in which it lives. Principles are not laws, but the source of all laws. The principles describe the "frame of reference" of the system. They are the cognitive assumptions which allow it to understand the flows of information and energy both within it and between it and other systems, flows which give the system existence and permanence.

In terms of energy flows, for example, man is just beginning to develop an ecological ethics. He is realizing that a production ethic, while consistent in its own frame of reference and even useful in an underpopulated habitat, is dysfunctional in the larger context of an over-crowded world. An international ethics based on an intelligent understanding of the world's resources and energy flows is also needed if single nations are to develop their own ethical principles.

Information flows also exist and their ethical character again depends on an appreciation of the interacting systems. For example, an intelligent parent knows that "truth" for his or her child depends on what the child can understand. If a child asks, "What kind of tree is that?", a person who answered by giving the tree's chemical structure would be saying a "true" statement but one which does not match the frame of the question of the person asking it. Similarly, parents know that fantasy in children is a natural and important part of their lives. To force children to give up their fantasies in the interests of adult truth would be an unethical and probably harmful act.

The primary principle of axiological ethics is that man's perfection lies in his use of reason (not in the obedience to this or that derived law) - that is, in methodology rather than method! The law above all laws is man's mind itself. To be unethical is to act unreasonably, to act without understanding what can be known about the environment one is in.

Concrete laws will always exist in any system, including axiological systems. Therefore, concrete laws are not inconsistent with an axiological system as long as the persons within the system understand how the laws have been derived (the constraints and laws of man's own mind), and as long as the laws consistently flow from the first principles.

An essential part of the axiological system is to test its concrete laws by their results - i.e., whether they in fact make the persons and groups within the system more adaptive. Whereas nomological systems hold that morality lies in what written or traditional roles say is right (life should be as laws say it ought to be), an axiological system never places that much trust in words but rather in life itself. Very simply, this is what children do when they grow up, and even those adults who continue to grow toward wisdom - they experiment with different behaviors and values to try to find for themselves the widest possible sense of identity and oneness with the world. So too, man's mythological as well as his scientific creations have never stopped short of wanting to understand himself and the universe within one frame of reference. But to continually strive for such an ethical maturity, one must expose oneself to life - it cannot be simply learned from books or adjusting oneself to the laws of others.

If man's mind is understood as part of the world, matter in dialogue with matter, then the kinds of particular laws that man creates will be analagous to those regularities found in nature. This idea of "law" is very close to the early Greek notion of "nomos" (law). Thus, for Sophocles, laws

were not "things in other things", but the basis of being itself, the "customs of the universe, the eternal principles of right and wrong immanent in the universe". So too with the Stoics: "The end is to live in accordance with nature, that is, according to one's nature and that of the universe, doing nothing which is forbidden by the common law which is the right principle running through all things." (Chrysippus). A similar insight existed in early Judaism where law was a right relationship between the community and its personal creator (the source of the world). As their cultures grew older, however, both hellenism and Judaism come to replace the relational concept of nomos with that of a positive code. Right and wrong were defined by isolated actions, and so they developed a nomological ethics.

The concept of mediation: the ethical man.

The first principle of an axiological methodology is that what is to be done is "the good" not "the law". Now, as we saw earlier, a system chooses its own boundary values - there is no absolute norm of right or truth. But, in order that the values chosen have some degree of permanence, they will have to meet the needs of the people and groups within the system. To do this, an axiological methodology demands that "the good" be determined by a first-hand experience of life. Thus, the ethical man is a person who experiments with a wide variety of life styles. He is aware both of the fact that his choices were determined by life and that these choices must again be tested by life. Thus his thought and actions are open to evolutionary growth. To put it in another way, it is the improbable man (the one open to new experiences and ideas) who brings probability to his environment. Only he can both bring intelligent principles and laws to the community, while at the same time realizing that he is not committed to these abstractions but rather to the life of the community.

Because of this participation in the life of the community, the natural and primary role of the ethical man or the ethical system is that of mediation, the creation of principles and processes which help different groups in the community form an harmonious whole. This has several implications for corrections.

We can assume that, when there is a significant amount of crime in a community, either certain laws are non-functional or the community does not provide the means to keep the law. The increase in the crime rate today as well as the imperfect sense of identity and purpose in Canadian society requires that corrections, in cooperation with all other community systems, participate in a search for a relevant modern ethic. Corrections can no longer afford to assume that its primary mandate is to rehabilitate the lone offender. Rather, it may also and equally have to rehabilitate the deviant aspects of the community.

Individual correctional workers will have to become more involved in the day-to-day life and environment of the local community, and especially that of the offender. To mediate one must first experience the situation as it is, to experience it "as if" no solution already exists (the solution one learns out of books, from academic sources). A true mediator must avoid those pre-set categories and labels which both define the problem and solve it from afar. This in turn requires serious consideration of whether the traditional office-bound approach in corrections should not be complemented by having some correctional workers trained to work within the community itself - e.g., working with local employers so that criminal offenders have a better possibility of getting jobs, or setting up and administering volunteer programs.

Analogy: The Cognitive Method of Mediation

All of man's knowledge stems from perceived analogies, from his ability to create mental models which unite the different realities of the world into an ordered whole. An historian, for example, sees one nation as like another, and so creates a "history" rather than a recital of facts. Physicists assume all

hydrogen atoms are alike and will behave in the same way. Criminologists assume that certain criminals are like others and so a uniform approach can be taken toward them.

The critical point to remember, though, is that analogies are based on similarities between unlike entities. No one thing is exactly like another - at least there is no evidence in science that any two things are exactly alike. Even more important to understand is that it is the differences between things which is the essential cause of our ability to know in the first place. If all things were the same (and to the degree that they are) we could understand them. If the whole world were white, there would be no seeing, no way to distinguish or compare realities.

To express this in system's terminology, we understand a system by what is outside of it. There must be a frame of reference which allows us to isolate and define the system, make it different than yet related to its environment. Thus, one cannot understand a criminal unless one knows what his culture defines as non-criminal. "Free" enterprise is a crime in a pure communistic state, where it is the height of perfection within a pure capitalistic model. Within a particular system, it also follows that there are no ethical acts without unethical ones. There is no way in which a person can know he is "right" (if he wants to know such a thing) unless there are others around him who can be clearly labelled as wrong.

Therefore, "ethics" is one aspect of man's enquiry into the nature of the world itself - the reality surrounding his acts from which he draws his analogies and theories and by which he judges his acts as good and evil. We have seen that nomological systems deny the relationship of ethics with life and so also the ultimate unity of ethical science and all other human sciences. "What is right is right", no matter what effects it produces, no matter what other sciences teach.

A system's analysis perspective, however, when added to an axiological ethics, allows us to propose a second model, one in which life, truth, ethics and aesthetics are one. (One might also wonder whether the most effective therapeutic technique for a person is that which reflects his own style of life - or, to put it in another way, since all therapies not only help a person solve his problems but also teach him how to solve his problems, they have ethical overtones throughout). We arbitrarily divide up and study reality by different sciences because our minds are limited, but the differences between the sciences lie simply in the frames of reference within which they study reality.

Thus, it is precisely and essentially this openness of the axiological ethical system to a total experience of the world which separates it from nomological ethics. An axiological ethics requires a study of how things actually interact in the real world. It's starting points are "principles of being" as opposed to laws which say "do this - avoid that", laws which try to catch all reality in a series of abstract words (where one sins against words, and rehabilitates oneself through the use of words). These principles do not lead necessarily to any one set of concrete rights and wrongs. They simply expose patterns of flow in reality in which certain effects tend to flow from particular decisions. What makes one result more desirable than another will depend on the chosen boundary values and the constraints on a particular system at a particular time.

Therefore, an axiological ethics uniquely possesses an internal "principle of self-negation" or, in systems terms, is open-ended. It affirms that life exceeds any ethical language which speaks about life. Thus, one cannot within this frame ask the question, "What is the ultimate purpose (ethics) of life itself?". There is no frame outside of life by which to judge it. All religions have sensed this and so have put their gods "beyond good and evil", beings or principles which "are",

which possess in themselves (as in Freud's Id) the simultaneous presence of all elements of life. The supreme act of ethics is, after all is said and done, to live one's life to the full, to be a man as one would choose to be.

In order to expose the ramifications of an axiological ethics more fully, it will be discussed under five points of view: its transformational methodology; the concept of fittingness/adaptiveness; the concept of creativity; the concept of growth; and the concept of intelligence.

1. The Transformational Methodology of Axiological Ethics

Whereas the method of a nomological ethics involves the translation of the values of individuals onto a larger system, axiological ethics uses a transformational methodology - namely, it investigates whether different ethical principles and procedures apply to different system levels (an ethics of wholes). As Sutherland (1973) has shown, higher systems are not just replications of the subsystems they contain:

> Just as modern physicists have gone beyond the a priori assumptions of strict causality symmetrically distributed (in the transition from classical to quantum theory), so must social scientists abandon the socioeconomic equivalents of strict causality.....and allow a probabilistic component....In other words, in the organic/quantum-theoretic realm, each system level is potentially engineered by a unique set of algorithms.

For example, homeostatic self-regulation in organisms (which is meaningless in reference to individual cells or organs), or distributive justice in society (which is meaningless in regard to individual citizens), all flow from the fact that the whole is other than the sum of its parts.

When we study a particular system, we first of all look to see if it has unique rules of operations. These rules are algorithms, which in their simplest definition are the steps by which a system reaches its goals - e.g., "first try this, if it works, then....., but if not then try this, etc." All problem-solving techniques are made up of algorithms. We may, for example, teach a

probationer in corrections how to search for a job, and then if he lands an interview, we may next teach him how to write an application form or act during the interview, and so on. In a deductive method, the algorithms (rules, concrete laws) would flow from the initial assumptions (cognitive and ethical).

Once we adopt an ethical system, it is important to realize that it will not only lead to a set of subprinciples which determine our actions but also will help to determine (create) the environment in which we live. First of all this is true because any (ethical) concept has a selective value. It affects what we will be able to attend to in our environment, and what importance we give to things we do see. For example, if one thinks that the act of theft itself is always evil, then one will not be even able to conceive of the possibility that theft is also a way (albeit a usually destructive way) of redistributing wealth in a community where wealth was first of all arbitrarily assigned for certain actions or behaviors. (Can one steal from a person who previously stole from him? Or, if a singer of songs or athlete makes a million dollars a year, and another man cannot support his family as a labourer, what does it mean when the latter takes from the former?). Or, if one believes that all criminals are psychologically disturbed, then one can give no intrinsic value to the ways in which the community creates and maintains certain types of criminal behaviors.

All ethical systems involve coding, putting actions into a class or frame. Deviance, crime, freedom, are all abstractions. The more abstract a concept is, the less understanding and information it gives about the concrete, unique differences between people, things and events. While the unique qualities of lone individuals can never be conveyed in words, an axiological ethics does try to recognize that medium level systems as well as different levels within them may have their own class of values.

Therefore, a major task in studying human social systems is to identify ethical concepts (values) that are proper to them and not mere translations of the values of other systems or of their own components. Since a system has unique functions, not found in its individual components, it must also develop concomitant values which tell it how to best use these abilities for itself and its components. However, the fact that the "good of a system" will not correspond in a one to one manner with that of the individuals within it does not mean that the system takes priority over the individual. The system's good is simply its perspective, its frame of reference, which allows it to establish its own identity and act consistently.

Since law is not the starting point of an axiological methodology, it also does not presume to say what kind of systems are right or wrong, more valuable or less valuable. Rather, it looks at the process of system building itself and gives typologies of systems with their relevant mechanisms. If one chooses a democratic model, for example, then certain values and mechanisms will be shown to be appropriate to it and certain ones will not. But an axiological methodology would never insist that democracy is the ideal model for all persons or systems in all situations, but simply that if it is chosen, and is internally consistent, it will lead to certain benefits and have certain drawbacks.

Complications will also arise for a system as it operates in different contexts. What may be seen as ethical within a system, for example, may not be so when the system interacts with its environment. One very controversial modern example concerns bribery. A nation may choose to make bribery a crime within its own borders. However, when a multinational corporation works in a different country, one where "bribery" becomes a kind of salary to influential people, a different context exists. For example, such activities are not that much different from intra-national, monopolistic practices. As Jay (1967) pointed out,

businesses (and management organizations in general) can be viewed as political entities. Thus, as one General Electric executive said during an antitrust case of the 1950's, "Sure, collusion was illegal, but it wasn't unethical. It wasn't any more unethical than if the companies had a summit conference the way Russia and the West meet." In other words, the rationale for antitrust legislation and for nations punishing corporate collusion or international bribes is to prevent corporations from behaving as national entities themselves behave.

An ethical methodology also allows us to see the effect the size of a system has on its ethical principles. As a system gets larger, incorporating more and more of its environment into itself, the greater tendency there is for it to move toward a nomological ethics. The smaller the environment outside the system, the less information there is for the system to use in forming its values - differences between things decrease and sameness increases. Therefore, more and more, the system's values must be set by fiat (and so lack both proof or provableness). Thus, the larger a system becomes, the more amoral it becomes - its credibility being based on faith in itself and its chosen values. Similarly, we saw that "life" itself was not an ethical object since there is nothing outside of it by which to judge it. "Large" in this context refers not only to the number of components within the system but also to its control of either or both its energy and information supply. A small group of jurists may control the lives of a nation, whereas the numerically larger group of citizens have no effective power. A relatively small dictatorship such as Hitler's Germany may imperil the less single-minded democracies, until at least the threat gives them a similar control of their resources.

To avoid such a nomological trend toward a dictatorship or a rule by the powerful elite, a society will have only one course of action open to it - to affirm a minimum number of macro-values for the system as a whole (and so limited albeit powerful control of a few sectors of the society), while at the same time encouraging and rewarding the maximum amount of subsystem, local variety and difference.

The smaller a system gets (the larger is its environment), the less predictable the system becomes. The "always" and "ever" quality of large system ethics is actually dysfunctional for small systems. Thus, in the unique situation of the individual man, his dilemmas rarely involve the choice between clearly defined goods and evils but usually between choices which are equally good, or have seemingly equal mixtures of good and evil. No principle or derived law or rule can take away from man the burden of freedom. All our principles and rules are abstractions, and as such ignore the unique details of our lives.

The frustrating quality of human beings (and all small systems) is that they are inconsistent. They don't always do what they are "supposed" to do! Inductive approach to human behavior (the deriving of laws/consistencies of human behavior by adding up instances of regular choices) will therefore be hard put to arrive at laws which show a cause-effect relationship between a person's environment and his behavior. This is a particularly troublesome problem for corrections since apparently similar offenders will react differently to the same treatment method. Given the almost infinite combinations of factors that can affect a person's values and motivations, and the still unknown way in which the human brain functions in receiving and coding information, it would seem that there is no possibility in the near future for corrections to have a scientific theory which will help it to develop its own unique method of working with offenders.

What exists at present is a hodgepodge of theories and values. In order to create a larger set of criminal systems (types of offenders or offenses), and so be able to act consistently, corrections has had to borrow its values from a variety of other sources and systems.

The typical values that are idealized in the correctional field more often than not are mere translations of values which have been previously adopted by those (amoral) social sciences from which corrections has borrowed its methods of work. One commonly accepted value, that of being non-judgmental, will illustrate the problems involved. Such a value has three intrinsic difficulties when it is translated from an interpersonal context to that of a correctional system.

First, the specific mandate for correctional workers is to operate under a legal system. When directly supervising offenders, the worker's first duty is to enforce the orders of the court. There is no mandate for correctional workers to themselves rehabilitate anybody. Therefore, the worker must first of all judge the person, judge what kind of surveillance is needed, and only then to decide whether or not the person needs help and then from what community resource. Being non-judgmental is an absurd and impossible task for a human being. The human brain contains values, and as it works as a unit, it cannot not judge. A more scientific statement of the correctional worker's task might rather be that his judgments should be intelligent ones (he knows how much his judgments depend on his personal assumptions, on theories and proven facts), that he knows how and when to express judgments, and that he realizes that no abstract value can exactly fit the unique situation of an individual human being. In other words, only by recognizing our judgments can we learn to re-evaluate them and grow. Corrections, therefore, needs to engage in a continuing study and development of its own values if it is ever to be a science. Those who blandly espouse a non-judgmental ethic can only be assumed to be uninformed about the physical workings of the brain, or surreptitiously exercising control over their clients.

Secondly, insofar as the correctional worker functions as an agent of the whole community, he has a mandate both toward the offender (who is after all still a member of the community) and to all citizens generally. His role is to both deter the criminal offender from further crime and to help him fulfill his own needs and goals, both of which also serve the whole community by decreasing crime. As long as the correctional worker meets his legal mandate, then, he is free to help the offender meet his needs and goals. The person who decides what should be done in this latter area, however, is the offender, not the correctional worker. The simple question that should be asked of the offender is, "What do you want me to do?", as opposed to the professional bias toward, "You need this and I'm going to do it for (to) you." But even here, when the offender is at the center - the correctional worker is not non-judgmental. For example, he may have to judge how realistic a person's goals are. However, in the final analysis, the correctional worker's primary role is to give information (realizing that no meaningful information is possible without values, contexts), while it is the offender's primary role to make decisions about the values, goals, end states he will actually pursue (although he too will have to give the correctional worker information about these and the help he needs).

And thirdly, a danger in accepting the values of (classical) psychology or social work is that the correctional worker may begin to use psychological jargon in his reporting on offenders. Presentence reports, for example, should describe behavior, and evaluate it in concepts that are both suited to the professional's actual expertise and to the knowledge of the possible readers. A psychological terminology can easily creep into the correctional worker's vocabulary (the offender is either mad or bad) simply because the correctional worker has been trained or supervised in terms of this language. The only way to avoid such labelling is to train officers in value concepts that specifically apply to their role and mandates.

At the present, there is little effort being given to developing a correctional ethic. Such an ethic would have to identify both those values corrections shares in common with the society it exists in, and the specific values which define its unique role. Such values would also have to span the different theoretical approaches that exist in corrections. One basic sub-set of values would therefore have to be concerned with facilitating a working relationship between the offender and individual correctional worker. It might be posited, for example, that for the correctional worker to effectively relate with an offender he should value and be proficient in communicating openness, honesty and genuiness. The rationale of these qualities is that they counteract role-playing by either party and force them to face each other as unique human beings. An open relationship not only will facilitate the professional's role of giving information (we do not listen to people we dislike), but also the surveillance aspect since a rational system of laws must be perceived as intelligent and intelligible to individual citizens.

The greatest problem for the correctional worker is how to communicate and act consistently, given the fact that he is both an agent of the criminal justice system and an individual human being who wants to be helpful to the offender. The problem lies not only in the fact that these roles are often in conflict, but also that the offender may have a pre-conceived image of the correctional worker as a person who is so "straight", law-abiding, that there is no basis for empathy or communication with him.

This is a particularly critical problem in the first meetings between the correctional worker and the criminal offender (a correctional methodology will probably have to develop specific methods which are appropriate for the different

growth stages that are possible within the worker-client relationship). The method for dealing with the first encounters will have to specifically focus, for example, on how the correctional worker can deal with the offender's preconceptions or frames, the way he type-casts and labels the worker's role and that of the justice system.

One method correctional workers may employ here is "paradoxical communication". A "paradox" is simply the exposure of two or more facts which do not fit into the frame of the observer. When "things don't make sense" we know we have inadequate assumptions or theories. To challenge a person's (or system's) values, one must expose their intrinsic contradictions, e.g., show how two or more of his <u>own</u> values clash with each other.

A paradoxical technique that a probation officer might use, for example, is to divorce himself both from the court and the correctional agency! This can be done very simply by the worker stating something along the lines of, "The agency pays me to make sure that you keep your probation conditions, but it can't buy me personally. It can't pay me to like you or to trust you. In fact, you would be wise not to trust me until you get to know me better." While the first part of the statement defines the constraints under which both the probationer and probation officer operate, the second part sets the initial paradox. Probationers expect to meet a person who either plays an authoritarian role or that of the helpful, all-accepting social worker. The above manoeuver, which is only one of many possible ones, forces the offender to see the correctional worker as a "different person", one whose acts are self-determined. Consequently, the implication is that the offender can also be himself, and conversely will not be able to manoeuver the probation officer by playing the "nice offender" role.

2. The Concept of Fittingness/Adaptiveness

A system is adaptive to its environment if it is maintained by the selective force of evolution. "Fitness" is the ability of a system to continue to exist throughout changing environments. The fitness of the system lies in both its stability (genetic and learned) and its ability to generate new forms (organizations, genotypes) to cope with new environments.

A trait (a value or any other component of a system) will be adaptive or non-adaptive ("abnormal") as it increases or reduces the fitness of individuals or systems which consistently manifest it under normal environmental circumstances. Therefore, deviant responses in abnormal environments may be adaptive, whereas statistically normal responses may be maladaptive.

There are three factors which make it difficult for us to recognize the adaptiveness of a particular trait or system, and, in particular, that of an ethical system: the time frame used; the particular characteristics of the environment, especially its rate of change and its opportunities for expression of values; and, the multivalent (symbolic) adaptiveness of a particular ethical norm or system.

Values may be functional or not according to the time frame of the observer. Thus, a particular law or value can be said to be adaptive as it allows a system in a given time frame to adapt to its environment. Boundary values will be much slower to change than intermediate values, as we have noted, but they too are subject to evolutionary processes. What might be valueless in the short run may turn out to be valuable in the long run.

The rate of change in the system's environment will affect its ability to know which of its traits are adaptive. A system existing in a stable environment can reach an equilibrium in which its value-sets are adaptive over long periods. When, however, the environment changes (as it invariably does), the system's

ability to revise its value sets may vary in a proportion to the length of time it has existed in equilibrium. For example, a society which has a long history and well-defined traditions (its identity has become "locked in") will find it more difficult to change than a society which has a shorter history.

It is therefore likely that newer sub-systems in a society, those which are formed around new and therefore different (deviant) values and behaviors, will be able to react to a changing environment more adaptively at times than established institutions can. For example, in a world in which natural resources are limited, useful values and information can come from those groups which experiment with reproduction patterns in which the random production of children is less valued than the quality of life enjoyed by the parties. However, since the adaptiveness of these behaviors may be merely temporary, a society is also correct in not institutionalizing them until they prove to be of a long run value. However, a society which is in a period of change would be wise to at least not punitively react to such behaviors until they are proven to be maladaptive.

And lastly, the adaptiveness of behaviors and values are difficult to assess because of their multivalent character. Nadel (1968) and Rapaport (1971) have shown how behaviors which were originally successful in meeting certain ends can gradually come to have other, secondary values and ends associated with them. Technology, for example, has produced machines which increase man's adaptiveness. Thus, cars allow us to be more mobile in seeking jobs and to live in less dense environments. However, machines can also serve secondary goals - people will buy more expensive models of cars merely to exhibit their economic status, or to give themselves a sense of power or importance. In law, similarly, there are individual codes that no longer have adaptive value but primarily support the morals and traditions of the past.

There are three major perspectives by which to explain how a human system comes to choose "the good", to choose end-states which have the highest possible adaptive qualities.

(a) A higher system determines the values of a lower system. This is a kind of nomological system, an "ethical behaviorism", in which one system imposes its values on another system. All of us in some way are programmed by our culture. We are taught by the subsystems we belong to (family, peers, etc.) to accept and believe in society's values.

Kohlberg (1969), in his developmental-genetic approach, gave one theoretical description of how such values evolve in a child growing to adulthood. He postulates that moral values evolve in three general stages: (a) in a young child's life, values are inculcated by rewards and punishments; (b) later, they arise through the person fulfilling correct social roles and meeting the expectations of others; and (c) finally, moral values reside in the person's conformity to shared, communal standards. The principles that apply to these stages are: (a) obedience to authority and rules so as to obtain rewards and avoid punishments; (b) obedience, duty and conformity, so as to avoid personal rejection by others (especially peer groups) and consequent feelings of guilt; and (c) legalistic values and conscience, where some arbitrariness is recognized to preserve the common good, and ultimately, a primary allegiance to self-choice which can overrule particular laws where they do more harm than good. However, this theory or approach has yet to come up with those specific mechanisms which accomplish these ends, how these may vary in different cultures, or how they relate to genetic or physiological structures.

(b) A lower system determines the values of a higher system. Again, this is a nomological method. For example, a scientific theory might believe that man is

determined by his biological subsystems and their corresponding mechanisms. Or, a society might believe that it should adopt its values from one or more of its subsystems, e.g., from its dominant religious sect(s).

A major scientific theory in this area is that of Wilson (1975) and his sociobiological synthesis. He argues for a biological, genetic basis of human values, with man's self-knowledge and ethical judgments being constrained and shaped by the emotional control centers in the hypothalmus and limbic systems of the brain. From this perspective, the meaning and source of moral values can only be fully determined by the study of man's emotive centers and how they have been formed by biological adaptation.

A sociobiological approach holds out the possibility that man's ethical standards were developed through the forces of natural selection and that man now may have certain genetic bases for these values. As opposed to Skinner's approach, which totally explains the origin of moral values by conditioning processes, Wilson believes that there is no solid proof that operant conditioning is of more or equal importance than natural selection. If genetic factors shape behaviors in man, as the evidence shows it does in every other animal species, then to ignore it would be disastrous. To rely simply on the conditioning power of societal subsystems to create uniformity among its citizens (morality can be totally taught, or people can be helped to acquire any set of values through counseling, therapy, or other technologies), must lead, as it has, to the conclusion that those who are different are either mad or bad. It may not be possible after all to condition a rabbit to be a snail!.

An evolutionary, adaptive approach to understanding human behavior might, for example, allow us to conceive of the following ideas.

There could be a moral ambiguity in a system when there is a clash between behaviors that fit a system's current environment, and those which have a genetic base, e.g.: a biologically-based set of values, such as a sex-or-age-dependent ethics, might be more productive of genetic fitness than a universal moral code to be followed by all persons at all times; it is adaptive and of selective advantage for young children to be more self-centered than adolescents who are naturally more peer group oriented; and, as we saw earlier, the different stages in population size of a society might demand different adaptive values. Thus, as Wilson notes:

> If there is any truth to this theory or innate moral pluralism, the requirement for an evolutional approach to ethics is self-evident. It should also be clear that no single set of moral standards can be applied to all populations, let alone all sex-age classes within each population. To impose a uniform code is therefore to create complex, intractable moral dilemnas - these, of course, are the current condition of mankind.

However, there are still unsolved issues in such an approach. Does it mean to say that all human activity is purely genetically determined? If so, then it follows that the purpose of reason is merely to discover the "right" correspondence between the system and its environment. But this position cannot as yet be reconciled with those leaps of artistic and scientific insight by which creative persons seem to "transcend" their past and present environments. (What is the source of novel behaviors which later become adaptive?). Secondly, evolutionary history is of such a long time frame that it cannot give a precise direction to the creation of new ethical values in today's world, except insofar as to point out which values are relics of the past. Third, and most crucial, the unique fact of man is that he is not merely the object of environmental pressures but is an animal who can create his own environment. Biology is restricted by the fact that the systems involved have no such ability - the

adaptiveness of a species or other group is determined by studying which behaviors and "values" are fitting to a given territory and the natural constraints that apply. Once one can manipulate the environment, however, problems of a higher order arise. Man can make the environment adaptive to himself rather than adapt to it. Thus, a biological science cannot give much insight into the ethical issues involved in modern society's increasing power to program its citizens to have certain values and needs, and create reward and punishment systems to reinforce these values.

(c) The interactional processes between two or more systems determine the values of the systems through congruent matrices. Following the approach of Buckley (1968) and that of Secord & Backman (1961), a systems approach would hold that what a person or human system strives to maintain is not an "identity" or "self" (or any formal set of purely intellectual values), but a certain set of expected responses from other systems in its environment, which systems in turn are actively trying to maintain their own expected responses. The "values" which are therefore the most important and controlling ones are those which are most functional. Man does not believe in certain abstract values because (or merely because) they are "right" (have an intrinsic rationality), but because they have met his goals in the past and are expected to do so in the future. This approach is most compatible with the area of uniqueness within human systems, namely, their ability to exercise conscious control over their environment.

A simplified dyadic model will illustrate some of the mechanisms involved. Suppose a man meets a woman, and they begin to set up a relationship. Within the context of the evolving relationship, each person will be able to maintain or change their behavior patterns according to the congruence of their values with the behavior of the other.

(a) The first factor which influences whether or not they will develop a stable relationship is the congruency of their intrapsychic value sets. Individuals have a hierarchy of values, loosely defined and ordered, which exhibit a certain stable pattern and rank order throughout a given time period. If the man, for example, puts a higher value on being in control of his relationships and a lesser value on being dependent, and the woman values dependency over freedom then these initial sets are roughly congruent.

(b) Secondly, the stability of their relationship will depend on the ability of each to perceive the presence of these values in the other and to exhibit their own values in their behavior. This exhibitional and perceptual activity is an intensely interpersonal one. As Goffman (1959) has noted, the process of revealing oneself has a highly manipulative quality. A person will try to show himself in the best light possible and suppress information that might compromise his status and worth in the eyes of the other. In an interpersonal context, the circular flow of behaviors will form a whole, each behavior being both a response to a previous one and becoming in turn a stimulus for the next behavior of the other.

(c) Third, the "depth" of the relationship, the range and variety of behaviors that can take place, will be determined by the ability of each person to maximize each of their values. There are two general types of transactions which affect the kinds of values which can be actualized in a relationship - namely, symmetrical and complementary transactions. One sometimes meets a "kindred spirit", someone who is recognized as having not only the same values as oneself but also having them in the same approximate rank order (at least for the set

of boundary values). This leads to a symmetrical relationship - one in which the range of communication is somewhat limited (by their overlapping information and values) while the depth of communication will be relatively great. There can also be complementary interaction between two persons, one which is primarily based on the fact that each person or system supplies values and behaviors missing in the other. This leads to a communication pattern in which the range of communication is broad (different information and values are concerned) while the depth of the relationship is restricted. For example, a man who grew up in a family lacking spontaneous intimacy and who is himself somewhat cold, may be drawn to a woman who acts as if she is warm, spontaneous and sensuous. She in return, if she accepts the relationship, may want to strengthen her ability to remain more objective, to control her emotions better.

(d) One could assume that the most satisfying relationship are those in which the people get their major values reinforced (symmetry), and are also able to grow and evolve through subsuming some of their partners behaviors and values (complementary). Such a balance avoids the danger of an excessive symmetry which can easily degenerate into rivalries and wars, whereas an excessive complementary relationship can become one in which neither partner or system is challenged to grow and evolve.

The advantage to describing a system's goal as one of maintaining an expected series of responses (versus a "self") is that it can explain how a system changes in terms of its own frame of reference (its goals, values), and in terms of the kind of feedback it receives. If a system's behavior constantly evokes a

strong, unexpected response, it will change its behavior, look for new ways to get the response it wants. The assumption being made here is that, given man's biological constraints, stability and change arise from the positive and negative feedback that occurs between persons and systems. It is the interpersonal or inter-system relationship itself which is the locus of change and stability, not some kind of purely self-contained set of values within a given system (if one wanted to use the term "self" in such a context, it would have to refer to the matrix of entities and forces which are affecting a person's or system's choices and other significant behaviors in a given time period).

Criminal behaviors would then be maintained not by some kind of criminal "self" or identity but because they are adaptive to certain environmental conditions. To try to change this behavior without providing a new environment which will consistently reward new behaviors will be fruitless. The most frightening request we can make of any human being is to change - to leave even an inadequately rewarding context for an unknown one. Therefore, the rationale is clear for a community based correctional service, one in which there is a coordinated and comprehensive effort by relevant community groups to work with correctional systems - e.g., citizen volunteers who not only provide problem-solving help but who help the offender fund those new friends and social settings which reward prosocial behavior.

This approach could be applied to interactions between all types of systems. The "values" of a system would then be abstract expressions of the consistent interactions it has found rewarding. Using this approach, it would then be possible to make value-analysis the subject of hypothetical-deductive research program. System's interactions could be studied in order to discover the key transactions which they share (a rank-order of values, therefore) and thus understand the source of their stability and how to effect any desired changes. It will be necessary of course

to also identify the limits of a system's stability and change by the constraints imposed on it both by lower system factors (genetics and physical givens) as well as larger system factors (e.g., a society's values and resources will limit the potential for innovative programs in corrections). The arena of individual freedom will lie between these two sets of parameters.

3. The Concept of Creativity

As we saw earlier, the basic reason for a person or system rigidly adhering to a nomological ethics is the excessive fear of novelty and change. As Jantsch (1975) remarked, the western world myth is "that man is not capable of bearing his freedom, that it has to be interpreted for him, that he needs a model imposed from the outside to cling to, that he is not free in his own creative capability of building models and myths." A nomological science tries to free man from too much responsibility by giving clear and numerous rules for every area of life. The locus of stability is not a set of interpersonal relationships but codified values.

In contrast to this "ethics of safety", an axiological ethics is one which values creativity. Its concern is to understand what man is and what he can become. More precisely, the object of this science is the capability of man to transform a relatively fixed environment into an "arena of choice". In respect to the world outside of himself, man can modify it so that it allows for a wider variety of human life (man can turn a desert into an oasis). In respect to his own social systems, he can so create them that they not only "allow" diversity but actively encourage it. Even law itself could share in this task if it were subordinate to ethical principles. Law need not only deter acts, nor protect a set of societal values too weak to stand on their own, but can actively and positively foster autonomy and the creative variety in a culture.

There is no accepted definition of creativity today - perhaps because the concept describes a process by which systems escape from states which can be defined! Certain factors do, however, seem to be associated with the creative process, factors which differentiate it from rule-guided behavior ("secondary process thinking" which is logical, analytic and reality oriented). Bruner (1965) speaks of the creative process as a certain kind of "heuristic" - a way of reaching a goal which involves a non-rigorous technique of combining elements in a seemingly random process. The creative process therefore lacks a clear, internal set of rules which gives the creator certainty that his method will eventually work. This distinguishes the creative process from that of the algorithm (which is a systematic technique for getting proofs or getting them in the right combination).

The ability to work creatively seems to imply the following qualities or attitudes in individual human beings and social systems:

(a) <u>The ability to defer judgment</u>. In problem solving situations, for example, less creative people are prone to set up an hypothesis very early in the examination of the data, one which defines what is relevant and true, and what is not. Thus, they quickly set up a closed intellectual system. Creative people seem to take more time analyzing a problem and are slower in coming to a synthesis or solution. Bruner adds that creative persons seem to be able to become passionately interested in a work, yet to remain detached - not rushing a solution and somehow letting the work they are doing proceed at "its own" pace.

(b) <u>A more than usual amount of respect for the forces of the irrational in self and others</u>. As Gordon (1969) pointed out, while the ultimate product of a creative person will be "rational" the process of arriving at it is not necessarily so. In the creative act, there is:

(i) a high emphasis on play. For example, in linguistic terms, the creative person often combines diverse ideas by metaphor and analogy and thus sets up unusual frames of reference for the work he is engaged in; and

(ii) a greater trust in emotion than the rational intellect.

In Gordon's studies, he found that creative persons get pleasure from being confronted with a complex, difficult "problem" and that their choice of action, the method of solution chosen, is based more on a feeling that it is the right one than a knowledge that it is so.

Bruner describes this ability to respect and use one's irrational abilities by the concept of "metaphoric effectiveness", viz., the ability of:

> Joining spheres of experience in such a way that you see a kinship that was not seen before....It is clear that this has something to do with activity in the sciences, and probably in any other form of social organization. Frequently, when we look at the activities of people who produce, we discover that their first insights come in terms of a metaphoric rendering of an idea. Niels Bohr once said that the principle of complementarity first occurred to him when he thought about the fact that you cannot look at another person simultaneously in the light of love and in the light of justice. These were incompatible ways of looking, and he went on and said there must be an analogue to this in physics.

(c) Creativity doesn't seem to be necessarily connected with high intelligence nor the ability to control one's mental activities. As opposed to the assumption that creativity is some kind of prized, mysterious possession of an elite few, Rollo May (1975) has defined it as man's most rational encounter with reality. Creativity is not daemonic (the inspiration of some muse or god) but rather exists whenever a man's acts spring from an internal harmony of his mental and physical qualities and they successfully put him in harmony with part of his environment. It is a sad fact of our culture that we do not realize the great creativity involved in such everyday activities as raising children, forging a successful marriage or simply being able to enjoy life. One of the most destructive

qualities of our modern society is the way it fails to recognize these creative talents in each person. When a pop singer, athlete, or news caster can make a million dollars a year and a housewife or laborer be "worth" practically nothing in comparison, it is little wonder that our sense of community (shared values) is waning.

The equation of mental powers with creativity is also an unwarranted assumption. Barron (1965) found, for example, that I.Q.'s above 125 to 130 did not directly correlate with creative ability, a fact which supports the opinion of many psychologists that I.Q. tests only measure a person's ability to do well in school.

Martindale (1975) has indicated that there are some physiological and possible genetric traits common to creative individuals. His research has shown that creative individuals have: (1) lower alpha wave levels in a resting state than persons who were intellectual or those trained in mind control techniques (transcendental meditation in particular); and, (2) higher levels of skin conductance. These two factors indicate they have a higher state of arousal than less creative individuals. Creative persons are in fact more sensitive to stimuli around them, are more aroused by novelty, and seem to amplify sights, sounds and textures so that they are felt more intensely. Therefore, Martindale concluded that, "Creativity and intellectual ability require two different thought processes: the former calls for low cortical arousal and defusing one's powers of concentration, the latter calls for higher cortical arousal and focused attention."

Martindale finds the fact that some EEG patterns are heritable to be suggestive of the possibility of a genetic base for creativity, and that natural selection may favor it in certain situations. Little research now exists in this area however. What does seem worthwhile taking into consideration, though, is that a person or system which is working within a creative situation will have less tolerance for law-predictability-order, and more for novelty and unstructured

attention. Thus, Martindale found in his survey that creative people describe themselves with such adjectives as "uninhibited", "enthusiastic", "assertive", and "impulsive", whereas less creative people describe themselves as "contented", "conventual", "virtuous" and "rational". It may not be too much of an exaggeration to say that the creative person is frequently a "criminal" (a deviant) in his society or social system. Where virtue - reason - noncreativity are interlinked, the creator is an outcast (albeit, sometimes a tolerated one). A greater study of creative behavior is however needed, as well as its genetic basis, before we can tell the difference between true creativity and the pseudocreativity of the merely undisciplined rebel or the pathological mind.

An axiological ethics though differs from a nomological ethics in that it values and seeks to understand creative processes. It is a more comprehensive frame, one which includes both creative and algorithmic processes (the creative man must use algorithmic processes to make his ideas functional). The "ethical man" is not only a person who "does the good act" but also "creates the good". This means that he makes concrete, specific decisions which can never be totally predictable or foreseeable by written, abstract laws. Similarly, the ethical social system will be less interested in restricting the choices of its members by ever increasing laws or rules as it will be to create environments and communities which provide the information and resources for the people to create their own adaptive life styles. The "goodness" of a community lies in its ability to maximize the choices available to its citizens.

Therefore, a social system cannot afford to merely have a "preventive ethics", one which tries to foresee and stop all unplanned deviancy and experimentation. As Zwicky (1969) observed, when a society is in a period of rapid expansion, the most adaptive values are those which encourage unfettered

imagination, creativity and experimentation in values and actions. Therefore, the system will need an "inventive ethics", one which encourages non-pathological, potentially useful deviancy. There are innumerable ways in which this can be done, e.g.: funding pure research activities in science; developing more creative and life skill oriented courses for school children; removing laws that try to enforce ethical standards that are non-essential to the community's immediate survival; or, by the government supporting a multicultural society, assisting various ethic and linguistic groups to have their own educational and institutional resources.

4. The Concept of Growth.

As social systems grow and become more complex, and as the world they have to deal with itself becomes more complicated, they will have a need to simplify reality as much as possible. If we accept that security is one of a system's basic needs, then it seems obvious that it is advantageous for it to simplify its values. In this way, all its components will act uniformly (e.g., a society can decrease internal dissent if its values are accepted by all of the citizenry) and the system will be able to concentrate its energies in achieving a few important goals. We might posit then that a person's or system's sense of identity perhaps depends most on the fact that they possess a consistent set of (a few) boundary values which allow them both to make sense out of the world (to understand it), and to give order to their lives.

In system's terminology, one speaks of morphostatic and morphogenetic processes. Morphostatic processes represent one way by which a system seeks simplicity. "Morphostatic" is applied to those activities of a system which promote stability, homeostasis, and the continuance of institutional behaviors. The system seeks security by trying to keep everything the same.

Morphogenetic processes are those which are change-promoting. An essential characteristic of an axiological ethics is that it seeks to identify and promote axiological processes (as well as adaptive, morphostatic behaviors). In this way an axiological ethics shares the assumption of many system theorists that the long-run survival of social systems depends on their ability to change as much as to preserve a core of stability.

Before proceeding further, though, it is important to emphasize that there is no intrinsic opposition between these two processes - there is no intention in this module to imply that older values are bad and newer ones better, or the reverse.

First of all, historical studies show us that some values which are now accepted and institutionalized were at one time in the past new and revolutionary. Wilson (1975) also holds that many of men's current behaviors and values may still be genetically linked to secondary ones from the past. For example: creativeness may be linked to a desire to own and dominate; athletic zeal with violence; and, cooperativeness toward group mates with aggressiveness toward strangers. As science becomes technologically advanced, it may be possible to eventually modify these genetic "remnants" so as to program people to have those "pure virtues" that community leaders think are necessary for a "well-adjusted" citizenry. But, as Wilson further notes:

> If the planned society - the creation of which seems inevitable in the coming century - were to deliberately steer its members past those stresses and conflicts that once gave the destructive phenotypes their Darwinian edge, the other phenotypes might dwindle with them. In this, the ultimate genetic sense, social control would rob man of his humanity.

One of the major questions, therefore, in a system's growth toward new values is the extent to which certain "regressive" values are either essential to or supportive of other, "higher" values. For example, it may be functional for

a very creative person to be anti-social, egotistical or argumentative since this gives him that "distance" from the environment he works in which enables him to perceive possible new behaviors. A "good company man", on the other hand, is one who avoids rocking the boat in any way and submerges his own individuality in the interests of company policy. Both are useful in a social system, though, one helping the system to remain adaptive to a changing environment and the other maintaining a sense of identity and cohesiveness.

A special type of growth problem arises when a society is in a "transition period", a time when some of its key behaviors and values are no longer functional. And, when key values become dysfunctional, so too do those subsidiary values and behaviors clustered around them, and there is often the sense of "total collapse". In such periods, systems have to create a kind of transitional ethics. As we saw before, though, the larger a system is and the longer it has identified itself with a particular set of values, the slower it is to change. Thus, a correctional system will tend to change faster than the society of which it is a part, and a particular officer faster than his agency. This flexibility gives certain kinds of advantages to persons or groups which do not accept, and rebel against, the values of larger systems of which they are a part - and so, a study of their methods is also of particular interest to correctional change agents. The advantage of the deviant group lies in its ability to perform two basic manoeuvers. First, it can hold the system to its ethics (e.g., a particular political system may not be allowed to monitor the private communications of its citizens without legal permission, be forbidden to use undue violence, and generally may not behave in any way that is against its high ethical standards), while simultaneously the deviant subsystem is free to choose any means it wishes to meet its goals (e.g.,it can encourage its members to spy on the larger system, use violence when necessary,

and to adopt whatever behaviors they need to achieve their goals). The selective advantage of the deviant subsystem then lies in the fact that the traditional system is predictable, its ends and means are tightly locked and inflexible. In many ways, this is also the advantage of any probationer over a professional who gears his work to a specific, known theory and practice. As any professional knows, probationers can become quite adept at role plays. Once the professional is sized up, the probationer can act out the proper role while behaving differently in the community. In fact, the probationers who are at the greatest disadvantage in a rehabilitative setting are those who either cannot lie well (the socially unskilled) or are just plain stubbornly honest about their different values.

In reacting to a changed environment, though, or when under attack by new (deviant) groups, the traditional system can easily fall into the trap of either stubbornly holding on to dysfunctional values or too hastily adopting a new set of values in order to stay "relevant".

A correlative danger for innovative systems is to take their values too seriously, as "THE" new ethic. Volunteer programs, for example, occasionally propose themselves as far superior to professionals simply because they are new and different (e.g., offer "free" and "disinterested" help). Now, it is usual for new movements to have a very inflated and egotistical sense of their own importance, partly because this allows them to claim credibility and power vis-a-vis established institutions, and partly because the daring of invention requires ego-centered personalities. Volunteer programs in corrections however have little justification in any existing research to claim that they alone, in isolation from professional groups, will be any more successful in combating crime than correctional workers have been in their own isolation from the community.

The growth of a system and its ability to develop new values will also be influenced by two main constraints: first, those on the energy available in its environment (natural resources); and, second, the ease with which information flows within the system.

Environmental Constraints On Growth And Value Formation.

Population biologists have begun to see that the survival and longevity of a species will depend on how it keys its activities to the rhythms of its environment. For example, plant or animal populations which have short-lived or unpredictable habitats (such as the mud surfaces in new rivers, or the bottom of nutrient-rich rain pools), will survive if they are mobile (can find new habitats when the old one disappears), if they can utilize the resources of their habitats quickly (before they disappear or competitors move in), and if they can reproduce quickly and in large amounts. Such species have been called "opportunist species". In contrast, there are "stable species" which exist in longer-lived habitats (a climax forest or the interior of a coral reef). The populations of these stable habitats find it to their advantage to control their reproduction rates (offspring are potential competitors for scarce resources), and to become more specialized, and so more efficient in using the energy available in their habitats (seize, hold and extract the energy of a particular part of the environment). In the plant world, stable species are typified by those large trees and shrubs whose roots crowd out others and whose leaf spread denies sunlight to other species.

If one were to create a typology of social systems (social genotypes) on this basis, we might be able to begin to discover a rationale and predictableness to their behaviors. For example, a corporation acts much like the stable species, whereas the travelling salesman must act more like an opportunist species. The salesman will make the most profit if he reaches the greatest number of customers

and has a sufficient variety of products to sell. He cannot concentrate too much time or resources on a few customers or a few of his products if he wants to remain competitive. However, if he eventually is successful in capturing a "territory" or market, he will then be able to achieve a more secure and stable income if he concentrates on improving his efficiency and expertise so that no new competitors can supplant him.

A mature society, similarly, will eventually find that such values as unbridled reproduction, internal competition, or the inefficient consumption of scarce resources are not adaptive. Laws which support such activities will also be maladaptive. Consequently, if corrections wants to create its own values, they will have to be relevant to the society in which it operates so as to provide rational goals for its clientele.

Constraints On Information Flow Within The Social System.

Human systems depend on information as well as energy for their survival. Again, though, the size of the system will affect this information flow and so its potentiality for growth and change. If, for example, a large social system chooses to emphasize axiological values such as freedom and creativity in its members, the system's adaptiveness will directly correspond with the quantity of accurate information flow between its parts. This information flow is necessary for it to create values which are able to unify the different life-styles with the various sub-groups in the system. A nomological system of ethics needs information flow as well, but the kind of information is more rigid and simple - to tell the people what the law is, and to create a surveillance subsystem which will identify significant deviations and correct them (with as much public publicity as possible).

However, as systems increase their size, the flow of information becomes more difficult. Paradoxically, a participatory democracy is the most inefficient organization possible in this regard. The "town forum" type of democracy, which

is functional in very small settings, breaks down as a community grows larger because the number of transactions between people increases much faster than the absolute increase in the number of people in the system itself. For example, suppose there are ten residents in a town, and they decide on common issues at a monthly town meeting. If one new person moves into the town there are now eleven residents (an increase of one), but ten new transactions are necessary merely at the first level of communication in the town meeting (just for him to give one message to each other resident)!

An axiological ethics then must be concerned with the question of the size of a system and how this affects the flow of information people and sub-systems need to make ethical, human decisions. One of the central ethic issues in this regard is how much centralization or decentralization is good for a given system. For example, a correctional volunteer program which has too many people (relative to its information transmission facilities and technology) will tend to become sterile and unimaginative simply because the coordinator will spend all of his time in such activities as recruiting and training new volunteers to replace those that leave, or submitting accountability reports to supervisors. A coordinator can increase both the size and quality of his program by such procedures as: keeping only that data which is useful (probably more time is wasted by professionals recording unuseable data on correctional clients than every other single activity); delegating to volunteers and other professionals as much responsibility as possible for different parts of the program (e.g., training or supervising new volunteers); and therefore having the coordinator retain a centralized control over only those activities which require his expertise (e.g, designing new directions for the program to take, setting up and improving communication channels, or community liaison work).

5. The Concept of Intelligence

The unique possession of man is his brain, and its ability to reach higher levels of consciousness than any other animal species. A general criterion for all the principles and rules of an axiological ethics is that they must be intelligent, that is, that they are based on an understanding of the physical bases for human behaviors, environmental givens, and the interactions between the two. The ethical man values truth. This criterion clearly separates an axiological from a nomological ethics, the latter putting its main emphasis on man's will and emotions. (Nomological thinkers distrust the intellect and express their ethics in such terms as, "doing one's duty", "good is its own reward", or "emotional freedom is other than intellectual freedom").

The Openness To Learning In Nomological And Axiological Ethics

A nomological ethics, being characterized its distrust of reason and intellect, derives its first principles from a postulated extra-communal or extra-territorial set of laws - imposed upon the community by jurists (prophets, priests, kings) who are superior to it, or by an alien race which are the gods of the community. Such an approach was described by Tillich (1948) under the label of "heteronomy", a philosophy by which a system subjects "the form and laws of thinking and acting to authoritative criteria of an ecclesiastical religion or a political quasi-religion, even at the price of destroying the structure of (individual) rationality."

Although it may not be apparent at first, both extreme liberals and extreme conservatives share a nomological, anti-rational philosophy. Archie Bunker and his son-in-law Mike are really the same kind of people, they just have different absolutes - either "the law's the law, and everyone ought to keep it" or "the law is simply a middle-class invention, and has no rationality except to keep the rich

secure in their 'private' property". Both "schools" fear science (it threatens their assumed absolutes), and both therefore are incapable of learning any new data except that which supports their position. We could hypothesize that both conservative and liberal nomologists in modern times are seeking security in absolutes because of the stress caused by the rapid changes taking place in the modern world. Thus, it is sometimes not noticed that there are just as many codes of right behavior in criminal and "deviant" subgroups as there are in the rigid law and order groups (one fact that juvenile delinquents often are oblivious to is that their peer groups have at least as many norms of right and wrong behavior as their own parents do).

An axiological ethics, however, seeks knowledge - about the world and about how man knows the world (including its <u>own</u> values and epistemology) and, as such, it must take into consideration the phenomenon of learning.

As Wilson (1975) stated, biological studies have given strong evidence that the brain is not merely the passive subject of environmental forces. What evolves in species in which behavior is learned is the "directedness of learning", which is:

> the relative ease with which certain associations are made and acts are learned, and others by-passed even in the face of strong reinforcement. Pavlov was simply wrong when he postulated "any natural phenomena chosen at will may be converted into conditional stimuli". Only small parts of the brain resemble a tabula rasa; this is true even for human beings. The remainder is more like an exposed negative waiting to be dropped into developer fluid.

Therefore, a system of ethics will have to take into account the evolutionary biases in the human mind toward certain behaviors and values. This reinforces one of the principal themes of this module, namely, that an inter-disciplinary approach is needed in corrections.

The Need For Scientific Models And Theories In Ethics

If we are to learn about ourselves and our values, if intelligence is to be a starting point for ethics, then ethics must use scientific methods. Endless philosophic arguments with no intelligent theory or facts behind them are of little value, and have lead only to word games in which various ethical assumptions are used to create taxonomies of behaviors and values. But, such taxonomies are merely descriptive and give no evidence about the correctness of the original assumptions. A true scientific theory, however, must not only have a clear set of hypotheses (parameters of a situation and the relations between them identified), but must also lead to the construction of models which can be tested in the real world and the original hypotheses extended through the results of this testing.

For example, a very basic question in criminology is the identification and delineation of those parameters under which data on crime rates can be collected and organized; e.g., density-dependent factors such as a society's reproduction rates, crowded environments and resource availability. Without such parameters, a society will not be able to identify and change its own behaviors and values which contribute to the rate of criminal activities. The difficulty in doing this of course lies in the complexity of human beings. It is rarely possible to conduct definitive experiments which hold one variable steady while varying others (the method of classical physics). At the very least, though, existing systems should be studied to find out what conditions exist in them, and, in an ethical enquiry for example, the differences between systems with roughly the same values and those with different values. Corrections might then find it advantageous to construct various intervention models whose strategies would be based on the identification of different value systems in offenders and the correctional workers, and a consequent study of the effectiveness of particular value changes in offenders in respect to continued rates of crime.

The Open-Ended, Stochastic Quality Of Ethics: The Limits Of Theory.

The previous emphasis on scientific theory does not imply that ethical choices will eventually be able to be prescribed by such a theory. Theories speak only about the few, general regularities that run through a system. Individual men, however, cannot find the "answers" to their ethical decisions in such laws. A law of gravity, for example, tells us we can fall off a mountain, but not whether we should climb it. A human being is rarely if ever confronted with an ethical choice between a pure good and a pure evil. Rather, he is faced with a very complex environment. His ability to predict the long-run effects of his choices is limited by the variety and impredictability of other men around him. Therefore, his existential choices cannot be totally governed by codified laws or theories but will always demand of him the virtue of "prudence" - the ability to make intelligent decisions in the concrete world. One of the great modern prophets of the individual man was Kierkegaard who, in his Fear and Trembling, contrasted the "ethical" man (a follower of a nomological ethics) and the "religious man" (a person who acts out of an axiological ethics). The religious man must recognize both his own uniqueness and that of the situations he faces, even to the point where he may "be asked" to act against a universal norm. The paradigmatic situation is that of Abraham who, in the Old Testament, was called on to sacrifice his son Isaac, a choice which could only be made in "fear and trembling". For Kierkegaard, the central ethical principle is that the individual is always of a higher value than the collective. A man can make an exception to a universal law because he himself is an exception, a being whose existence cannot be confined in a prison of universals.

The conflict between universal laws and the uniqueness of the individual is one that is important for any correctional ethics. Its resolution is a critical factor, for example, in determining how a correctional worker sees his role - as

that of a law enforcer and/or as a helper of an individual offender. This conflict has two dimensions: a theoretical one (the need to have a general law which all persons keep, and yet to help individual offenders), and a practical one (are there strategies of intervention by which a correctional worker can both support the law and yet at the same time honestly relate to individuals as individuals).

On the theoretical or abstract level, the correctional officer is caught in the bind of having to enforce a fixed, impersonal law, yet also trying to "rehabilitate" the offender through a personal relationship. To state this bind in a rather extreme form, could a correctional worker honestly (i.e., as an individual human being) help a criminal offender to become a responsible citizen if this also means in his case to enforce laws which from the correctional worker's point of view are illogical or exist merely to protect a questionable set of values of the majority of society? The probation officer is then "asked" to enforce the law of his superiors which may destroy some of the humanity of the offender (the dilemma of an Eichmann - "I only did what I was ordered to do"), or if he will respect the humanity of his client and disregard certain law violations. (Questions such as the above ones, which involve conflicts between the values of different system levels, cannot be resolved either by a nomological or axiological ethics. Therefore, a third approach is necessary, that of a transformational ethics).

Implications Of An Axiological Approach For An Ethical Definition Of Voluntarism in Corrections

A new light can be cast on the concept of voluntarism in corrections by viewing it as a moral choice by the volunteer person or system. All previous attempts to define voluntarism have been in terms of an "extrinsic-production" ethic. By this is meant that volunteers have been characterized by: (1) the kind of effect they produce on persons outside themselves, i.e., acting as counselors, mediators, facilitators, they try to produce changes in the mental health and/or community integration of criminal offenders; or, (2) they are characterized by the rewards (or lack of them) given to them by outsiders (e.g. volunteers are "unpaid" help).

However, within an axiological ethics, the primary source of value for a human act comes both from the free choice of the behavior and how it perfects the person (or system) acting and the environment. If the concept of a voluntary act means anything, it is one which is freely chosen and not determined by extrinsic factors. Therefore, there is an inherent inconsistency in the notion that a person volunteers for work in corrections out of a sense of duty or obligation (to the community or any other social system). It is extremely important to recognize as well that in an axiological volunteer ethic the fact of whether one is paid for one's services or not is totally irrelevant (e.g., a professional might have a greater voluntary quality to his work than a volunteer in the same agency).

A voluntary act must not only be free, but it must also have a cognitive component, namely, that the person believes (has faith) in the action done as an end "for itself" (the behavior "fulfills" the person, is part of its identity). This does not mean that voluntary behavior may not benefit others, but simply

that the sine qua non of a voluntary act is the fulfilment of the one who acts. There is, of course, a latent "heresy" in this position - that voluntary actions are not necessarily the self-negating, client-centered behavior they are usually made out to be. The quasi-religious desire of professionals and volunteers to always prove their worth by the self-sacrificing character of their work is an outgrowth of the "protestant-production" ethic. Working long overtime hours in order to give the greatest quantity of service is a kind of missionary-syndrome (the heroic martyrdom of self to convert the greatest number of heathens), one which is also part of the spirit of laissez-faire capitalism.

In distinction to this ethic, voluntary action has the character of self-definition and self-validation. Consequently, correctional programs should pay much greater attention to: the kinds of values that characterize people joining a voluntary system and how these change over time; the effect these values have on matching volunteers to proper jobs; and, the kinds of values that are productive for different programs in their developmental stages of growth.

The production ethic (a person values himself by the kind and amount of work he does) has directly led to the concomitant social ethic of consumerism, namely, that one's status in the eyes of others depends not only on the kind of job done and money earned but also the quantity of goods and services amassed and consumed. Voluntarism, however, implies a more ecological, distribution ethic, one which opposes the idea that we need to produce and consume goods and services at ever increasing rates. Rather, what is needed is a more even distribution of wealth (the sharing of resources) with a corresponding change of values in regard to the use of the earth's resources.

Voluntarism is, like all gift-giving, a way to transfer valuables from centers of high productivity to those of lower productivity. These valuables can be tangible assets or intangible ones (e.g. social skills). Thus, even from a purely selfish point of view, it is politically advantageous for a society to encourage volunteerism, altruism because: (1) it dissipates or at least decreases possible unrest and political protest from less advantaged groups; and (2) since the advantaged class has probably become so because they have concurred with the values of the society, voluntary alliances allow these values to be disseminated in a natural and spontaneous way.

In this context, crime can be characterized as the process by which under-privileged classes achieve the moral ends of a system but in non-approved ways. For example, in a system which values wealth, production and conspicuous consumption, thefts by the poor are neither unexpected nor so inconsistent with such a society's ethic as they might appear to be. One might even propose the thesis that it is not violence on television (a current moralistic concern) which is so dangerous to our society, but the media's propagandizing of the consumption ethic (violence of course is the means by which the poor or socially impotent achieve this end). It is interesting to note that the FBI Uniform Crime Reports show that during the 1930's in the United States, reported rates of robbery and violence declined more or less steadily in spite of adverse economic conditions. In the 1960's, the reported rates for these crimes rose with the rise in general prosperity. While there is no necessary causal connection between crime and prosperity, these statistics do support the hypothesis that a disparity between the expectation of wealth (or poverty) and the amount of that wealth that can be actually achieved may help to produce criminal behaviors.

Or similarly, we see professional groups asking for higher and higher incomes simply because their jobs are supposedly more important than others. The obvious ethical assumption is that their work does not have a for-itself character (the job is not sufficiently rewarding to be chosen for itself), but is merely a means to money, greater wealth and class status (e.g., a professional ought to get more money than a non-professional, a doctor more than a brick layer).

The "for itself" character of volunteerism can also be seen as a concrete expression of the ethics of a democratic system. The basic strength of a democracy lies in the citizen's free choice of their values and laws. It may therefore be that the contemporary volunteer movement is, in fact, the place where a new democratic ethic is being born, an ethic which emphasizes the quality of life as well as the quantity of wealth. This will require first and foremost though that volunteer jobs are satisfying and enhance the quality of life of the volunteers. The exploitation of volunteers is a real possibility when they are trained to think that their reason for being is merely to inexpensively produce goods and services for others ("the clients"). Concomittantly, more thought might be given to the fact that correctional offenders not only at times need to be helped to get access to more material wealth and security, but also to improve the <u>quality</u> of their lives - e.g., to share their talents with others by becoming more involved in community programs and activities, even to become volunteers themselves. This kind of qualitative ethic should help to redress the inbalance that has been created by the "client-centered" production ethic, and to replace it with a system-centered, community-centered ethic. In the long run, the survival of human beings will depend on the survival of communities. The "center", the ethical frame of reference, is not this or that part of a system but the system itself.

A community-centered ethics, therefore, puts the goals of offender change in a new light. In a heavily regulated and complex society, such as Canada, working with criminal offenders may demand that less effort be spent on cajoling or programming people to live a standardized and uniform type of life and more on the goals of "re-individualization" and "re-communalization". The tremendous amount of money, time and efforts that have been put into evangelizing individual offenders has been unproductive. We have exposed the alienated to counseling, therapy, advice giving, and a multitude of ever changing "treatment" fads. But, to simply take an alienated person and expose him to a "personal improvement course" and then drop him back into his former environment is hardly going to be productive. Perhaps the high rate of crime, and the less than adequate results of many rehabilitation programs, is not so much a commentary on the ethics of individual offenders as it is on the morality of the whole society.

In a more general context, we can understand the increasing appearance of special interest groups today as the attempt of the people to assert more responsibility and control over their own lives. Only by banding together into groups with a unified set of moral and intelligent goals can an alienated people find identity and purpose.

These special interest groups will, for a while at least, challenge the tradition values of their society. However, as Martin E. Marty (1975) observed, our society need not panic over the "decline of absolutes" and the growth of competing points of view of special interest groups; in fact:

> Many people have found terms for moral action in their own "colonies" or "tribes", whether these be philosophical and family traditions, racial or ethnic clusters, age and sex groupings, or movements and causes. In recent years moral renewal has occurred more frequently within these colonies and tribes than in their federation, the national community.

Therefore, one of the primary ethical goals of corrections might be to encourage the formation of citizen volunteer groups which would work with offenders and professionals in improving their local community. Such a group must develop its own ethical traditions, i.e, it must decide what community conditions and actions by individuals are most significantly deviant in that community. Thus, the artificial inflation of land by speculators, or the building of inhuman living environments, may be more important problems for a community than some kinds of criminal behavior.

The large, national society, through its criminal law, can best complement these groups in two ways. First, by enacting laws which protect the rights of individuals and small groups to live by their own standard of values, providing they do not hinder others from choosing different life styles. And second, the real power of these groups will depend on the willingness of the State to reduce criminal and regulatory law to the minimum, essential level. This would not be an abdication of law by the State but rather the transferral of the responsibility for law to smaller communal groups.

CONTINUED

1 OF 2

SECTION II: A PRELIMINARY ENQUIRY INTO A TRANSFORMATIONAL ETHICS

The Ethical Black Box

> Imagine you are a space traveller. You land on the planet Narx. Narx has a life form of creatures called Yrggs. You observe one Yrgg approach a second Yrgg and drive a long, pointed object through his body. The second Yrgg falls down and is still. Was this an ethical act?

A naive space traveller might jump to the conclusion that Yrgg #1 committed the very unethical act of murder. An experienced spaceman would, however, be more cautious in making ethical judgments about an alien race. It might turn out, for example, that Yrggs were merely robots, and the above "murder" was simply the deactivating of a defective robot.

And yet, man easily forgets that he is not much more than an alien race to himself. With all the values and ethical systems that exist in the world today, it is still very difficult for an unbiased person to hold or prove that any one set of values is more humane or better than another set. We are a much more complicated species than any one individual group, nation or set of laws is yet able to recognize.

It is quite possible that one of the most presumptious assumptions man makes today is that he knows a lot about himself, his world, his universe. One cannot read a book or a newspaper, watch a news or current events show on television, or listen to the pronouncements of professionals or non-professionals alike, without getting the impression that most people really think they, or the ethical groups which have influenced them, have "THE" answer to all the moral issues of mankind. The "sin" of pride (hybris) has always been recognized as man's greatest, enduring problem, even by those moralists and theologians who teach that their's is the one true morality and faith!

If, though, we just for a minute suppose that the young human race (3 - 4 million years old) is but a child-like species, an infant race in a universe which is approximately 19 billion years old, then perhaps our viewpoint and understanding of human behavior might change, at least slightly. Appreciating that we know so little, we would be more cautious in judging those who are merely different, be less gullible in accepting "final" solutions to any of the problems facing man today. In short, we might see that we are "black boxes", entities into which energy and information enters, is processed in some mysterious way, and reappears in our behaviors. What we do to this energy and data to produce our behaviors, we still do not know. However, if to realize one's intellectual ignorance is the beginning of wisdom, then also to realize the childishness of one's ethics is the beginning of human morality.

The Concept Of Transformation

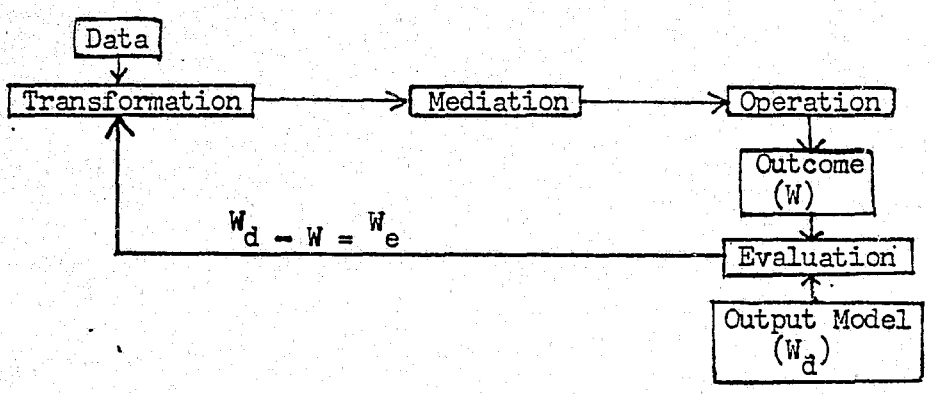
The concept of transformation is used in this module to describe some of the changes that take place as information (including a value set) is processed in an "organized system", how information is changed when it is passed from one system (level) to another. An "organized" system is one which is goal-seeking, yet made up of interacting subsystems which themselves have their own ends. These subsystems and their goals are able to be arranged, roughly at least, into a hierarchy of different levels (e.g., the various interacting components of the human body). Three general observations must be made here about this method before proceeding further.

First, one component of a system is considered to be on a "higher" level than another if and only if its decisions and actions have a direct (and not merely indirect) effect on the goal-seeking behavior of another component.

Second, transformational analysis is part of a "formal" approach to the study of systems. By this is meant that a system is approached and understood in terms of how it behaves, without concern over questions of why it does so or "from what" it is made (these latter questions form part of a structural analysis which is proper to the physical sciences or, in ethics, to a nomological method). The advantages of a formal approach are, briefly, that: (a) it allows for a scientific, quantitative analysis of behaviors of a system, including its ethics, apart from philosophical preconceptions; (b) it allows a decision maker on one level to understand how his decisions are influenced by inputs from lower system levels and how his decisions will effect higher system levels, and so enables the decision maker to increase his effectiveness by seeing how he is determined by and able to determine other systems; and, (c) it allows for the discovery and conscious creation of unique organizations, as opposed to being restricted by the idea that every organized system must and ought to behave in one particular way.

Third, the idea of transformation reflects the fact that as each system level receives an input from another level, it codes it into its own language (and must be able to do so for the input to be transformed from "noise" into a "message"). This encoding of incoming and outgoing messages is what is meant by transformation.

The "transforming" operation in a system takes place both at the input stages and at the output stage (as the system evaluates its own behavior against a chosen extrinsic model). In a very simple closed system, we can diagram this activity as follows:



Note: (1) W_e is the system error

(2) Mediation refers to the interpretation of the transformed data by the human observer(s) in terms of his (their) values and beliefs (cf. the concept of mediation in Section I of this module).

A transformational analysis is thus a dynamic methodology, a study of the process of interaction between systems, one which complements a structural analysis of the organization of a system in terms of its constitutent subsystems.

As we shall see, this type of analysis will allow us to grasp how different ethical principles are created and maintained, and thus how people and systems with different (deviating) values come to either believe in or change their values.

THE QUESTION OF MEASUREMENT: How A System Perceives And Encodes Value Inputs

Nothing exists that man does not try to measure in some way. Even for very qualitative states, we use our own rough intuitive measuring sticks (I love "x" more than I love "y"). But by what yardstick can we measure good and evil? It is probably true that most of the time this question doesn't concern us. We routinely follow some behaviors and avoid others as we have been taught to do. However, it is still important to see if values can be subjected to some kind of measurement so that individuals and groups could have as rational a basis as possible for choosing one behavior over another.

A measurement approach to values will of course be foreign to persons and systems in the degree to which their values are nomological ones, since to measure values means to evaluate them on the basis of reason. There has always existed a fair amount of opposition to value research in the helping professions as well, perhaps because people fear that the spontaneity of human acts will be jeopardized by scientific study. The greeks also feared that scientific experiments were a violent interference with the regular course of nature, the course ordained by the deity. Experimentation was an act of "insolence" (hybris), a theme which underlies the legends of Prometheus, Icarus and Daedalus. To put it in more modern terms, "humanists" have what might be called a "Frankenstein mentality" - a feeling, as the classic line in horror films goes, that "there are some things man was not meant to meddle with!"

But for corrections there is no option. When a system is founded on values (law) and defines its output by the communication of values (rehabilitation of some kind), then it cannot logically oppose an examination of how it comes to discover and impose values on others.

The Measuring Instrument

Normally, we do not consider the measuring instrument in our analysis of the real world. We normally don't pay much attention to the distortions introduced by such instruments as a microscope or telescope because we know fairly accurately the quantity of distortion they introduce and we can correct accordingly.

The theory of measurement is formally concerned with the ability of an instrument to correlate the states of two systems. Is the instrument able to give a direct, correctable representation of the object or process being studied, or can more than one object or process in the system produce the same effect in the measuring instrument?

For example, the eye itself is a limited measuring instrument. Its "grain" or "resolution level" is not always adequate to distinguish between different things. For example, it is possible to arrange three very close shades of blue (A, B, C,) such that the eye cannot distinguish A from B or C from B; but can distinguish A from C. A rule of logic tells us that two things equal to a third thing are equal to each other. This is not however always the case on the perceptual level ($A = B$, $C = B$, but $A \neq C$)!

Our ability to perceive the rules and relationships in a system, including its values, will depend on the ability of our minds to recognize, receive and evaluate information.

Values: System Levels And Measurement

Since a value judgment is an intellectual judgment, at least in part, a logical question arises as to whether the concepts of good-evil can be related to some kind of intellectual measuring device.

One interesting possibility is to correlate ethics and information theory. Although information theory is itself in a very seminal stage, trying to understand ethical systems in terms of the quantity of their information content does bring some quality of measureableness to ethical values.

On a very common sense level, we know that the more concrete rules and values people (or systems) have the more evil (or its possibility) they will see in the world. The world's variety, and especially man's unpredictable freedom, will pose a threat to systems which have a large quantity of rights and wrongs.

Therefore, the more closed a system is, the more its continued survival will depend on its ability to control its environment and so to prevent or offset the entrance of all random inputs. In other words, what most of us define as evil or bad is randomness - events which do not or will not conform to our rules of what ought to be or ought to happen (static on the radio, a child who breaks his

parents' rules, the deliberate breaking of a societal law). Evil is therefore always a "mystery". Its logic is other than that by which we understand reality. The more random, un-understandable an event is, the more evil it is to us. Conversely, the more predictable an event is, conforms to our own expectations based on our own rules, the more good we judge it to be. Some examples of this attitude are as follows:

(1) Many people believe that if we didn't have laws regulating every area of our lives, anarchy would result.

(2) Death is seen as evil because it happens "to us", un-wished and un-planned; thus, we have a horror of allowing anyone to die even if we have to use machines to keep them alive artificially.

(3) All western religions describe man's "salvation" by his ability to conform his mind to the innate rules of god(s) or impersonal forces. Man will be destroyed, lost, if he freely chooses to act outside of the range of permitted behaviors.

(4) Guilt, the major coercive force of any closed human system, can also be understood as the emotional reaction to events which did not fit into the intellectualized rules of the guilty person. Guilt is always irrational, therefore, since its source is a behavior which is also irrational from the guilty person's point of view. This is why guilty people also tend to think of themselves in such terms as: "I should not be what I am," or "I should be someone other than I am". Guilt must consequently be learned (imposed by others) - the denial of one's individuality could have no intrinsic source.

(5) Concomitantly, one of the great moral tyrannies of our age is that people are convinced that they must always have a reason for choosing any act. From the time children are born, they are taught that <u>everything</u> has a reason. From parents to teacher to friends, we are perpetually answering

why questions ("Why did you do that?"). We quickly learn that to avoid punishment we should have a reason for everything. Contrary to the popular myth, then, our society is probably one of the most intellectual and least materialistic ones that ever existed! Everything in western society has a purpose! Even our art forms, from cartoons to cultural activities, serve some kind of "meaningful" goal - to merely enjoy something for no reason at all convicts a person of being somewhat touched! Guilt thus arises not because of any action we do, but because we have an intellectual rule that we must always justify our actions.

It takes little insight to see that "good" for a closed system lies in its ability to achieve "self-control" (order) and the technological control of outside systems (the environment) so that no random (non-rule guided actions), potentially dangerous inputs can arise.

Yet, over the last ten years, there has developed a new foundation for the concept of randomness which puts a different perspective on the equating of order and probability with goodness. Following Chaitin (1975) this new theory is not one which supersedes classical probability theory but complements it by giving a more precise meaning to the intuitive concepts within it.

Randomness is usually associated in our minds with a patternless series. Normally, it has been explained merely in terms of its origin - a series is random for example if it was arrived at in an unbiased way. Thus, a classical method to get a random series is by flipping a coin. Suppose, for example, we write down the number "1" every time we get heads and "0" every time we get tails. Now, given the two following series, produced by tossing a coin 20 times, which seems random to you?

a) 01101100110111100010
b) 01010101010101010101

Intuitively, most people see series (a) as random and series (b) as not random, yet tossing a coin 20 times can equally as well lead to any of the 2^{20} possible binary series. Each of these is as random as any other! Thus, the methodology of arriving at the event-series cannot be the sole criterion of randomness.

Weinberg (1975) gives another illuminating example of how we tend to perceive randomness. If a bridge player were asked, "Which kind of hand is rarer - one with 4 spades, 3 hearts, 3 diamonds and 3 clubs, or one with 13 spades," he would undoubtedly respond that the one with thirteen spades was rarer. Yet, in reality, all bridge hands are equally rare and equally probable! What card players in fact do is to perceive 13 spades as a set of one, and, e.g, all 4 - 3 - 3 - 3 hands as one set. Or, to put it in another way, we never notice the variations in cards in certain standard distributions and we treat them as if they were all the same. In addition, this example shows us that what we tend to perceive or notice are rare events, and conversely we less often "see" what we think is more common or frequent. This will be very significant later when we come to discuss how law (common behavior patterns) can either enhance or destroy human creativity and growth (less common and more unique behaviors).

Chaitin further demonstrates that an algorithmic definition of randomness is possible. An algorithm in computer science is, as we have seen, simply a precise, step by step series of instruction for a computer to follow in solving a problem. In algorithmic terms, a random message could be described as a message which cannot be reduced or compressed to a more compact algorithm - no set of instructions, no message, can make it simpler. For example, to tell someone (a probationer) how to apply for a job in business, one could make up simple rules for him to follow - e.g., always be on time, always wear a suit and tie. This saves going over each concrete case with him. All rules are attempts to simplify reality to its most compact form - to make events less rare, to put them in one set.

However, there is no way to tell someone all the National League hockey scores over the past five years except by reading them off. The series cannot be simplified by any formula or rule, and so it is random in an algorithmic sense. Or, our 13 spades were perceived as random because we could not fit them into a normal rule of how cards are "supposed to come out after being shuffled", whereas a 4-3-3-3 distribution happens so frequently that we fit all 4-3-3-3 distributions into one set.

This theory of randomness also explains why nomological systems consider random behaviors to be evil. They cannot be reduced to any of the rules of the nomological system and so are a threat to its intelligence and moral superiority.

The Hierarchical Quality Of Ethical Systems

Algorithms (rules of problem solving) are most easily used when we are working within a mechanical system where all the parts of the system are on the same level. They are not as useful however when applied to organisms which are organized in different ways than machines. In fact, one way in which a distinction can be made between a nomological and an axiological-transformational ethical system is that the former views reality as machine-like (it uses a mechanistic model of reality) whereas the latter uses an organismic model. The differences between these two models can be briefly described in three ways.

1. Reduceability and Predictability. A mechanistic system is one in which a set of macrovariables so exist that there are definite mathematical rules which permit us to both define the whole by these sets of basic rules and also to predict the values these variables will take over a reasonably long period of time. Machines do what they "are supposed to do" until they break down. However, biological organisms are more random in that their behaviors are not simply reduceable to or able to be rigorously derived from a definite set of axioms or formulae. Therefore, we know we are looking at a mechanistic system when we can reduce its behavior to a definite set of rules, even if this happens to be a human system. As people or

systems become more routinized and predictable, they begin to move toward a machine-like existence.

2. Structural Hierarchy. The basic quality of an organism is that it is a system which has a hierarchy of structures within structures, as opposed to the relatively homogeneous components of mechanistic systems. The result of this is that even small changes in microvariables can lead to large scale changes over time in the structure of the organism - e.g., as took place in the evolution of animal species.

3. Behavioral Hierarchy - Individuality. Organismic systems seem to be characterized by a certain "invariance above individuality". By this is meant that at the higher levels of an organism there is a great degree of regularity, while at its lower levels there is greater diversity (subsystems acting toward their own goals). For example, a nation will have a much greater consistency in its values and policies than can be said to exist in the multitude of persons and groups which make it up (for a more in depth discussion of hierarchy theory, the reader is referred to Pattee, 1973).

Because of the fact that human organisms are uniquely characterized by the hierarchical differentiation of their parts, their malfunctioning can also be seen as a breakdown of this hierarchy. Minuchen (1967), for example, introduced the concept of an "enmeshed" family system to describe dysfunctional families. In this model, problem families were characterized by: lack of differentiation between individual family members; a weakening of the boundaries between family subsystems leading to, e.g., unclear differentiations between the roles of spouse and parent, and little discrimination between children on the basis of age or maturation level. Such a highly "interlocked" system has a high degree of resonance between the parts - any attempt of one part to change (e.g., one person to solve a psychological problem) is resisted by all others in the system because such a

change threatened their own identify. The critical point to realize, then, and one which is not at all obvious outside an organismic perspective, is that individuality may not be possible outside of "sufficiently structured" social system. The kind of structure or organization most suited to individuality is of course another problem.

Similarly, Ashby (1960) reasoned that the more tightly knit a system the more difficult it is for the whole to reach an equilibrium without each part reaching an equilibrium. This in turn makes change and adaptation by system very difficult to reach or maintain. Progressive learning, the retention of partial successes, is impossible. Take, for example, the puzzle one can buy where the parts of a cube are disassembled and can be put together again in just one way. The problem can't be solved until all the parts are just right - getting two of the parts in the right order is not even recognized until the whole problem is solved.

All of these considerations will affect the notion of ethics and value in a human system.

What makes a community to exist in the first place is a "functional integrity" versus a merely physical or structural one. Human beings have a sense of belonging, community, when other persons or systems meet their needs and vice versa. A human ethics is not the machine-like one of nomological ethics (one does such and such because the law/rules/algorithms says one ought to do this) but because certain actions enhance the life of the person acting (or what he or she calls "self").

Secondly, and what appears to be a paradox on the surface, there must be a restricted communication between at least some parts of a system. Enmeshed families can be seen in one way as those in which there is "too much" communication - i.e., any attempt to introduce a new idea by one member of the system will be met by a barrage of objections and counter-pressures. Although the adaptiveness of

restricted communication will more fully be dealt with later (cf. the section "The paradigm of lying: self interest versus altruism"), the notion of communication itself needs to be introduced here. Although there is no consensus on how to define this term, we will use it throughout this module as it is defined by Wilson (1975) as any action by one organism which alters the probability pattern of behavior in another organism in a manner adaptive to one or both organisms (and by extension, the word "community" is used in this module to mean a group of organisms which, for the time period in which they exist as a community, interact in a fashion which changes their individual probability patterns of behavior, so that they are more adaptive than they would have been if they did not so interact). It is therefore clear that a person may make himself more adaptive by convincing others to believe in his values, or a social system may survive longer if it can get its members to subjugate their individual values to the greater good of the whole. A person or system then can increase its adaptability at the expense of others.

Ends and Means. Within ethical systems, there is the hierarchic ordering of some levels called "means" to other, higher levels called "ends". However, it should be recognized that this way of speaking and perceiving reality is formally and best suited to the mechanistic ethics of a morphostatic system. Each step in a machine's operation is clearly ordered to the next one. This is easy to do in machine-like systems since the purpose or goal is known from the beginning and each intermediate step is designed to achieve the goal in the most efficient manner.

However, in a morphogenetic framework, a person or system cannot always order its behaviors or values in such a simple way. Thus, as in the area of creativity which was discussed earlier, a person may not even have a clear end in view, and the process of creating is more of a trial and error process than an algorithmic one.

In general, though, we can say that human beings tend to order their behaviors in hierarchical sequences. Any human action is capable of being considered as a means in one context and an end in another. Each of our ends is a means to a higher end. However, in a consistent nomological system only the highest, most abstract end is ultimately significant (e.g., Plato's archetypes), and all acts are "justified" by this end. In such an ethics, therefore, all judgments proceed from "the top down" - e.g., the physical survival of the universe is inconsequential for western christianity relative to an individual's attainment of paradise/heaven.

An axiological-transformational ethics looks rather at the process of value creation from the "bottom up". This means that the value of an act springs not from some ultimate end but from its immediate context. (A principle which will be one of the themes developed throughout the remainder of this section is that the usefulness of a value will depend on its ability to: (1) unite the components of a system so that they work harmoniously toward a goal; and (2) to enable the system to relate adaptively to its immediate environment. Therefore, in this method, judgments proceed from the "bottom up" - the values of a system are adaptive as they enable the system to survive and flourish in its own environment and not merely as they conform to highly abstract boundary values of far-removed systems.)

In other words, there are hierarchical levels of systems and their values, and they are not identical. For example, there is no necessity to assume that the values which unite a family are simply extensions of those of the individuals within it, nor the values of a country those of its subsystem (for instance, the families within it). I may value honesty as a lone individual, yet lie (either overtly or by silence) when I think the truth may hurt another (a social context). The ethics of such a lie is other than it would be if I lied in order to hurt another person (which destroys a potential social bond).

The critical structural principle here is that my social interactions with others are not simply extensions of my personal values or vice versa. They may be congruent or consistent, but not identical. Whereas a nomological ethics would

establish "identity by a set of concrete laws" (one set of laws bind all systems in all their acts, roles, contexts), an axiological ethics strives for a "consistency of contexts", a world in which different sets of congruent values exist.

The consequences of this hierarchical quality of ethical systems is that values arise in a relational context. If I am honest with another person in relating a certain piece of information, the value of this act lies neither in the act itself nor in either of the persons but in the adaptiveness of the relationship that is set up thereby. This approach is analagous to the relational theories of Einstein and Bohr in physics, both of whom share the view that relations exist rather than physical attributes of matter. Einstein in his Special Theory of Relativity showed that attributes like length and area are relational to a specific inertial system. Bohr's theory makes certain qualities of a subatomic particles relational to the type of measuring instrument used - that is, time, position, and momentum are not able to be proven to be "possessed" by an object.

Therefore, the boundary values of any person or system, their "ground of being" to use Paul Tillick's phrase, must be random. They have no higher or more abstract level to which they can be related and understood. Thus, for example, a god (the personal incarnation of ethical boundary values in a religion) is a being who cannot be related to any higher level. A god is "simple", not able to be subdivided into a simpler algorithmic law. "I am the law" is the definition of the highest end if it be personal, or, "This is the law" if it is impersonal (e.g. the State).

Now, since we saw that in a morphostatic system "evil" is equated with randomness, then it is as logical to call a god (or the nomological state) totally evil as it is to call him totally good. In fact, many religions have described their gods as having a "coincidence of opposites", a simultaneous possession of all ethical qualities: they love-hate, reward-punish, are the source of life and death.

Since all rule-guided choices will finally depend on the highest criteria in the system (either the ultimate, nomological end or that of a limited axiological system), it follows that it is impossible to prove that a choice or series of choices is ultimately good or evil.

There are two further ways in which this "impossibility theorem" could be demonstrated. First, in any of choices, it is always possible to extend it indefinitely (add one more choice, or vary a decision in a minute way) and so exceed the capacity of a finite measurement device. It is therefore important to realize that the qualities of "mystery" (the perception of the infinite series of ethical choices) and "faith" (the ability of a human being to choose to act toward an end even though the person has no absolute certitude that it can be reached or will be adaptive) are not the exclusive preserve of religious systems but are qualities of every science.

Secondly, the ultimate unprovableness of an ethical theory can be demonstrated by the fact that no matter what theory is, it is always possible to make a further statement about it (this impossibility theorem, that all formal theories are incomplete, that no theory can ever explain everything, was shown for mathematical systems by Godel in 1931).

In the real world, though, man does judge some acts to be more valuable than others. In theory, it might be said that man judges an act as good or evil according to the highest principles which he can express in language and so believe in. However, rarely do man's highest beliefs control his everyday behavior except implicity and imperfectly. We can propose a much simpler model: the strongest determinant of an act will be the values on the next higher level. Or, in broader terms, we can say that the further removed a value is from an act, the less it will be able to affect the choice of that act. For example, a government will find it very difficult to get the citizens to give up these values

which are rewarding in their personal or family lives and adopt new ones which are more in line with the government's goals unless it can tie these new values to others operating in the these subsystems.

This idea was expressed in a similar way by Simon (1947) in his principle of "bounded rationality". Since it is obvious that no man has knowledge of all the choices available to him nor of the ultimate results of these choices, we can assume that he has a simplified model of the world which guides his behavior. Simon proposes that man, in lieu of the best possible act, searches only until he finds that choice which is most readily available and meets his need in a satisfactory way. This leads to what Simon calls "satisficing" - man does not seek to maximize his rewards in the choice process but rather to find a course of action that is "good enough", is satisfactory. The alternative model is that of "economic man" - a person who seeks to regulate his choices by absolute criteria, who seeks only the best possible choice and feels he is duty bound to do so.

The Use Of Punishments: The Creation Of Evil

Since different system levels give meaning to our choices they also determine these same choices. All social systems have a high interest in maintaining some degree of order, and one of the ways to do this is by punishments and sanctions.

Nomological, morphostatic systems see their use of punishments exclusively in terms of the need to impose order on what appears to them to be random behavior. The greater the rigidity and inflexibility of systems, the more it will be incapable of seeing any logic or structure in the behavior of different values, and so the greater will be its reliance on punitive controls.

In many ways, this has also been one of the main weaknesses of those schools of thought which have categorized criminal behaviors as "senseless",

"disturbed", "the act of person in need of help", or similar concepts which have made criminal actions devoid of any intelligent meaning. This inability to comprehend deviance in a positive sense has produced the equally naive tendency to take away from criminal offenders (especially juveniles) sifnificant responsibility and intelligent calculation in regard to their actions. Any system is itself caught in the value structures it imposes on others. Here, the failure to recognize the rationality behind deviant actions can easily lead to a criminal justice ethic which is an impotent mixture of effeminate "humanitarianism" or harsh paternalism.

Since a morphostatic system lives by order, it tries to correct deviance by imposing order. Thus, we have the American, religious invention of the prison which aimed at putting the offender in a regularized environment in which he could reflect on the evil of his ways. Similarly, the control of behavior in religious systems has always been accomplished by "meditation", the routinizing of the mind, and by environments which are rigidly structured so as to give a continuous input of one kind of message. The fact that prisons do not "rehabilitate" and probably never have may be because the offender is not disordered but rather acts out of an order other than that of his jailers. This situation is even more evident in the treatment of juveniles. Rarely in my work with delinquents have I ever met an adolescent who was as weak and helpless as adults have treated him or her. The legal doctrine of parens patriae by which the State assumes a "parental concern" toward juveniles has in practice become a kind of "mother-to-small-child" system (a forgiving, succoring system), laced with occasional incidents of parental revenge (locking the child in his room, training school, if he does not behave) all, of course, out of "care" and "concern" for the "child". It is generally accepted, though, by psychologists that in many if not all cases deviant acts are adaptive to the environment of the deviant, bringing some kind of order to

the chaos he perceives around him (what is rational and orderly for a person in one environment may not be so for another person in another environment).

Therefore, we could also say that to perceive an event as punishing, the person being punished will see it as imposing some degree of randomness on his world. Similarly, we are put under stress whenever things happen to us which threaten our ability to establish order in our lives. For example, Renshaw (1976) found that in the stresses which exist today between family and business systems (families having to cope with frequent new postings, or long business trips of one parent), one of the critical factors in the family's ability to cope with these stresses is their perceived control over their situations - their ability to modify either their business or family activities to reach a new equilibrium. Renshaw proposes a "theory of perceived influence", namely, "The amount of influence an individual perceives he has over the events in a stressful situation is central to explaining why one individual is able to cope successfully with stressful events and another has difficulty with similar events." Notably, Renshaw points out that for those families which coped successfully with business stresses, there was no change in attitude toward the stressful situation (it was still disliked), but what changed was their view of their <u>own</u> strength and ability to <u>transform</u> the situation, make it work for them in some way.

Just as values therefore are relational, so too are punishments. The above stress was not the property "of" either system (neither the family nor the business activities were "bad" in themselves), but rather the non-congruent (random) interactions of the two systems.

Punishments therefore are not things in themselves but actions which are perceived by the punishing system as:

(1) enforcing disorder on it. The criminal offender will not experience any stress if the behavior which the society is teaching is not functional in the criminal's environment. Unless our societal values are actually useful to a criminal offender, he will justly see them as irrational.

(2) coming from a system of which the punished person or system is a part. The punishments of a community lose force as a person feels himself to be alienated from it, not important to it, not able to control its decisions. You do not take orders from strangers too readily, especially not from those who are protecting their community from you. In a society in which a high degree of alienation exists between persons, and between persons and social institutions, the deterrant effect of punishment will be minimal.

"Faith" is also an important structural element in a system's change from one state to another. A person is unlikely to change unless he believes that he can do so, and believes that the new state will be more rewarding than the present one. It is necessary to look more closely at the role that this cognitive quality plays in science in general and the science of ethics in particular.

FAITH, SCIENCE AND THE PERCEPTION OF EVIL

For a person to "have" a certain value is really to say that he believes that a particular end-state is preferable to an opposite or different end-state. Values are future oriented. Behaviors, or those qualities of a system which are not future oriented have no value for it. For example, I am 6'5" tall. I do not value this quality at present since I do not find it useful for any of the goals I now have (whereas I might if I played professional basketball). I do not identify my "self" with this height.

This temporal, futuristic, "process definition" of values leads to the important idea that not everything in life is equally ethical. Contrary to a nomological ethics, we are not continually faced with choices which are ultimately important. Making use of Simon's idea of bounded rationality and Renshaw's theory of perceived influence, a simpler and more practical approach would be one of a "bounded ethics" in which persons and systems have a limited set of ethical values which determine their significant actions. Consequently, we may not have to change a large set of values and behaviors in order to make significant changes in a person or system, but simply those values which are in this limited set.

Our perception of good and evil depends on whether the world supports or prevents us from reaching our goals. If the world is not consistent with our values, then we experience it (or the inconsistent part) as "evil". Evil is not so much "bad faith" in Sartre's terms, as "dysfunctional faith". What is believed to be less real somehow destroys what was believed to be more real. The perception of good in turn happens when the world around us supports us in reaching our goals.

The Question Of Subject-Object: The Ethical Quality Of Observation

If man gives meaning to his life by choosing his own values, then man is the instrument by which he measures himself. He is his own judge. Yet this conceals a very profound problem. Man chooses values which are per se "smaller" than himself (they are subject to his choosing and defining them), and yet these values are also held to be the measure of man. This involves us in a central question of measurement theory - how do we both separate ourselves from what we observe yet at the same time understand the object in terms that make sense to us (the object observed and the subject observing share common qualities).

A parallel problem occurs in quantum mechanics. Measurement theory (as used in classical physics) assumed that in the interaction between the object being observed and the observer (with his measuring instrument), the object being observed was not influenced by the measurement while the measuring instrument was altered. In a more general sense, the classical concept of measurement assumed that changes in the observed and observer could be kept on the same level - e.g., the movement of an amoeba from here to there under a microscope is simply a difference in degree from man's own movement.

Yet, when one is observing extremely small realities, as in quantum physics, a different situation exists. As enunciated by Niels Bohr (1933) in his principle of "Generalized Complementarity", when observing subatomic particles the perceiving subject itself forms part of the observed system (the act of observing changes the object). The result of this for Bohr was that there are different but complementary approaches by which to describe these particles, approaches which are each true yet irreconcilable. A complete elucidation of one object in such a situation may then require diverse points of view (for example, it is impossible to simultaneously measure the position and velocity of microparticles).

In the same way, the most complete description of a reality may require observers who have a variety of ethical beliefs (a multiethical as well as a multidisciplinary approach). This is so because what we choose to observe (an element from a set of all possible observation of that type) is determined by our own values. Therefore, various points of view are not only possible, but may have, in Bohr's sense, equally valid truth. Weinberg (1975) expressed the same idea through his General Systems Theory law that "any two points of view are complementary", assuming one does not seek infinitely refined observations. For

example, not only do the different scientific disciplines analyze the same reality from their own perspectives, but scientists within the same discipline often have temporarily irreconcilable theories. Rarely is scientific data sufficiently refined to eliminate the usefulness of complementary views.

Epistemology: Objectivity And Faith

In a formal sense, epistemology is the philosophical enquiry into how we know what we know is true. Some of the greatest revolutions in thought have arisen by discarding the assumptions of a previous age about what was true and valuable - e.g., Plato's world of Ideas, Freud's hypotheses of an unconscious, Einstein"s theory of relativity. The continuing construction of relevant legal and correctional principles requires a similar questioning of basic assumptions.

The paradigm of objective and subjective knowledge, which has been a perennial epistemological issue, is a critical one in the social sciences. Imitating classical physics, professionals in social sciences have defined their competence on the ability to assess human situations without personal biases, and to "therapeutically" relate to offenders in the same way.

However, very few if any of the professional literature examines the issue of what "objectivity" means and how a man can actually accomplish it. Bateson (1972) highlights the problems involved in the context of a dialogue between a father (F) and his daughter (D):

D. What does "objective" mean?
F: Well, it means that you look very hard at those things which you choose to look at.
D: That sounds right. But how do the objective people choose which things they will be objective about?
F: Well. They choose things about which it is easy to be objective.
D: Do you mean easy for them?
F: Yes.
D: But how do they know that those are the easy things?
F: I suppose they try different things and find out by experience.
D: So it's a subjective choice.
F: Oh, yes. Any experience is subjective.

D: But it's human and subjective. They decide which bits of human behavior to be objective about by consulting human subjective experience. Didn't you say that anthropomorphism is a bad thing?
F: Yes - but they try not to be human.....Thought should remain a part of the whole (of life) but instead spreads itself and meddles with the rest.
D: Go on.
F: Well. It slices everything to bits.
D: I don't understand.
F: Well, the first slice is between the objective thing and the rest. And then inside the creature....the world of the objective creature gets split into "helpful" things and "hindering" things.
D: Yes, I see that.
F: All right. Then the creature applies that split to the world of the whole person, and "helpful" and "hindering" become Good and Evil and the world is then split between God and the Serpent. And after that, more and more splits follow because the intellect is always classifying and dividing things up.

The first thing we should look at is how physical sciences go about their task of stating laws which have an objective validity. Taking the simplest possible example, suppose we wish to scientifically study two single bodies. To do this mathematically, we will need: (1) one equation (two in all here) to describe how each body behaves by itself; (2) one equation to describe how each body affects the other - the interactional equation; and (3) one equation - to describe how the environment of these two bodies will behave when neither of them is present - the field equation. There are thus four separate equations needed to study just two bodies.

Lest this seems too technical, the reader should think how in fact he does this in some way or other all day long. For example, as I am writing this, my 2-year old daughter is playing near a table with a lamp on it. The table is a fairly stable one, and I know she has been careful near it in the past. I realize that if I stop her from investigating her own house and cut down her freedom every time something might be dangerous, I could eventually teach her both that things are more important than she is and that all play has to be done within adult rules. These were not complicated "equations", taking perhaps five

seconds. So, I go back to writing this page and hope I can keep both a lamp and a happy child.

Now, to continue our analysis, when a science goes on to study more than two bodies, complications arise quickly. There is still one field equation, but there has to be one more equation for each body added, and the interactional equation grows geometrically! If n = the number of objects interacting, we will need 2^n interactional equations! This is why group discussions, committees and similar bodies are so slow to act - everyone has to interact with everyone else.

Thus, the power of any science lies in its simplifying assumptions by which it cuts down the objects it studies (A and B are important in explaining why a certain event happens while C, D, E, etc. are not important). This method decreases a science's area of application and usefulness (only a few variables are objects of the science), but in return a science magnifies its powers of explanation and prediction. The genius of any scientific theory lies in discovering which few variables in a given system are important (determine the others). The laws that result describe fundamental constancies that run throughout reality (and the wider its applicability the better), but in return for this objective quality, the rich variety of individual entities, those qualities which cannot be expressed in mathematical equations, must be ignored.

Similarly, we could describe the criminal law of a society as a quasi-scientific endeavor, namely, the attempt to identify those (abstract) behaviors and values that are so different from its own that they threaten its existence. It does this by a kind of statistical mechanics, creating simplicity by dealing with people as interchangeable units, creating an "average", "normal" set of behaviors. We all must, for example, drive at 30 m.p.h. on city streets because

the average driver supposedly is not safe beyond this speed. The law treats all men by their lowest (safest) common denominator. Therefore, as law increases, more and more areas of the community's life will be regulated by the values of its more average members. As is often true in classrooms, if the teaching is geared to the average student, those who are held back the most are the slow student and the gifted student; so too in a society ruled by law (jurists who see their task as educating the public much as teachers educate students), the citizens who will be most penalized by law will be those who are much less or much more gifted than the average person.

The problem with law therefore is how to avoid relegating all the persons and systems within it to childlike levels (and so there is a dangerously low level of creativity and novelty within the system), and yet not neglect serious threats to individual and group liberty. The immediate conclusion here is that criminal law, operating as it does by the mechanical method of reducing all individuals to a statistical norm, can only strike this balance by regulating those behaviors which are abhorrent to the vast majority of the people in the society.

To move now to a setting where human beings interact, and where there is at least some degree of spontaneity and individuality present, there is no way in which the relationship can be described as "objective" in the classical scientific meaning of the word. As Pratt and Canfield (1975) have pointed out, a value-free objective stance is an epistemological untenable position.

> Objects and systems themselves are invested with and characterized by value attributes; even the initial choice to assign a descriptive label is a value choice having further value implication (frequently disastrous); every descriptive "fact" either reveals or conceals a theory which had value dimensions.

In their transactional-field epistemology, Pratt and Canfield propose that the essence of human transactions consists of and is expressed by the unique capacity to form contractual relationships. People create and exchange values

through their interactions with each other (a helper cannot not inculcate values). This transactional field is thus both the source of ontology (the sense of stability, identity and reality) and of epistemology (the process in which certain realities come to be known and valued by the participants). Thus, the Pratt-Canfield position is analagous to Bohr's quantum mechanics, namely, that transactions between human beings cause changes in the observer and the observed, so that one observes and measures what in part one has himself caused.

A transactional approach provides a theoretical base for understanding one way in which correctional workers might define and strive for objectivity in their work. Objective functioning would refer to a process in which two or more persons (or systems) establish a contract in which: first, the values present in the beginning (constraints) are made explicit (as opposed to one or more systems concealing their values, pretending to have a value-free stance, or there being ignorance of each other's values); and second, the transactions result in mutual self-actualization (versus inequitable or exploitative contracts). To be objective then means to have the intelligence to be aware of one's own values and how they affect one's observations, and to strive to actualize one's values without diminishing the power of others to do so.

Used in a correctional setting, this method will require that correctional helpers be trained not so much in having the "correct" values, or in impossibly trying to be value-free (whatever that might mean), but in perfecting their values and being assigned to work with those who for whom these values are helpful. This model would influence the whole area of staff training - e.g., exposing volunteers and professionals to more training in contracting services with their clients and helping them to be more aware of and deliberately make use of their own values and those of their clients in their work.

TWO METHODS OF REASONING IN AN ETHICAL SCIENCE: ANALYSIS AND SYNTHESIS

Scientific thinking can be done either through the method of analysis or synthesis. The method(s) a system chooses to understand the world around it will affect the kinds of ethical principles and laws it has.

Analysis And System Levels

An analytic method tries to understand a system by discovering its essential properties, those which cannot be changed without destroying the system. Ethical analysts divide human actions and choices up into their important and non-important parts (e.g., differentiating between ends and means, the act done and the intentionality of the person so acting), and rank them in some kind of hierarchy. In general terms, the method of analysis is that of "intelligent ignorance". By ignoring all but the (supposed) unessential properties of a system, we are better able to control it and predict its gross behaviors.

The great advocate of analysis was Francis Bacon who became one of the founders of modern science. His central assumption was simple: "Without dissecting and anatomizing the world most diligently," we cannot "found a real model for the world in understanding, such as it is found to be, not such as man's reason has distorted." (Novum Organum, 1620, Book 1, Sec. 124). When this method was combined with the appropriate mathematics, as it was with Newton, modern science was born, and with it, the great achievements of the last 300 years.

A similar assumption is central to nomological ethics, that somehow if one could dissect and analyze actions and the complex human situations out of which they arise then one could identify those bits of reality which are good and those bits which are evil. The intention behind this was the same as that of any physical science, to try to make the world and man controllable and predictable. Although the next chapter will show how a method of synthesis can lead to knowledge not available by analysis alone, it is still critically important for a correctional ethics to identify: (1) what individual behaviors and what social structures are

destructive to a society and which are merely different or growth oriented; and (2) what kind of transactions between correctional agents and criminal offenders (or systems) are ethical and growth producing, and which are non-productive.

Therefore, one of the analytical questions for corrections to answer is specifically what parts of reality it is competent to deal with. No science can pretend to understand all reality. As Wigner (1964) noted in regard to physics:

> Physics does not endeavor to explain nature. In fact, the great success of physics is due to a restriction of its objectives: it endeavors to explain the regularities in the behaviors of objects.

Corrections, on the other hand, has yet to define its own scientific and ethical perspective. This has happened for many reasons, the main ones being: (1) Corrections cannot select the persons or problems it deals with but must accept all those convicted of criminal offences by the justice system; and, since laws have proliferated to the point where they cover a very wide range of human behavior, there is less and less difference between the criminal and non-criminal. Corrections must now deal with behaviors that range from the very dangerous to those that are merely irritating. Therefore, there needs to be a continual and close cooperation between law reform bodies, courts and corrections to identify those offenders and offenses which need to be dealt with by the courts, and which offenders are best helped by a probation period.

(2) Corrections has uncritically accepted theories and methodologies from the disciplines of psychology, sociology and social work. While the variety of insights available in these disciplines are useful, corrections has a perspective that is not identical with any of these sciences - to effect a correct balance between and among the values of society and those of individual human beings.

As such, corrections is uniquely an ethical science, and cannot be subsumed under psychological or sociological disciplines both because they aspire to the ethical amorality of the physical sciences and because corrections is concerned with all of the factors that affect criminal behaviors in a society.

To begin to develop its own methodology, corrections will have to recognize the limitations of the analytic method, the fact that there are levels of systems (e.g., communities, ethnic groups, families, individuals) which are not simply reduceable to each other. The community is not the mere sum of the individuals within it, nor are the individuals merely small reflections of the community.

For example, one of the interesting features of different system levels is that they do not seem to have consistent levels of probability and determinism. Medium level systems, however, such as individual human beings or small groups, are less predictable. But, when we move to lower levels, such as the world of inanimate objects, machines, or the structures in the human bodies (e.g., cells, organs), we again achieve a high level of predictability because the number of parts are small and easily analyzed. And finally, at microlevels (e.g., sub-atomic particles) we again meet unpredictability. Now, these conditions may, in part or all, be due to deficiencies in man's measuring instruments, but it does illustrate how at present the levels of reality an observer deals with are not as congruent as we may think. This incongruency between system levels will also hamper our ability to make intelligent ethical judgments. For example, while scientific research can discover some laws that are statistically reliable for human beings in general, a single human being has concrete qualities not contained in these laws. Therefore, a correctional worker will have to certainly adapt standard correctional theories and practices to fit his or her unique personality as well as adapt these to the personalities and environment of the offender.

Therefore, part of the problem for corrections in understanding criminal behaviors, the individuals and social systems it deals with, lies in the scientific methodology chosen - the heavy dependence on analytical techniques (e.g., breaking of offenders down into their various traits, attitudes, personality deficits). Analysis, which works well on very large and very small systems, is less useful in the study of medium sized (human) systems. This is also the source of the problem corrections has had with defining "rehabilitation" as its goal or end-state. While an analytic approach can identify and label which parts of a person or system are dysfunctional, it is incapable by itself of speaking about what constitutes a healthy life for whole systems. "Habilitated" is not the opposite of "criminal" but is of a different order and level all together (just as health is not merely the absence of sickness, nor love merely the absence of hate or indifference).

To express this in another way, we can say that human systems are un-predictable (creative) when viewed from the perspective of the analyst. As Murphy's law puts it, "Anything that can happen, will happen!". When applied to corrections, this will mean for one thing that we can expect any one theory to have more or less regular failures. Offenders have the irritating quality of refusing as a group to be successfully "therapized" by one school or another. Murphy's Law is the rule for medium sized human systems. This unpredictability arises from the fact that systems have behaviors and goals which are not contained on any of their component levels.

Systems Thinking: Synthesis

In order to create a community ethic, we need to complement the insights of analytical thinking with those of "synthetic" thinking. Those persons who are capable of thinking in terms of whole systems can be called "generalists" (c.f. Kiessling, 1974, Weinberg, 1975). A generalist is interested in identifying the interrelationships both between structures and processes on the same level (e.g., the

ecology of a forest) and between those on different levels (e.g., the relationship of ethics to language structure). He does this by creating a paradigm which is of a higher logical set than those of the systems which are unified by it. Examples of sciences which were created through such paradigms are biochemistry and socio-biology. Criminology has tried to make itself into such a science by organizing data from such sciences as psychology and sociology into a coherent study of the causality of criminal behaviors. However, corrections has failed to date because it has not been able to create paradigms which can organize the welter of data and conflicting ideas in the field into intelligent theories for the causality of criminal behavior and effective responses to it.

Although their objectives are different, the generalist and the analytical thinker do share one thing in common. They are united by a common faith, namely, that things are not what they seem. The analytical thinker believes that wholes must have parts and that the meaning of things is to be found in their parts. The generalist believes that meaning comes from synthesis, that the behavior of one system is dependent upon its transactions with other systems. The power of both methods lies in their ability to "believe in things not seen", that is, in faith.

The laws by which the generalist expresses the unity of two or more systems is commonly called a second order law. Accordingly, Kenneth Boulding (1964) stated that the principal article of faith for general systems thinking is that "the order of the empirical world itself has an order which might be called order of the second degree". There are laws about laws.

The generalist arrives at these laws by inductive reasoning. He analyzes first order laws (laws of the systems he hopes to unite) to discover similarities from which he can hypothesize second order laws. Generalists, therefore, must ignore those details and minutiae on which analysts thrive. They live "to put things together", to find new order where our limited senses cannot see it. One of the

limitations of first order laws, and the reason why second order laws are useful, is that first order laws cannot contain a rule about where they apply and where they do not apply. To put it in another way, no system of laws can itself contain a principle of its own negation. For example, one of the impossible questions for a correctional science to answer is, "When do we stop rehabilitating people?" Similarly, one of the crucial questions in law is, "How can we stop the State from so 'protecting' us that our lives become prisons tended by lawyers and politicians?". This is not a mere matter of semantics. Once those persons who set the rules within a system are also empowered to determine the extent of these rules, we can expect them to extend their control indefinitely.

Theory Construction In Corrections

If correctional techniques in general and correctional ethics in particular are to become more useful, they will have to pay much closer attention to theory construction. As Bateson (1972) caustically noted, "It is all too clear that the vast majority of concepts of contemporary psychology, psychiatry, anthropology, sociology and economics are totally detached from the network of scientific fundamentals." This he partly blames on the fact that the social sciences have excessively relied on the methodology of inductive reasoning. Thus, one of the great problems with corrections today is that it has no true theoretical base - i.e., there are innumerable studies in existence on this or that criminal behavior or type of criminal personality, but none of them have been able to generate (nor have they developed from) a fundamental scientific theory.

In more general terms, Bateson (in Bandler and Grinder, 1975) has stated that the behavioral sciences, and especially psychiatry, have always avoided theory. There are various manoeuvers by which theory has been avoided:

> The historians (and some anthropologists) chose the impossible task of making not theory but more data out of what was known - a task for detectives and courts of law. The sociologists trimmed the complex variations of known fact to such an ultimate simplicity that the clipped nuggets could be counted...Psychologists accepted all sorts of internal explanatory entities (ego, anxiety, aggression, instinct, conflict, etc.) in a way reminiscent of medieval psycho-theology.

The creation of new data from data known is found in psychiatry, for example, by its searching for childhood events to explain current behavior, by its creation of hypothesized internal structures (ids, egos of one kind or another, etc.), or by its use of concepts from other sciences such as physics - energy, stress, tension and the like - to create a scientism.

The method of inductive reasoning is by analogy. One searches for the similarities in different systems that will lead to a second order law which unites the two. Then these general laws are used to draw conclusions about the original systems.

The benefit of inductive reasoning is simply that the great amount of knowledge that exists today does not allow man's brain to arrive at laws of complex systems except by simplifying them to a very few variables. For example, if deviant behavior is a function of genetic and environmental factors, it is obvious that a society does not have the time for the exact and sure process of deductive reasoning and experimentation. Something must be done in the short run to deal with criminal behaviors (in the long run, deductive reasoning is the only accurate method but, as Keynes noted, in the long run we are also dead). Therefore, if we are to help people, both criminals and victims, caught up in the painful realities of crime, we must discover some of the structures and processes in society which contribute to crime. To get valid inductive concepts and laws will require long man hours of observation and study of criminal behaviors and their contexts. One effective way to do this would be to have the investigators living in the same milieu as those they study. This is also the rationale for hiring volunteers and ex-offenders in corrections since they bring to corrections a first-hand report on the forces which affect their lives in the community.

However, genuine theories still only result from a postulative-deductive method of model building. In formulating a theory, we must first of all identify the parameters of the system being studied, define the relationship between them,

and finally construct models in order to test and extend these parameters. Wilson (1975) identifies two levels at which theory can be pursued: the phenomenal and fundamental. At the phenomenal level, one tries to organize the mass of raw data by a relatively few parameters. For example, criminal behavior might be explained in terms of the interplay of population size and growth, the availability of economic resources, and the values of the populace. Fundamental theory does not look at the raw data but rather at the basic parameters (e.g., demographic ones) which determine the way a phenomenologist organizes his data. A phenomenologist therefore might look for an equation that will predict the future growth of criminal oehavior as his parameters are varied. Fundamental theory would attempt to derive these same equations from the first principles of a more abstract theory - e.g., the theory of ecology which seeks to organize and explain the behaviors of widely differing systems (such as man and lower animals).

Two major qualities of true theories should be emphasized here. First, they should be quantifiable and so able to be tested. Any useful theory, therefore, must be subject to falsification by good experiments and field studies. A pseudo-theory is one which does not allow falsification - it explains everything by concepts that are so broad and vague that it can never be operationally defined and possibly rejected. For example, how could one disprove the concept of "ego" to a psychologist, that of "evil" to a theologian, or tell a jurist that nomological law is not the basis of a community of free men?

Second, every good theory produces, as Wilson (1975) noted, "results.... that exceed the capacity of unaided intuition." If one achieves consistent results that could have been arrived at by simple intuition, it is obvious that one's original hypotheses were nothing more than statements about the surface level of reality. This, in turn, can easily lead to what Wilson calls the "advocacy method" of developing a science, a method frequently used in the social science field:

> Author X proposes an hypothesis to account for a certain phenomenon, selecting and arranging his evidence in the most persuasive manner possible. Author Y then rebuts X in part or whole, raising a second hypothesis and arguing his case with equal conviction. Verbal skill now becomes a significant factor. Perhaps at this stage author Z appears as an "amicus curiae", siding with one or the other or concluding that both have pieces of the truth that can be put together to form a third hypothesis - and so forth seriatim through many journals and over years of time. Often the advocacy method muddles through to the answer. But at its worst it leads to "schools" of thought that encapsulate logic for a full generation.

Reasoning By Analogy: The Creation Of Models

When Henri Matisse was criticized for not painting a true to life woman, he said, "I do not create a woman, I make a picture." What scientists (as well as painters) principally do is to make models, the purpose of which is to test and extend the postulates of their theory. "Science" is not in any way an attempt to reach "truth" but to get better and better models by which to map reality. Such models have varied from myth to magic to Newton's universe of solid atoms to those of quantum physics.

Models have two major characteristics. First of all, a model is a more economical way of examining reality because it contains only the major variables of a theory (for example, the psychoanalytic model chooses to locate the prime determinants of man's behavior in the hypothesized mental structures of consciousness). The fact that the model focuses on only a few critical areas in the theory gives it another advantage over the theory - if it works well, it can more easily stimulate new avenues for research, even to the point where it can take precedence over the theory itself (the theory is changed to make it closer to the model).

Secondly, every model is the expression of one thing we want to understand in terms of another thing we already understand. On the simplest level, this is what chemistry students do when they make models of chemical substances using colored balls and sticks, a method used even by Watson and Crick in their discovery of the form of DNA. Science only considers its proper objects to be those that can be reduced to the level of other things which are already known and can be measured.

It is important to remember though that the model is not the theory, nor is the theory the same as reality. As Einstein once observed: "It is the theory which decides what we can observe". There is always a deliberate blindness in every theory, since every theory excludes data which it has assumed to be unimportant. A model excludes even more. New advances in science over the ages has been by the discovery of just how important these "unimportant" items really are.

The benefit of models nothwithstanding is to focus man's mind on a few of the variables which seem more important than others. In so doing, science seeks a frame of reference which makes it possible: (a) to explain things in the simplest way and to make them more predictable; and (b) to improve man's thinking processes, i.e., to pose better, sharper questions, to invent new laws, and be able to intervene more effectively in his world.

Two Languages Of Social Sciences: Hydrodynamic And Systems Models

To describe what we do not yet know in terms of what we do know involves using the language of analogy. Every scientist uses analogies at certain stages in his thought to simplify his thinking. Of course, one cannot stop with (rough) analogies but, when it is possible, go on to precise, predictive models.

Analogies are always problematic, however. We never know anything so well that we can be sure it illuminates our mind about what we don't know. For example, Hobbes described the state as a kind of "body of a giant person" with its respective faculties represented by the governmental bodies. However, Hobbes did not have accurate information about physiology and so his comparison was inaccurate. Similarly, the fact that the State takes the attitude of "a concerned parent" toward delinquents is a nice sounding phrase but is limited by the lack of knowledge or agreement today in the social sciences about what makes a parent's behavior "good" in every situation.

In examining any theory, it is therefore very useful to discover the basic analogical concepts and models that are being used and what affect they have on the theory. For example, psychologists have borrowed the energy concept from physics. As Peterfreund (1971) pointed out, "In general, current psychoanalytic theory appears to be based on a simple hydrodynamic model," and the energy of the psyche is pictured as a "fluid". This energy is consequently spoken of as having directional properties (flowing toward things), as having a plurality of interchangeable forms (e.g., sexual, aggressive energy), and as being able to be damned up or discharged. This is not unlike humoral theories in early medical models. In order to explain how all these fluids are organized, psychologists had to postulate an "ego" (or multiple egos) which controls all these flows - a vitalistic, anthropomorphic concept of an ego whose proper operations had to include such activities as recognizing, knowing, fearing, judging, organizing and valuing.

Modern biology has abandoned the simple hydrodynamic model in favor of systems models. For example, Luria (1973) pointed out in his classic work on neuropsychology that the need for a systems approach to the study of mental activity grew out of the scientifically unsuccessful and inappropriate approaches of both: noetic theories (such as those which led to the hydrodynamic models of psychologists), which explained mental activities by spiritual, unseeable structures (ego, soul); and mechanistic theories which tried to confine specific mental processes totally within localized areas of the brain. Luria proposed instead that the whole cerebral complex is involved in higher mental activities. This led Luria to re-examine the concept of "function", a concept which is critical for the understanding of a systems model.

In a simple analytical sense, it made a great deal of sense to mechanists to define "function" by the localized activity of a particular system. But, it is also apparent as Luria notes that such processes as digestion or respiration cannot

be thought of as the output of a single organ, "but as a complete 'functional system' embodying many components belonging to different levels of the secretory, motor and nervous apparatus." In addition to this, functional systems have the characteristic that disturbances in the normal functioning of their components lead to compensatory functioning of others so that the system's goal can be reached: "The presence of a constant (invariant) task, performed by variable (variative) mechanisms, bringing the process to a constant (invariant) result, is one of the basic features distinguishing the work of every functional system." For example, if the diaphram muscles cease to work during respiration, the intercostal muscles are brought into play, but if they too are impaired, the muscles of the larynx are mobilized and the animal begins to swallow air which thus reaches the alveoli of the lung by a completely different route than originally would have been the case (via the blood stream).

It also makes a great deal of sense to look at ethical choices as part of a "functional system" rather than isolated acts of mental structures called will and intellect. Much work is now going on in the psychological and biological sciences to discover how man's choices effect and are effected by the physiological and biochemical processes within him. We can also though look at how man's ethical choices (his ends, "invariant tasks") effect and are effected by his complex environment. In other words, a transformational ethics can extend Luria's concept of a "functional system" to include how individual and social organisms use the various components of their environment (social context) to define and accomplish their goals.

Human values are formed in the course of a long historical development, and those of each system are continuously reinforced or weakened by the actions of other systems around it. Values are functional insofar as they help a system establish a harmony between its internal structures and those of the environment - and, the more flexible a system is in achieving this harmony, the more adaptive are its values.

But we can also say that when an organism cannot reach its goals by "normal" means it will then resort to a "compensatory functioning" by which different (deviant) value sets and behaviors will be chosen. A systems approach to ethics therefore understands values not as the "localized" product of a particular intrapsychic subsystem of man (a mechanistic or noetic model), but "themes" which underlie the transactions between systems.

MEANINGS AND VALUES COME FROM CONTEXTS

Man is a creature of values because he communicates with others in his species. Without language, human values would not exist. Thus the difference between a science of ethics (any communicational science) and the physical sciences lies in the fact that whereas physical sciences prefer to seek the explanation for a macroscopic system in terms of the microsystems within it, communication sciences (and ethics) also understand a system by the context it occurs in (e.g., the word giving meaning to the phenome, the sentence to the word, etc.). There is no communication, no meaning, without a shared context. So too, there are no values without contexts. The statement, "John strikes Frank" gives very little information until we know if it was in the setting of an argument, a boxing match, a theatrical play or a game. Even lower animals are known to have "contextual communication", using the same signal to give different information according to the context it is given in.

There are two general frames we can use to describe systems and their contexts: spatial and temporal frames of reference.

Spatial Definitions Of Systems And Contexts

When we determine that a certain part of reality is important to us, we "draw a line around it" (a "system" comes into being), and we call everything outside of that line the "environment" of the system. We create a spatial separation between the system and everything else.

Now, the difference between a system and its environment is partially arbitrary. For example, I can choose at different times to define myself as an individual (trying to write this paper), as a system of two (when I love another), or as a citizen of Canada (when I vote). The "I" that exists is different in each case and has different spatial boundaries.

We could state as a general rule that a system achieves its sense of identity through "spacing", i.e., having the freedom and ability to define its own values, those which are different, in some degree at least, from other systems around it. Thus, insofar as a person's values are identical with those of a larger social system, his or her sense of an individual identity is not only decreased but the individual is also subject to control by that social system.

For example, a local correctional office will only be able to achieve a sense of identity as it develops goals and operating procedures which are in certain ways different from all other local offices as well as those of the correctional system itself! This could happen in the most natural way as the local staff tries to interrelate their particular talents, the needs of their clients, and the resources and conditions which exist in their community.

Therefore, the "space between" systems is the difference between their values and the means used to achieve them. Whenever there is an insufficient space, difference, between systems, the systems are liable to experience stress or pain. Physical overcrowding, such as is occurring in our modern cities, is one of the conditions which produce this kind of stress - the loss of identity, traditions and power of such smaller social systems as individuals, families, ethnic groups. For example, Newman (1975) showed that crime increases in residential areas when these areas are not designed to give the people a feeling of identification with the space around them (as in highrises with their anonymous hallways; or, multiple housing units in which no one can tell who belongs in them and who does not),

and when people do not know who their neighbors are (e.g., because there is no room for adequate playground facilities - people generally meet their neighbors through their children).

This situation in turn will induce human beings to forceably create space, e.g., by gangs, social clubs, special interest groups who define their own standard of values in such a way that they are distinct from those of the "many" who crowd around them. All values in some sense have a divisive character in such settings - serving to separate people from each other so that there may be more individual or group "breathing space". If a community continually ignores and so subverts this need for space, groups and individuals will then find violent ways to carve out a space for themselves, and their values will become more antithetical to those of the larger society.

In a certain way, all value choices move a person or system in one direction and away from another. Whenever a person or system chooses a value, there are two simultaneous effects - a particular context is created or strengthened (I choose to love my wife and so am led to adopt new values during my marriage to strengthen this love), and competing contexts are disavowed or at least become less important to me (certain behaviors and values of one's prior single life are stopped or changed). A trade-off therefore always exists when a set of values are chosen; the greater quantity of values a system chooses in one area, the more it restricts the relationships that are possible for it in others. To express this in systems terms, any set of values operates like a "cybernetic system", i.e., a system which uses information to maintain a given equilibrium. A thermostat is a good example of the cybernetic system. When we set the thermostat at a certain temperature, it does not "elect" this state but rather prevents the system from going into an alternate state. When the temperature drops below the set range, the thermostat is turned on; when

the temperature exceeds this range, the thermostat shuts off. Thus, such a system is activated by a difference between the "ideal" state and the "recorded" state. Values, especially as they are more specific and concrete, also have a cybernetic quality. They keep us from acting in certain ways - whenever we act or sometimes even think of acting outside of the range allowed by our values, counter-reactions set in to move us back toward our ideal states (e.g., we experience stress, guilt, or anxiety).

If we were to think about this in spatial concepts, we could say that the inner space of a system (the amount of things and events included within it) and its outer space (the environment of the system) are inversely related. Using an ethical perspective, the greater variety of values we include within our identity, the greater our personal space becomes (more and more events affect us and need to be controlled by us), and therefore the smaller our environment becomes. To include all values in oneself would therefore result in the annihilation of space (and time), in becoming a god.

Consequently, when a society has a multitude of laws which it uses to restrict the freedom of choice available to the individuals and groups within it, the result may be that people will choose different values merely to create space (an identity) for themselves (the rebellion against nomological law). On the other hand, when a society does not have enough beneficial law, when individuals and groups have very weak or no boundaries around their personal space (they have little or no control over their lives), there is a natural demand in the system for more law, more security. In such a situation, persons and systems have "too much" space. We have the freedom to do as we please, within wide limits, but this means that others may also easily infringe on our "territory" and so we have little security (in a variable and therefore potentially dangerous environment, men and other animals cluster together for mutual protection). This is one of the forces behind the conservative and reactionary trend in North America today, as well as the growth of special interest groups.

"Criminals" therefore might be seen from this perspective as persons or groups which are reacting against the spatial trends in their society. In a society (or any social setting) where those values and behaviors which are rewarded are not able to be achieved by a significant number of people, then these people may try to carve out a space for themselves in which they can be rewarded and be recognized by others like themselves. The values which they reject, it must be remembered, tend to be those which relate to means rather than to ends. Criminal offenders want the same things as most people (security, respect, control over their lives, friendship), but they do not have the skills or opportunities necessary to always achieve these in a socially acceptable way.

A criminal therefore cannot be understood apart from his society and is in fact determined by it as much as are law-abiding citizens. To be a criminal in a democracy which values private property is not the same as to be a criminal in a communist country. Whenever a system tries to enforce a limited and restricted set of values, the rebels against it have no choice but to opt for contrary values.

It makes no sense therefore to try to characterize criminals as "persons who lack values". In fact, the difficulty correctional workers have in working with them is often that they have very firm values - they resist "rehabilitation" (they see contrary values as meaningless).

Functional (Temporal) Definition Of Systems And Contexts

The source of our values, and their consequent rigidity or flexibility, is related to our sense of time as well as space. If our values are given to us from an absolute, unchangeable source (by a god, a church, a State, a set of parents), and given in an absolute form, then time is irrelevant. The world becomes a battle-ground in which eternal, absolute rights continually confront eternal, absolute wrongs. Values do not evolve or change. Therefore, there is also no intrinsic, functional relationship between values and the world - the good exists, and it is

not affected by how adaptive it makes an organism (heroic virtue is often called for), and it is not able to change or evolve as the world does over time.

The functional character of values, though, is central to any systematic, time-centered approach to ethics. Thus, it must be recognized that the concepts of morphostatic and morphogenic systems used earlier are not absolute but convenient ways of classifying systems by certain temporal contexts. All systems change and all stay the same for a while. A morphostatic human system is just a slower moving one, while a morphogenic system is a faster moving one. Since time is relative to the observer, what is a fast moving or a slow moving system depends on the observer's own assumptions and beliefs about how stable and how much speed of growth a system ought to have, assumptions which are obviously related to the physical and psychological time frame of the same observer.

Therefore, it is important to realize that a static analysis of the structures in a system may be logically true, but this gives no theoretical insight into how the system has evolved or how its present state is maintained by the flow of energy or information among the parts. We cannot understand the ecology of a forest or of a human system by simply dividing it up into isolated trees or isolated human traits and behaviors. Similarly, the dichotomy in corrections between "professionals" and "volunteers" has a certain structural truth (they have different ways of working, for example), but only a temporal perspective allows us to see how to continuously create a system where such persons work together in a complementary way.

Naming things does not give us control over or an understanding of them. The whole fabric of law is a case in point. It does not give us any insight into the nature of deviance to name it, to devise classification schedules for criminal acts. A typology does not a theory make. The fact that correctional officers can stick more and more labels on offenders does not help them to know how (or whether)

to change the offender, or what change is feasible at a given time. One might even hypothesize that diagnostic labels are sometimes created more for the security of the professional than to help the offender.

Temporality: A Quality conferred on the observed by the observer. A system can be defined atemporally, viz., a set of structures which exists in a feedback relationship and which has qualities not found in any of the parts alone. However, these feedback relationships and so the existence of the system depend on the time frame of the observer. Criminal behavior, for example, may be described: (1) from a transactional point of view (the relatively recent past) - the quantity of reinforcements the offender receives which encourage either prosocial or anti-social behavior on his part; (2) from a psychological or sociological view (his relatively distant personal past) - viewing his present actions as translations of his childhood experiences; or, (3) from a biological context (the far distant past of the human species) - discovering the genetic determinants of man's behavior as shaped through the forces of natural selection. Each science, then, defines itself not only by the objects it is competent to understand, but also by the time frame it adopts.

What is not so obvious generally is that "any system is an observer's way of looking at the world". Nice, neat systems do not exist in the real world - they are chosen, arbitrary points of view. An ecologist may choose to study a particular forest, drawing an imaginary boundary around it in order to keep his data simple; however, there is no isolated forest in fact, but rather a temporarily stable wave in an ever moving ocean of energy.

From the more general perspective of Einstein's special theory of relativity, we know that time has become a relative concept for modern physics as have other properties of matter. For example, as we increase or decrease the speed of motion of a measuring rod, its length changes. Or, as Sir Arthur Eddington commented,

".....length is not a property of the rod; it is a relation between the rod and the observer. Until the observer is specified the length of the rod is quite indeterminate." (quoted in Clark, 1971). Similarly, "real" time is that of the observer, or rather, each observer has his own real time. The concept of simultaneity is no longer absolute - that two events are seen to be simultaneous depends on the motion of the observing system.

Values, therefore, as they necessarily involve time and movement (goal seeking behaviors) are not properties of a person or an act but express a relationship between the observer (the system labelling parts of reality as good or bad) and the act or person so labelled. To the degree that an observer is unaware of or deliberately conceals his own frame of reference, he speaks as if values reside in the things or persons he labels.

One of the criteria which a system will use to label reality as good or bad will be the value it gives to time itself - i.e., how much value it places on growth (an open, linear system) and how much it places on safety and sameness (a closed, cyclicsystem).

Two images, models of time sequence: cyclic and linear. We can conveniently differentiate between ethical systems by two general ways in which the flow of time can be pictured, i.e., time having a cyclic or linear quality. A cyclic, closed, or state-determined system is one which has a repetitive cycle of behavior - it eventually returns to certain key behaviors and states. For relatively short periods, the lives of all people are state-determined. They have normal routines and do not change their core values. As a person or system remains state-determined for longer and longer periods of time, it has less and less ability to tolerate or make use of novelty and differentness.

Alternatively we can speak of linear, "open" systems - those that are able to recognize and use a large variety of the energy and information surrounding them, and most important of all, are able to change their internal structures (including their ethics) so as to be more adaptive.

The more open a system is, the more controllable it is by outside systems. If we can find what inputs are recognized and used by it, we can control its behavior. What any science basically does is to take a system which is a closed one and transform it into an open one by redefining the system so that its relatively fixed behaviors are shifted to the environment. In other words, a scientist focuses on those parts of reality which are amenable to his influence and ignores or puts in the background those parts which he cannot control.

The concept of "control" is an important one for any ethical model. We perceive and judge other people, in part at least, by: (1) their differentness from us; and (2) how this differentness controls, determines us and how we in turn are able to control it. In a functional sense, persons are "real" to us as they have some influence over our lives or as we can influence them.

As we mentioned earlier, a science also takes to be important only those parts of the world which it can control (observe, measure, and predict). Thus, for example, criminals are defined by different disciplines in terms of what the discipline itself is able to control - the criminal is mentally disturbed to the psychologist, has bad will for the theologian, or imperfectly socialized to the sociologist. We all perceive reality in terms of those tools we have to control it. This is neither bad nor good, but we should recognize that in so doing, we have shifted out of the system those elements which do not suit <u>our</u> powers of control. The only way for an ethical discipline to avoid the limitations of this method will be to have a multidisciplinary methodology, one in which thinkers from a variety of fields work together on common problems. To put this in another way, we could say that it is possible to transform an open system into a closed one by bringing more and more of the environment into the system (removing possible sources of novelty or stress for the system), and so putting more and more of reality under one set of laws, looking at it from one point of view. One example of this process in a societal system is the way in which it gives a political quality to criminal behaviors.

The Political Criminal

A totalitarian system controls the lives of its citizens by labelling their everyday decisions as political ones. It could be argued that even in democracies, the State exercises very powerful control over the people - e.g., the control of educational institutions and communication media (the kind of information they will be allowed to read or to view on television). Some jurists and criminologists today even feel that parents should be made responsible for the delinquent acts of their children. This is a reasonable position in some ways, but obviously will lead to a closer monitoring of families by correctional agents of the State. The acts of such parents would thus be unavoidably case in the light of political activities, those which undermine the State (else why would the State seek to control them).

The political character of crime, as well as the increasing incidence of obvert political crimes, is an important ethical question today. Schafer (1974) sees the concept of political crime as central to the understanding of law, criminology and ethics. From his positivist perspective, Schafer gives all crimes a political character since they go against the ethics of the lawmakers who in turn are politicians. As we noted earlier, though, the most dangerous behaviors for a system are those which challenge its boundary values and so its identity. These behaviors are those which are most likely to be forbidden by the criminal law of a society. Therefore, legal and political decisions are also ethical ones. A democracy must face the problem of not only how many values to politicize (and so how much freedom to leave to the people), but also how to deal with active dissent or disagreement with its laws (and political dissent in general).

The work of corrections also has some decided political implications. In fact, this module could be seen as a political treatise. Correctional workers not only seek to change offenders so that they conform to the values of the State (those codified in the law), but a systems approach to the criminal justice system assumes that corrections has a mandate to change those community structures and processes which help to cause crime.

Some will question the wisdom of sticking a "political" label on the correctional process. Certainly, the prevailing mentality is otherwise today, with criminal offenders usually being treated as persons who suffer from "problems" or "diseases" which require a clinician to diagnose and treat (a professional, academic approach), or as persons who have "bad" values while law-abiding citizens have "good" ones (a nomological morality).

A political perspective on values is entirely different than these two (although not necessarily competitive) in that: (1) it affirms that all values, both criminal and noncriminal, are chosen by people in response to the kind of environment they are exposed to; and (2) the response of a community to crime can be one both of changing individuals and its own socio-political structures and values (system change).

The need of the community to continually re-form its structures and laws is perhaps the basic rationale for volunteerism. At the present time, this would probably not be accepted by many thinkers in the field since they see volunteerism simply as a means to provide more service to the offenders. However, any program which operates out of this philosophy will be unable to answer the following question: "Suppose you could theoretically get all the professional staff you need to manage the workload of your agency. What then would be the use of volunteers?" It is this question that is the central one in the whole volunteer movement, and community-based programs in general. If the aim of volunteers is simply to provide a higher quantity of service, then it must follow that they are not theoretically necessary but only a source of (cheap) labor.

However, when a political perspective is adopted, it is possible to see that citizen volunteers are essential to a correctional system regardless of the quantity of professionals present. A democratic society cannot survive unless its citizens are well-informed about its government's activities and policies, and unless the government is aware and supportive of the needs of the citizenry. For criminology and corrections in particular to function without input from the people could easily result in it becoming merely a political tool in the service of those who also define and interpret the law.

Therefore, corrections will have to develop a "participation ethic". Just as absentee landlords are insensitive to the problems of those who live in their buildings, so too are absentee moralists who preach moral values which serve their narrow ends but not those of the community in which they live. Schopenhauer, long ago, pointed out that the basis of morality is "compassion", and that "an act can be said to have genuine moral worth only insofar as it stems from this source".

Looked at from a biological perspective, this could be called an ecological ethic (a theme more fully developed in Kiessling, "The Relationship of the Professional and Volunteer Probation Officer....", CaVIC Module, 1976). A community cannot be considered rational or just if it destroys the environment in which it exists. If we are to arrive at true moral principles, especially those few on the basis of which we impose criminal sanctions on others, then we must understand how to create communities which promote healthy human beings. One might wonder, for example, about the ethics of making people live in concrete ghettos (including all the advertising that wants to convince us this is the "way of the future"), and whether the justice system should not re-orient some of its priorities toward dealing with such massive social problems as these as opposed to combating nuisance crimes or those in the realms of private morality.

AN ETHICS OF DIFFERENCE

In a transformational world, one in which different levels of organization are subject to values and laws, it is clear that the ethical quality of an act or set of actions is determined by the context in which it occurs. Some fundamental principles for understanding the interrelationships between things and their environments are being developed today in the sciences of ecology and systems theory. A transformational method in ethics springs from these sciences, and is concerned with the very pragmatic question of how particular values which were originally formed in a given context are changed by being put into new contexts.

An anology to this transformation of values can be found in the concept of energy in physics. Energy is normally defined as the ability of a system to do work. There are various forms of energy - mechanical (potential, kinetic), heat, light, sound, electrical and chemical. Energy itself, though, has no intrinsic qualitative character. Its transformations from one form to another depend on quantitative factors and the nature of the systems by which and to which it is transferred. For example, electrical energy transferred to a radio gives sound but transferred to a light bulb results in light and heat.

As was said earlier about values, it is important to see that energy is not a thing in itself but rather an abstraction a scientist uses to express the relation between: (1) the physical systems involved; and (2) the effect their output has on the observer and his measuring instruments. Similarly, moral values are simply and merely human concepts that we use to judge the relations between systems, how the output of one system affects the goal seeking behavior of another system. To say that one system "has" a value we mean that its behaviors are ordered to a particular goal, and therefore it will be able to recognize and use only those inputs which

support these goals. Therefore, for one system to be good in relation to another, there must be a compatibility (empathy) between them. For example, on a first order level, we can say that electrical energy applied to a light bulb is good, fitting, whereas applied to the logs in a fireplace it is not as good as a simple match (heat energy). And, on a second order level, we can say that the electricity producing light is good if I am trying to read at night but bad (unfitting) if I want to sleep.

When we speak of deliberately trying to make another human system act congruently with our values and goals, we use the concepts of reward and punishment. A reward is simply an input that enhances the potential or actual directionality that is already present in the system, whereas a punishment is an input which activates processes in the system contrary to the directionality of the system.

What is important to remember (especially for a change agent such as the correctional system) is that whether an action turns out to be a reward or a punishment does not depend on the acting (input) system but of the receiving system. Our values, which may have both genetic and environmental bases, define what we are able to perceive as rewards and punishments. Much futile intervention in people's lives could be avoided by "helpers" if they remembered that what is a punishment or reward for them is not necessarily so for another. A great deal of research is needed today in the justice system to begin to understand the values of the offenders in the system, and therefore those particular inputs which will enhance functional behaviors and those which will deter dysfunctional behaviors.

An associated problem for the criminal justice system is how to react to our increasingly complex society, one in which there is a great diversity in the values people live by. Many people today are experimenting with new behaviors - from very dangerous ones like drugs, alcohol and violence, to those which are simply

different than the morality of the majority. Correlatively, there has been a decline in the power of institutional forces such as the family, church and political leaders, which have in the past programmed the young to adapt to a more uniform set of values and behaviors.

Complicating this situation is the fact that the attempt to regulate this growing complexity by greater and greater law has made it practically impossible to distinguish a criminal from a non-criminal, or even define what these terms mean! Recently, I was at a seminar where a researcher for a legal reform body in Canada objected to the use of the word "criminal" because it "type-cast" people - and, as he said further, criminals are not a particular kind of people but come from all walks of life. Now, if we also realize the very large numbers of people who commit one type of crime or another, it would be fairly safe to say that the non-criminal, the person who has never broken a law, is in the minority in our society! Therefore, those who define and enforce the laws ought to at least have a minimal concept of why they are doing this, what kinds of persons are dangerous enough that they need to be processed through a court and so be labelled as a criminal (the law does not punish behavior, after all, but people).

This points out the need for more intelligent research in the field of corrections. In the area of values, a social system needs to distinguish between: those values and behaviors which are harmful to others (they attack my freedom to be different, to have a basically secure life); those values and behaviors which are merely different; and, those creatively different, and so should be encouraged by the system.

In developing our approach to a transformational ethics, it is possible to make use of the insights of ecology and communicational sciences (e.g., cybernetics, systems theory, information theory). In so doing, we arrive at what can be called

an "ethics of difference". Bateson has expressed the conceptual unity of these sciences in his phrase "ecology of mind". He points out that the differentness between things is closely related to the concept of information. In fact, information can be defined as "a difference which makes a difference".

To understand this definition, we must first understand that a "difference" is an abstract concept. In the world of communication, information is created by differences (versus energy exchanges as in the physical sciences). In the world of mind, even "nothing" can be a cause, because no-thing is different from some-thing. For example, if I do not respond when you say hello, you will have a reaction, from anger to puzzlement. Doing nothing can communicate a message as strongly at times as positive words or actions.

Similarly, when we form a concept of something, we do so by abstraction, viz., we select the key differences between that thing and others around it. Thus, when we say that information is a difference which makes a difference we mean that the mind selects which difference(s) it will use to distinguish between one thing and all the other things in the world. As we saw earlier, simple cybernetic machines also operate on differences - the thermostat (a type of steady state machine) turns on only when the temperature becomes different than its programmed limits.

We create a hierarchical order in our concepts because there are also differences between differences. For example, on one level there is a difference between running and walking (which are both types of locomotion), but there is another kind of difference between kinds of locomotion and kinds of animals. Or, as we have seen, the translation method is different than a transformational method, the former essentially denying any hierarchy of differences (the values of the State are simply those of the individual on a larger scale) while the latter affirms that there are different values on different levels of organization.

Now, the fact that information is based on differences between things has important implications for an ethical science. In general, the task of ethics becomes not only to discover and enhance the qualities held in common between man and man, man and world, but also to recognize and enhance the differences between them. We need sameness to some degree to effectively communicate with each other (a shared language for example), but without differences, our communication has no meaning. The following four principles are meant to give an idea of how an ethics of difference might affect the justice system.

The potential for the greatest human cohesion exists where the difference between people is the greatest. Human groupings fulfil the basic aim of all animal societies - survival and security. The greatest cohesion is therefore possible when these needs are met. In the long run, man will optimize his survival chances as he increasingly learns to control his environment and create fitting human communities. The complexity of this task would therefore suggest that the most adaptive society will be one which contains the greatest variety of scientific, technological and artistic skills.

Even on the smaller level of a correctional system, it seems obvious that in order for it to react intelligently to the wide range of offenders and their problems, personnel of varying backgrounds and talents will be needed. On an individual level, one might even propose that the most useful worker is one who can form cohesive bonds with greatest number of offenders, and that he is thus a person who both shares some critical values in common with them (he can establish an empathic relationship) and yet is most different (he models new adaptive behaviors).

An ethical system which values differentness will define the virtue of responsibility in terms of what a person creates rather than in terms of the number of laws he adheres to. We saw that the central human virtue in a nomological ethics was obedience. A man was good when he followed the commands of those in authority over him. "Freedom" existed only insofar as the ruling authority allowed it to exist. Man's first responsibility is to discover and adhere to law.

Criminal law has made the concept of responsibility (mens rea) central to its whole operation. Law is preoccupied with the task of identifying the responsibility and thus the guilt of individual persons, viz., how free was their choice not to follow the commands of the State.

Grygier (1975) has argued that the whole moralistic tone of law, its obsession with establishing guilt and responsibility in people, should be abolished. Similar to McGrath (1975), he believes that criminal law should protect both individual people and the essential functions of State, but not religious-moral values as such. Grygier's discussion of legal procedures is too complicated to be discussed here, but to put it simply a criminal offender would be dealt with on the basis that he/she did a prohibited act and the degree of harm it caused to others. Concomitantly, Grygier states that moral actions should be done for their own sake and should not be enforced by law and fear. While this has some obvious truth to it, it still would seem that Grygier has assumed the very same definition of morality as have the jurists whom he opposes, namely, that morality is a series of "things", discrete acts to be done or avoided. Even more important, these rules of the State are not intrinsically connected with the values of individuals nor the physical laws of the world. To say the State is to protect persons is one thing, but this rule does not contain any principle whereby we can stop the State from "protecting" us from life itself! (The State might for example protect us by restricting the amount of information we are exposed to - i.e., censorship).

If law is to spring from the very life of the community itself, if it is to recognize that certain values unite the people into a community, then these values cannot be separated from law without implying the eventual creation of an arbitrary dictatorship by those who control the State. In this sense, Grygier's suggestion, at least insofar as the literal content of his words is concerned, is simply a variation on the nomological theme. (An alternative would be to have the State clearly define its morality, one which recognizes and supports the variety of life styles and morals of individuals and groups within it).

The concept of responsibility in a transformational ethics refers to a quality of a relationship, one in which the persons are growing in their ability to "respond" to each other. Strictly speaking, one is not responsible "to" someone but rather one becomes responsible "in" relating to another. In this sense, Grygier is right in saying one cannot command responsibility, just as one cannot command love, empathy or friendship. When I am interacting with another person, our relationship will depend on our respective abilities to listen, to communicate effectively and to arrive at shared values and goals. In so doing, either or both of us may change, become more adaptive, and any of our prior values may likewise change. Our "response-ability" will primarily determine the degree to which we can successfully communicate with others.

As a transformational ethics is also a cognitive ethics, the same principle would also apply to the concept of "understanding". One does not fully understand another human person or system without relating to the person or system over a period of time and somehow being changed by it. A test of a person's understanding or empathy for another would lie therefore in asking the person how he or she has been changed by that relationship. If the answer is that they have changed very little, then the person probably has a great deal more to learn about the other. Similarly, we could say that one is responsible only to those others who can be changed by us! For example, one of the main reasons for a person's lack of empathy with the law might lie in his or her perception that the law is not responsive (able to respond) to him and his needs. Similarly, we do not feel responsible for a god or a tyrant, but very easily can do so for a child.

Thus, if a society's body of law becomes so preponderant and repressive that it threatens the adaptibility and freedom of the majority of the people, then it is itself irresponsible rather than those who break it. The law ceases to be a means to solve societal problems and becomes the problem itself! This point of view of course cannot be understood by the nomological jurist because he can only see law as that which constitutes the community in the first place.

If adaptability is one of the main criteria for the health of a human system, and if human beings are uniquely adaptable through their ability to use information, then it follows that one of the main tasks of society is to increase the amount of information available to the citizenry. The adaptability of a society will depend on the variety of information (difference) present within it. A nation will be strong both as it has a tradition which gives its people a sense of oneness and as it has a large body of sub-groups which hold differing opinions, ideas and practice different life styles. Therefore law, rather than simply trying to enforce sameness and uniformity, should also and perhaps primarily be concerned with fostering both the right of different groups to live their own lives with freedom of interference from other groups and to ensure that the people have the greatest possible access to information about each other. We are responsible to see that others are different than ourselves and that they have the resources to perfect their lives.

These principles have a great many applications for corrections. For example, correctional agents might spend less time on trying to change the individual offender and more on helping groups of offenders discover or create allegiances to small groups within their community which respond to their needs and goals. Or, professionals in an office might try to discover ways in which they could work together as a team, one in which their individual talents are blended so that both increase their effectiveness and develop a program which is "their own" rather than a simple copy of all others.

Differentness becomes the end state of a system as it progressively becomes more competent to receive and assimilate information. Man is the one creature who has been able to define himself as the species which understands and controls the rhythms of the world. Now, no "self" can exist unless there is a "not-self". If everything is one there can be no individual identity. In a very real way, then, we are defined by what we are not (our environment) as much as by what we are, by our enemies as much as by our friends, by our disbeliefs as much as by our beliefs.

This has an interesting implication for man and his sense of identity as he is progressively able to control the world through science and technology. As control increases, our environment, what is different from us, decreases. We could make the simple equation: E + I = W, where: "E" equals the sum of environmental systems operating relatively independently of the system in question: "I" equals the amount of information by which the system defines itself and controls the world around it; and, "W" equals the world, the system plus its environment. Obviously, the extent of a system's "self" (I) depends on its relation to E (and so W). As more and more E is included in the system's identity (it subjects more and more of the world to its will), the system's identity becomes increasingly one with the world itself. Certain religions (like Buddhism) explicitly teach that this is man's goal - to unite himself with the principle of life which is all in all. An individual self is transformed in this kind of system to be meaningless, an imperfect copy of THE SELF. On the other hand, where E is very large, and so the system has little control over the world (the world is perceived as random), then again the I becomes a relatively unimportant and meaningless entity.

It would thus seem that if a system wants to maximize its "self", its identity, it must have or create a sufficiently large non-self (different) environment against which to experience itself! This would imply that man is not merely the creature who creates order but also the creature who creates disorder, i.e., environments which are not merely "safe", sterile "places" to live in but creative and stimulating communities.

In this light, deviancy is as necessary to society as the experience of differentness is for individual persons. What society has yet to learn fully is that unless it deliberately programs (rewards) a wide range of deviancy (difference) into itself, deviancy will be created randomly by its members, sometimes in pathological

ways. Instead of constantly rewarding conformity, law ought to take more initiative in rewarding innovative behaviors of individuals as well as supporting programs which enhance the unique qualities of local communities.

An ethics of difference adds to a technological, problem-solving ethics that of an ethics of creativity and play. If we assume that difference is an essential partner to the stability and traditions of any social system, then we ought to pay special attention to those concrete behaviors which make man most different from other animals. One such behavior is that of creative play. As Wilson (1975) noted, play appears to be limited to higher vertebrates, and for man himself,

> playful behavior has led to invention and cultural transmission of novel methods of exploiting the environment....Entertainment..... could be as psychologically needed and genetically adaptive as work and sexual reproduction, and may even stem from the same emotional processes which impel our highest impulses toward scientific, literary, and artistic creations.

The phenomenon of play has rarely been given the central place in human ethics that it deserves. We tend to think of the most moral and intelligent person as the one who is most serious, concerned and purposeful, as if the most studious and dry approach to reality is the most true and human one!

There are two traditional approaches to explaining human play. Structuralists define play as any motor pattern which appears to have no immediate function. Functionalists understand play as any behavior which serves to develop future adaptive responses to one's social and physical environment. But, according to Bruner (1968), play implies the (ethical) idea of altering a goal to suit the means at hand - as opposed to problem-solving, which implies altering means to suit a pre-set, pre-programmed goal. For example, given that a person may want to get a job (the problem), he can be taught a variety of ways to search for a job, define which particular one he wants, how to conduct himself during the job interview, and so on. On the other hand, the person could question his own goals, e.g., whether he wants to work at all, or whether he might invent a job which suits his own talents.

In a wider sense, we can say that in a creative system, ends and means are not ordered in the simple linear way as they are in a morphostatic system, but are linked in a circular process, one in which an end might be made into a means or a means becomes an end. The creative process might be labelled as one of "ethical play" (a "morality-play"), one in which: (1) a person or system deliberately chooses to name some behaviors as ends and others as means; and (2) the system is able to switch ends and means around, either for novelty's sake or as a purposeful activity aimed at discovering new end-states or principles of organization for its life. As opposed to problem-solving (in which the means are in essence present within the ends), play or what we might call "playful thinking" involves problem definition (as opposed to problem-solving), a means by which a person or system arrives at a new perspective, frame of reference by which it defines its self, goals and activities.

A cognitive approach to ethics, such as in this module therefore has a very direct connection to the notion of play. "Playful thinking" is a general class within which falls the reasoning method of scientific analogy. To think analogically is to think "as if" - e.g., as if the atomic world was ordered like planetary bodies, as if energy has certain fluid properties, as if the organism of the body and that of the State are comparable. Creative thinking per se requires the ability to play with ends and means, to pretend that one thing might be like another, and so to be non-serious about what "ought to be" real or unreal.

As Campbell (1959) showed, the idea of play is much stronger in Eastern thought than in the West. The concept of līlā ("the play") runs throughout Eastern mythologies and connotes a belief in the non-logical quality of life. The playful attitude of Zen Buddhism, for example, even about its own dogmas, is unheard of in christian religions. In the West, though, it is well to remember that the Greek thought of Aristotle defined man as a "rational animal", and the highpoint of this rationality was not logic, as it was for the Sophists, but wisdom - to have knowledge through empathy (sophia: wisdom, loving, knowledge), to act out of a knowledge which springs from a unity with life itself.

The essence of play might then be said to lie in the fact that one creates a "space" between life as one experiences and lives it, and life as one "thinks about" it (one does not confuse these two ways of knowing). This is playfully put in the following Zen story:

> Hogen, a Chinese Zen teacher, lived alone in a small temple in the country. One day four travelling monks appeared and asked if they might make a fire in his yard to warm themselves.
>
> While they were building a fire, Hogen heard them arguing about subjectivity and objectivity. He joined them and said: "There is a stone. Do you consider it to be inside or outside your mind?"
>
> One of the monks replied: "From the Buddhist viewpoint everything is an objectification of mind, so I would say that the stone is inside my mind."
>
> "Your head must feel very heavy", observed Hogen, "if you are carrying around a stone like that in your mind."

Our old friends "objectivity" and "subjectivity" appear again as well, and they can serve here to illustrate the two extremes the mind can go to in trying to deny either the unity between mind and world or the difference between them.

The first extreme is to assert that the mind is somehow radically separate from the world, that it has "subjective" values or truths which are not conditioned by the world. This is the error of the travelling monks, and of purely subjective thinkers. Lang (1965) concept of a "divided self" is much the same idea. In this schizoid type of behavior, a person tries to separate a "true" inner self out from the world around him, to keep this self untouched by the world and its qualities of causality, sequence and change.

The second kind of extreme is one in which there is an excess of "objectivity", a denial that the mind adds something of itself to whatever it perceives. If we translate this into psychological terms, we have a person who over-identifies with the world around him. He seeks escape from self, from the rigors of free choice and responsibility. This can be done through such diverse means as religion, mysticism, or the fusion of one's ego with a social system such as a family or the State.

In both extremes, the person or system ends up denying both space and time. The space between self and others does not really exist, either because the self is more real than the world or the world more real than oneself. Time is therefore also denied since there is no possibility of feedback between the self and the world (one of them is only an illusion).

The critical quality for a healthy sense of play is humor, that quality which prevents us from taking either ourselves (our values and truths) or the world too seriously. Humor keeps the two in balance. Now, while no one has ever pretended to give a definitive definition of humor (it would be laughed at anyway!), we can say that it invariably involves taking events which are "serious", those which touch upon the boundary values of the system, and making them non-serious, less important, and thus more within our control. This is why humorists usually deal with such fundamental human events as sex, pain and death. In so doing, the humorist gives voice to a paradoxical message. First of all he shows us that we are all subject to these events (we all pretend in public that we are sexless, objective, eternal creatures!). And second, the humorist implies we can control these events (or at least our fear of them) by our ability to speak "about" them and so assert our superiority over them. Humor thus switches ends and means - even death is laughed at so that man may be free of its tyranny (one who does not fear death lives differently from he who does). This is perhaps why relief or catharsis has always been associated with comedy.

Problem-solving is more akin to the dramatic realm of tragedy. As a system comes to rely more and more on a problem-solving technology, it will: focus its consciousness on means rather than ends - since the ends are quasi-absolute and given, there is little point in thinking about anything but how to achieve them; have less and less ability to question why its ends are even necessary; and, create an emotional aura in which life itself may be seen as a "problem", a matter of serious

and even tragic concern. Similarly, the characteristic mark of a nomological, closed system of ethics is that it is serious! Of course, if life itself is defined as a "problem", a maze for which there is one right path to happiness, then indeed we do make very serious choices whenever and wherever we act. However, an axiological, open ethical system holds that life is not a "problem" since there is no way to "step outside" of it and put it into a frame of reference by which it may be defined in this or any other way. Therefore, while we will make decisions which we will take seriously, the only way in which we can remain open to life itself (and so be able to change our decisions) is by a healthy sense of humor, especially about that which we take most seriously. This is not to say that a closed system of ethics is always dysfunctional or even antithetical to a creative one. There is a rhythm to our thought processes as there are to natural processes. For example, once a scientist has arrived at a creative insight, he will not easily be open to other ideas which challenge his hypothesis before he himself can test it out.

For corrections, one possible implication of the above is to define more carefully where and when problem-solving techniques are useful in helping offenders. For the person whose life is generally unsatisfactory, who sees his life as full of serious difficulties, it may be that he not only needs more skills to reach his goals, but perhaps, for some, a way to be more creative and useful in his communities. The amoral, objective, non-judgmental ideals of many professionals may in fact only be effective in the sense that they switch the offender's preoccupation with certain kinds of problems to others.

ALTRUISM AND SELF-INTEREST

There are two ethical concepts which are central to correctional volunteerism and to an ethics of difference - namely, altruism and self-interest. As Carter (1975) reported in her survey of Canadian volunteers, these were the two main motives for

Canadians joining volunteer programs: altruism, which was expressed by volunteers in such terms as "helping others", "serving their needs", "making them happy"; and, self-interest, volunteerism being chosen since it was "a human and personal way of giving", i.e., met the needs of the volunteers themselves.

Of course any volunteer applicant will express his reasons for joining a program in the most socially acceptable form. The "I-want-to-help-others" phrase, for example, can be mixed in with a multitutde of less altruistic values. The eskimos have a proverb, "Gifts make slaves just as whips make dogs." (The eskimos had an ecological reason for saying this, namely, that the limited resources of their habitat might be over-harvested if individuals began to vie with each other in being the greatest gift-giver in the tribe).

All of our behaviors flow from a variety of motives and values, including altruistic ones. Greene (1976) showed that in North America even the traditional philantropic donations of money have always been tinged with self-interest. The rich typically give to the arts, private hospitals and institutions of higher education. The poor give mainly to religious institutions.

However, philanthropy has undergone a change in modern times because of the growing presence of government in the area. Greene observed that we are probably witnessing growth of the welfare state since the depression, nearly all charitable gifts to the poor are insignificant compared to government programs such as unemployment insurance, welfare and medical assistance.

The effect of this government presence has been to depersonalize altruistic activities in the community. One rarely sees the beneficiaries of one's gifts anymore. We give to others largely through impersonal corporate bodies, either governments or private agencies. This may partly explain why the volunteers in Carter's study were interested in a personal way of giving to others.

There would seem to be little evidence that volunteers come into correctional work out of a single set of altruistic values. The service tradition assumption that volunteers are all persons contaminated by "self-interest and bureaucracy" is a typical example of the naivety that underlies much of the literature in the field today. Perhaps this is so because much of it is written by those with little or no practical experience in the design or operation of real life volunteer programs, and because research in the area of values has yet to be done.

Therefore, there is no logical or factual basis for asserting that somehow the human beings who are volunteers have more altruism and less self-interest in their work than professionals do in theirs. It would take very little acquaintance with voluntary groups to realize that they are built around the particular self-interests of those in that group, and that, as with any organization, they contain restraints on human freedoms, restraints which will increase in number and intensity as the system matures.

Since the value of altruism is so central to correctional work, and especially a volunteer ethic, it is important to try to understand its origin and roots in individuals and a community as well as how it is transformed by the various contexts it exists within. The following analysis is based on that of Wilson (1975) since his is one of the few attempts at a scientific and community based approach to this concept.

Sociobiology and altruism

Using an evolutionary, natural selection model, Wilson defines altruism as "the surrender of personal genetic fitness for the enhancement of personal genetic fitness in others". For Wilson, the evolution of genes which favour altruistic behavior is an easily demonstrated possibility, and so such behavior is probably at least partially determined by heredity.

One of the main concepts by which we can understand how selection for altruism might come about is that of reciprocal altruism, which was illustrated by Trivers (1971) in his good samaritan paradigm. Suppose one man is drowning, and another man jumps in and saves him. We generally see this kind of act as an example of "pure altruism". However, the samaritan has in fact much to gain by his actions. He probably stands less chance of drowning in this situation than the unassisted man does - at least in his own perception of the situation. The rescuer could also be seen as a person who believes people should help others in need, and so he hopes that he too will receive help from others in the community if he needs it. Or, to put this behavior within the context of the forces of natural selection, a kin-network (a network of individuals linked by kinship within a population) in which blood relatives cooperate or bestow altruistic favors on each other, can increase their average genetic fitness relative to other groups which do not act in this way - their security and longevity is enhanced by their mutual defense against common dangers.

Human societies can also reinforce the genetic factors favoring altruism through their own traditions which teach and reinforce altruistic values in the young of each new generation. For example, "cheaters", those who act out of non-altruistic reasons, are kept in line by such means as: (1) threats of retaliatory behaviors by others if they are caught (e.g., criminals get their names published in the paper, the modern media being the most powerful albeit unwilling arm of the State that now exists); (2) the great stress placed on such principles as honesty and helpfulness in every societal structure; and (3) the institutionalization of public awards and praise for conspicuous altruistic acts (e.g., medals for bravery). As Wilson notes, "so strong is the impulse to behave altruistically that persons in experimental psychological tests will learn an instrumental conditioned response without advance explanations and when the only reward is to see another

person relieved of discomfort." The emotion of guilt (self punishment for selfish, non-altruistic acts) may also have a basis in genetics and natural selection since it motivates a cheater not to repeat his deed. However, since genetic programming is non-specific here (we are set up to be altruistic but not in any particular way), our social systems supply the concrete ways in which altruism is to exist. Thus we often experience guilt over actions which violate even irrational societal laws or rules imposed on us by non-adaptive others. We are born with the capacity for guilt, but we have to learn when and where to use it.

There is some circumstantial evidence that selection for altruism also operates in a weak fashion (at least) for whole populations. For example:

(1) When a small group of animals splits off from a parent group and colonizes a new territory, altruistic traits are favoured by natural selection. In such a "pioneeer state" the survival instinct will lead to the clustering of the small population, their acting in mutual defense and in cooperative foraging.

(2) If and when the group becomes successful in colonizing the territory and so subduing competitors and enemies, its survival now is more dependent on preventing over-population relative to the environment's food sources - lest the group perish by starvation and the destruction of the habitat. This is the problem of an "urban state". Mutual aid now becomes less important, and behaviors are valued which involve restraint in the birth rate and a less wasteful, more efficient use of energy resources (all mature societies must face "energy crises").

(3) Social evolution may in addition depend on the crucial parameter of food distribution. When food sources are abundant and easily defendible in a locale, territoriality and monogamy are favored (in order to gain a double defense of the territory). When food sources are unpredictable, and patchy, primates often organize into groups larger than the family; similarly, predation is an auxiliary influence which forces groups to form and organize themselves in order to evolve a mutual

defense strategy. Thus, as Wilson points out, polygamy is the most frequent ("natural") sexual grouping of animals. Monogamy is a special case, and is accounted for in all known cases by two general ecological factors; as a means of defense of a scarce and valuable resource (food, territory), and to facilitate breeding at advantageous seasonal times.

There are obvious analogies between the above behaviors and the evolution of values suitable to the modern state and city. If there is a genetic programming which is activated by such factors as the availability of food and territory then the transformation of values that is now taking place in the modern era is less a question of "disintegration" as it is a process that has always been natural to primate species. This insight will not solve the question of which values ought to be transformed, but it will at least take some of the puzzlement out of why values do change in different environments.

One final remark of Wilson's is worth repeating here:

> A science of sociobiology, if coupled with neurophysiology, might transform the insights of ancient religions into a precise account of the evolutionary origin of ethics and hence explain the reasons why we make certain moral choices instead of others at particular times...For the moment, perhaps it is enough to establish that a simple strong thread does indeed run from the conduct of termite colones and turkey brotherhoods to the social behavior of man.

Altruism and modern values. When a human habitat becomes crowded and uses up space and energy resources at a rate which threatens the group's survival, natural selection may favor new forms of altruistic behaviors and values. Thus, for example, we are witnessing a shift in North American values today away from indiscriminant reproduction and energy use. There is a growing sense in some groups that the quality of life, especially the development of localized or subcultural values, is at least as important as the quantity of goods they possess.

There is still a real tension in Western society however between the newer ecological values and those of the production ethic. This tension has its basis in the actual resources available to different groups. As food and energy resources

remain relatively plentiful, the values of a non-climax society are still functional, e.g.: non-specific territoriality (high mobility), high consumption and production rates, and a great emphasis on small group identity (e.g., the family). But, given the inequitable distribution of wealth within the population, as well as the growing realization of the limited resources available to the world, there is now a counter-movement toward establishing different group values. Therefore we are witnessing the formation or re-strengthening of medium-sized groups in Western urban society (e.g., labor unions, ethnic and cultural groups). These groups are organizing around their own unique values, and are very vocal in demanding that large scale government and corporate bodies recognize their existence.

Criminal behaviors (non-altruistic acts) might also be seen at times as the result of conflicts between large scale State or corporate systems and medium-sized groups or individuals. The latter reject in part the values of a larger system when they do not have any practical benefit for the smaller system. Thus, for example, we see little guilt in people for such behaviors as white collar crimes, employee thefts from their employers, shoplifting from large merchandizing chains, or illegal strikes by workers who feel they are not getting a fair distribution of corporate wealth.

Altruism in correctional work. A closer look should be taken at the supposed altruistic values of agencies and persons who work in the mental health, social work and correctional fields. Both professionals and volunteers, in governmental and private agencies, claim that they have a "non-selfish" ethic. This generally means that they possess a very abstract set of goals and procedures to provide an objective, uniform set of services to all clients.

A typical model in this area is that of Burglass and Duffee (1974). They describe two sets of what they call "principles" and two related "ethics" which they use in training of volunteers to work with correctional clients.

(1) The principle of self-determination: "Each individual is seen as responsible for his own life and determines it through his decisional acts." A corollary principle is that individuals do what they do because they decide to, not as a simple reaction to what someone else does or does not do. A correctional worker violates these principles if he subjects the offender to coercion, infantilization or conversion manoeuvers.

The related ethic is autonomy, "the freedom of the individual to be who he decides to be." Therefore, Burglass and Duffee believe that class inequality is a result of inadequate individuals within these classes; class liberation can only be achieved by first liberating individuals.

(2) The principle of community responsibility: "The community of individuals is finally responsible for the care of the life in its midst." The citizenry, not their surrogates (e.g., professionals) have ultimate responsibility for what goes on in the community. Surrogates are responsible to account for their actions to the community (and not merely to their own ethics committees!).

The correlative ethic is that of "individual commitment" which requires that an individual be concerned utlimately with what is right, and only penultimately with what is effective."

The Burglass and Duffee principles epitomize the individualistic philosophy that is one of the strongest traditions in North America culture and they phrase it with all the traditional concepts, e.g., responsibility, freedom, and doing what is right. In a rather black-and-white fashion, all alternative approaches are labelled as coercive, irresponsible or merely "efficient" (versus "right").

There are many problems with such simplistic, individualistic moralities. Their major weakness is that they have little basis in scientific fact and have rather more of a theological character. The individualistic bias in Burglass and Duffee, which is reflected in many social science counseling methods, gives no

indication of the limits of individuality (the constraints of genetics and the environment), and therefore no cognitive basis on which individuals can choose intelligently (which is what distinguishes a transformational ethic from moral relativism). And second, to propose that class liberation must be preceded by individual consciousness raising is an assumption which flows more from the traditional role of the therapist than the realities of communal life. An elementary historical knowledge would show that class liberation has never been accomplished by working on the minds of lone individuals, but rather from the charismatic vision of a few which has in turn formed an oppressed people into a revolutionary community. That individual "consciousness raising" has been useful to lone individuals at certain times is perhaps true, but it might also be proposed that what impotent and oppressed groups want first of all are very concrete ends - e.g., decent food, housing, and jobs. To do this they need leaders who can band them together and teach them how to work effectively within their given environments. The individualistic method is more suited to providing jobs and status for large numbers of counselors than anything else. And finally, the unqualified distinction between "what is right" and "what is effective" is one that typically distinguishes a nomological ethics from a cognitive, transformational ethics. This distinction is common also among those who oppose a systems approach as too mechanical and un-humanistic. They have the rather vague fear that human beings must somehow suffer in an organization that values efficiency (one wonders if they have any awareness of how human beings are treated in our modern inefficient welfare organizations!). Efficiency, however, is merely a technique, a value which takes on meaning only within the context of the system it exists within and that system's boundary values. An efficient creator may waste a great deal of time in random, trial and error activities, whereas an efficient problem solver acts in an entirely different manner. Thus, to compare rightness and efficiency is a simple confusion in system levels - like trying to compare "running" with "a bus". If I am late for work, and it is important to me to be on time, I will run to catch a bus. "Running" itself has no value though unless we know why it is being done.

The Paradigm Of Lying

What the theme of altruism shows most clearly is that there is always a possible conflict between the individual and the large system, between personal and communal ethics. One of the ways in which this conflict can be analyzed is in terms of the ethical question of whether lying is ever permitted.

As Szasz (1961) once observed, lying is one of the core issues in psychiatry and in the understanding of human behavior. Lying, both in the sense of passive secrecy and active miscommunication, is also an important part of the world of criminal offenders and their helpers. For example, all counseling techniques implicitly demand that the counselor be a good liar - e.g., he cannot allow his own personal feelings or values to "intrude" on his work with his "client". The counselor's command to remain "objective" and to act in a professional manner obviously requires him to have a very controlled communication with the client, one which does not allow the counselor to act in a spontaneous way. The indiscriminant adoption of the mental "illness" model in corrections has undoubtably heightened this dilemma of the correctional worker. If the offender's behavior is seen as irrational or immature, then, paradoxically, this also justifies the correctional worker in using certain therapeutic ploys on the offender to correct his behavior. Similarly, we feel no discomfort in telling children less than full adult truth in every situation since they are not always capable of understanding it. Therefore, it is not uncommon to find that some volunteers and professionals in corrections have a difficult time in being honest and open with an offender when it is called for - e.g., for the worker to tell the offender that his behavior is irritating, manipulative or dishonest, or that the worker has certain values which are so different from the offender's that it is difficult if not impossible for them to set up a working relationship (other than an authoritarian one).

The term "lying" will be used in this section to describe the following communicational sequence. The lying (sending) system gives a message to another (receiving) system which has two separate meanings, each of which exists on a different level. Every message communicates two types of information: the factual content of the message, and the relationship content. Lying could take place within either level or "between" the levels:

(1) On the content level, a person could lie by simply telling or concealing a pertinent fact - e.g., he stole some money, and denies it or doesn't mention it.

(2) On the relationship level (what kind of relationship he is trying to establish with us, i.e., one-up, one-down, or adult equality) he behaves in one way while hoping to achieve a different result. Thus, we all know people who want an adult relationship but habitually communicate in an infantile or superior manner.

(3) Between levels, lying occurs when the content of the message does not agree with the relationship intended. A person may, for example, seem to be completely open with us, and so wanting to establish an adult relationship, while at the same time considering us to be inferior in some way to them (e.g., the professional type who gives his data in such technical language and form that he never allows a lay person to feel as competent in the area as he is).

In order for the liar to be effective, he must have the ability to send a message which simultaneously meets the needs of the receiving system as well as his own. First, one of the meanings of the message must fit the goals of the receiving system. The liar must therefore be able to perceive the "soft-spots" in the receiving system - e.g., that another person wants to have a good relationship with the liar, or that the person wants to hear a particular piece of information. The more successful a liar is, the more perceptive he must be in assessing (diagnosing) other people. And second, the other set of meanings of the message must meet some of the needs of the liar, needs which the liar perceives to be contradictory to those of the receiving

system. Thus, if a probationer would be severely punished for telling the truth to a probation officer (i.e., jailed for a theft), he will lie about it, yet at the same time try to appear as if he was trying to produce an honest, adult relationship. Fear is the basis for all lying (as it is, interestingly enough, the basis for the deterrent penalties in the criminal justice system).

Lying is then a form of communication which, in the absence of biological (deterministic) causes in the liar, reflects an "inefficient", dysfunctional relationship between the parties involved. It is inefficient simply because the liar must expend more energy in lying than if the truth were told. He must spend time in sizing the other person up, finding out what he wants to hear, and continually watching himself so he doesn't give himself away inadvertently. It is therefore obviously more efficient, less time and energy consuming, to be honest, to express one's self in a spontaneous way.

However, it is also obvious that lying is a very common behavior, at least if we accept the fact that withholding pertinent information is as much a lie as transmitting false information. Goffman (1973) has extensively dealt with the ways in which groups or systems act together so as to present a carefully constructed image of themselves, and how they act to block any contrary perceptions by outsiders. Some systems will maintain their public image whether or not the persons in it believe in it personally. As Goffman further observed, a key factor in the structure of social encounters is "the maintenance of a single definition of the situation, the definition having to be expressed, and this expression sustained in the face of a multitude of potential descriptions." Groups as well as individuals have masks.

Social systems will also consider lying to be permissible if it protects their existence or serves what they think is a greater good. For example, the adversary system in law is built on the necessity of certain lies. A defense

lawyer may withhold any information about his client's guilt or antisocial behavior in order that there is a "fair" contest in the court process. Defense and crown attorneys may even withhold the same information if it were to be detrimental to both their cases, irregardless of its importance to the judge or jury in deciding the case. Similarly, a government considers it proper to withhold information from its citizens for security purposes.

What are we to make of the fact, then, that one of the central rules in society is honesty. We are constantly taught to be honest in our social dealings, and that without honesty the whole social fabric would "fall apart". From the point of view of increasing the system's security, the potential value of honesty in a social system is that it helps remove uncertainty and unpredictability from people's actions and thereby increases the system's security and social order. Therefore, the (political) leaders in social systems will always strenuously reward honest behavior and punish lying since honesty in others makes it obviously very difficult for them to threaten those in power. If, though, the leaders in a social system do not give enough security and order to their members, then these members will resort to new behaviors (such as lying) to meet their security needs.

Lying, or any random behavior, is one of the most effective ways for a weaker system to counter a more powerful one. Von Neumann and Morgenstern (1947) showed, within the context of game theory, that where two opponents exist and one is outclassed in strength, resources, information and/or intelligence by the other, the only chance the weaker party has to win the game is to adopt a random strategy, to be unpredictable. Animals, for example, use random flight patterns to escape predators.

This again points up the fact that the order which exists in a system, its laws and rules, may directly cause disorder. The goal of both honesty and lying is the same - security and a relative balance of power. It is therefore impossible to say whether honesty or lying is functional for a person or system until we know what context it occurs in.

The concepts of lying and randomness can be related within communication and information theories. Earlier we saw that a system's experience of "evil" was linked with its perception of an inconsistency between its own rules or values and those of other systems in its environment. Lying is labelled as evil because it is a communication by which a person pretends to agree to the rules of others (e.g., give them an honest response to an honest question) but in fact is following another set of rules of his own.

We cannot understand the ethical concept of lying, therefore, until we first say what we mean by "communication", that class of behavior in which lying occurs. Unfortunately, no agreement exists today among scientists as to a precise definition of what constitutes "communication". However, one of the clearest definitions of communication, on the biological level at least, is that of Wilson (1975):

> Biological communication is the action on the part of one organism (or cell) that alters the probability pattern of behavior in another organism (or cell) in a fashion adaptive to either one or both of the participants. By adaptive I mean that the signalling, or the response, or both, have been genetically programmed to some extent by natural response. Communication is neither the signal by itself nor the response; it is instead the relation between the two.

The idea that communication alters probability patterns of behavior allows us to gain a further insight into the adaptive or nonadaptive value of honesty and lying. A social system, in particular those persons who define the values of the system, will have a strong interest in forbidding lying (and all devious behavior) because it clouds the system's ability to predict and control its members. Even between individuals or systems on the same level, the act of communication has an intrinsic moral character as Goffman (1973) pointed out: "The impressions that the others give tend to be treated as claims and promises that have implicitly been made, and claims and promises tend to have a moral character." At first glance, therefore, it would appear that the need for consistency and order in any system would require us to label all lying behavior as dysfunctional and all honest behavior as functional or adaptive.

However, as Wilson pointed out, communication exists whenever a behaviour alters the probability pattern of behavior in another in a fashion adaptive to one of the participants at least. As we shall see, lying does have this quality, at times being adaptive for the liar although not necessarily for the person or system being lied to.

Therefore, we must look at the context within which communication most often takes place, namely, human communities.

It is possible to define a "community" as any group of two or more persons or systems in which "communication" takes place, i.e., where the transactions which occur between the persons or systems result (over a certain period of time) in new behaviors which are adaptive to one or more of the persons or systems concerned. Without change, there is therefore no communication - just as, in the more static perspective, there can be no information without a difference between things. Consequently, the perfection of a human system will lie not merely in its stability but in its change to new (improbable) sets of behaviors. Conversely, where there has been no change (over a relatively long period of time) there has been no true community or communication between the persons or systems concerned.

This hypothesis has several implications. First of all, it explains how a social system needs to have both traditional values as well as an appreciation of the need for a constant re-appraisal of these values and a "vision" of the future toward which to strive. The traditions of a social system are its memories of how it has changed in the past, how it has grown and successfully adapted to its environment. This is perhaps part of the reason why the strongest sense of identity is often found in countries or peoples who have faced the greatest obstacles. In addition, though, a country or any social system needs a vision of the future lest it tries to live simply on its memories in a world which is quick to change and require new adaptive behaviors for survival.

Secondly, this hypothesis allows us to distinguish between communities and mere "associations" in a concrete, observable way. A "community" is wherever the people are changing from predictable to less predictable behaviors (the decreased predictability of course only exists in the short run, and will either harden into new habits or lead to further growth). An "association" is a mechanical unity, one in which there is a group of isolated, self-seeking individuals, a system held together by force, compromise, convention and/or public opinion.

And thirdly, this hypothesis suggests some practical ways for a social system to increase its communal quality. Primarily, this can be done by increasing the complexity of the system. The complexity of a social system will normally be associated with the presence of a large number of semi-autonomous groups within it, groups which were in turn created by the people in them to meet their own needs (there is also a natural variety among these groups since they are formed to meet the ends of persons within different environments). An adaptive social system might therefore be characterized as a "community of communities", one in which communication is facilitated by the fact that the people are defining the real problems that face them and trying to find solutions with others who live or work in the same area and share the same problems. As these groups define and gradually solve some of the problems facing them, they will begin to accumulate their own traditions and so create their own identities. It is obvious, though, that such a community is only possible if large social systems allow their components to have the freedom to do this, if they do not reserve all control and power to a centralized ruling body.

To return to the theme of lying, it is now possible to see how lying can be a form of communication which is adaptive to the liar. If a system faces a more powerful one which threatens it in some way, then lying is a possible defensive manoeuver. By lying, a weaker system makes itself more complex, i.e., it becomes

more unpredictable by virtue of the fact that it operates by hidden rules and values. On the other hand, a powerful system will find it adaptive to foster honesty both among the individuals and groups who are within it as well as other systems in its environment which are equal to it in power; the greatest danger to such a system's power will be from those who secretly oppose it.

Lying is maladaptive, however, when it does not alter the probability pattern of behavior in another system in a fashion adaptive to either. In terms of the probability pattern, this would mean that lying causes either increased rigidity or randomness in another's behavior when the opposite was called for. Or looked at in another way, lying is dysfunctional when it destroys a community which is necessary for the liar. This point was made very clearly by Henry (1959) in his studies of dysfunctional families. Commenting on one such family he noted:

> Sham, a value that has carried human, and particularly Western, culture to wealth and power unequalled in history, a value of titanic potential for the building of fortune and empire, for the promotion of almost everything significant in the culture of the West, has merely wrecked the Rosenberg family, because instead of using it appropriately against the outer world, they have trained it against one another.

The point Henry is making is simple. Lying is destructive and maladaptive when used by a system against itself - a crime, in effect, of "treason".

It is therefore possible to propose that lying, like all moral qualities, is neutral in itself. The instrumental usefulness of honesty or lying depends upon how they promote the continuing survival of the system (which assumes that a system values its own life). Both lying and honesty can therefore be pathological, and this occurs when the relation between the two communicators is such that the response chosen is known to lead to a lowered adaptability (e.g., the person who tells the truth no matter what the consequences for himself or others).

MACRO AND MICRO SYSTEM LEVELS: IS SIZE GOOD OR BAD?

One of the major influences on the ethical values of a social system is its complexity. To put it generally, the more complex a system is the more information it needs to regulate its components and the more information it is potentially capable of receiving from its environment. The concept of complexity here refers to: the number of semi-autonomous hierarchical levels within the system (e.g., the different components of the criminal justice system - the police, courts, and corrections); and, the variety of people within one level (e.g., the volunteers and professionals who work within one office, and their different types of personalities and values).

In a rational ethics, the "quantity of information" a system is able to receive and actually possesses directly corresponds to its moral perfection - i.e., its ability to choose adaptive goals and be able to reach them. It is important to realize though that while information can be divided up into this bit and that bit, it also has a systems quality in itself. We often need a whole "package" of information to make sense out of one bit (there is no point in teaching a person to strive for a certain goal unless we also give him the means, information on how to get there). Thus, the quantity of information that is necessary for a system to make an ethical choice may be fairly large. Small bits of information may not be useful either because the system is not physically able to recognize them, or because the information does not fit any of the system's present goals. In the first sense, we simply recognize that the "hardware" of any system is limited - e.g., as a person, I have only so much ability to recognize, code and store information. Flooding a person with too much information (e.g., making a student memorize an excessive amount of data for an exam) can lead to stress, anxiety and eventually decisional paralysis (he gives up studying for the exam). An example of the second case would be that of a person working toward the solution of specific problems; extraneous information will probably be ignored by him until he solves these problems.

The theoretical point being made here is that information in and by itself has no value. There is neither good nor bad information. Information takes on value given its context, that is, given the nature of the system it is in - the constraints, laws and goals of that system. For example, one of the fundamental properties of living cells, very small systems, is that with a few exceptions (such as red blood cells) they can turn their genes on and off in response to extra-cellular signals. Each cell in the human body has the same set of genes, yet they take on different structures and functions as their genes are activated in the course of embryonic development (in the best understood examples, this is done by molecules which are called repressors). Thus, for the human body to develop its great complexity, individual cells had to become sensitive to certain kinds of information but impervious to others. The whole body does need more information than any of its parts, but it could not survive at least in its present form if all this information were used by each part!

In human social systems, there would seem to be definite analogies to this differential need for information by different parts of the system. The administrator of a correctional volunteer program, for example, could either see his or her job as one of regulating each decision that each volunteer makes (a highly centralized organization), or as regulating certain key variables such as the quantity of information the volunteers receive so that they can make their own prudential judgments. In the highly centralized organization (which will also be one with a nomological ethics), the administrator will disseminate the minimum amount of information (packages of commands - "when this happens, do that"), and conversely will seek the greatest amount of undifferentiated information (there will be lots of detailed reports submitted by all the staff to their supervisors simply to make sure orders were followed). If the organization is a decentralized one, the administrator will still need information but only of a very specific kind - generally,

that which indicates any major deviation of the system from its overall goals (e.g., volunteers should have very clear and definite rules about who to notify if a probationer commits a subsequent crime and what to do in those circumstances. In turn though, the administrator must send much larger packages of information to the staff (e.g., about general policies or trends in the organization) so that the staff can make the maximum amount of decisions on their own.

This theme also relates to the ethical issue of privacy discussed earlier. The value of privacy to persons or groups within a social system was that it insured more "space" for them to operate and less control by large-scale corporate bodies.

For example, in a medium-sized group such as a family system, Buttie (1971) indicated some correlation between privacy of the spouses and the health of the marriage. Where married couples had a more healthy complementarity (each spouse had certain important areas in the family's affairs where they were seen as more competent by the other spouse), they also tended to have less communication than dysfunctional families with and among their respective kin, friends, neighbors and work mates. In other words, a certain "privacy" in the internal space within the family was also reflected in the external space of the family. However, in dysfunctional families, there tended to be less privacy or space in both areas - there was less equality internally (important areas were not divided up on the basis of each person's ability), and they shared all family and friends in common. In other words, one way to characterize dysfunctional systems is that they lack a requisite complexity. What is "requisite" will vary between systems, but as a family system progressively destroys the individual identities of the people within it, "fuses" everyone into an indifferentiated family identity (the "we" does not allow a separate sense of "I-ness"), then problems will occur.

Therefore, the "size" of a human system is important. But, it is obvious that the concept of size is not merely one of quantitative numbers. Human beings are not different from other animals merely because of the quantity of cells they

have but because of the organization of these cells. "Higher" organisms have hierarchical levels of systems within them, levels which perform different functions. To study an individual system, then, to understand what quantity and form of information it needs, one must also analyse it into its parts. However, two general system laws must be kept in mind when discussing the interrelationships between a system and its parts: (1) the whole is more than the sum of the parts - the law of composition; and (2) the part is more than a fraction of the whole - the law of decomposition.

The Law Of Composition: The Macrolevel Is Different Than Yet Related To Its Component Microlevels.

Each system has certain behaviors which can be described only by its own rules and values. For example, a country has an emigration-immigration rate whereas this concept has no meaning in relation to an individual within the country. Similarly, a democratic country's ethic is more than the mere sum of the ethics of individual subsystems. To define a democratic country's ethics as one which is merely a large scale reflection or translation of the ethics of the majority of citizens would mean that the country itself has no identity.

Therefore, as a social system creates its own identity, there are three types of on-going decisions it must make: (1) which values of its component systems it will or must translate (reflect) in its own ethics; (2) which values of component systems it will keep but transform; and (3) which new values it must create to guide its unique behaviors. The quantity of values in each area will depend on how much complexity exists within the system, and the complexity of the systems which are in its environment. A correctional system therefore must decide on these questions if it is to have its own autonomous identity.

First of all, corrections has to translate the values of other systems around it so that it has a basic harmony with the individuals within the system, local communities and the society itself.

In regard to the individuals in the system, there are first of all the clients it serves. A correctional agency must provide services that are wanted and needed by them. This "people approach" method will require that offenders be canvassed as to what they need, rather than arbitrarily forced to accept whatever services are at hand. Each correctional agency in a local area will have to develop its own style of work, one in which the abstract demands of law and the individual life styles of the people in that area are translated into a meaningful compromise. This of course is one of the reasons for involving volunteer workers in a correctional agency, in that they bring to it a greater sense of the values and concerns of that community. Similarly, correctional agencies must also reflect the needs of their own workers, both in working conditions and in matching them to specific jobs which fulfill them personally (versus a martyrdom-like, client-centered rationale). The principles which evolve from these translations will be the most concrete ones within the correctional system - dealing with topics such as job roles for staff, needs of clients which can be met by the staff, referral sources, and, how to organize and coordinate professional and volunteer roles within the office.

Local correctional agencies should have some harmony with the communities in which they exist. This means that the decisions which are made will: (a) vary between locales - e.g., small town setting will require a different way of going about things than will a large city; and (b) the correctional system must reflect the values of the society. This is not to say it cannot take the lead in teaching new values, but simply that its prestige (and community support) will suffer if it is out of phase with the local community or the governments for which it works.

Second, corrections must <u>transform</u> certain values of other systems and individuals around it. By transformation again is meant that the behaviors which define a certain value on one hierarchical level are not those which define it on

another level (what is adaptive for an individual human being is not necessarily so for a family). For example, whereas my safety as an individual in a loose-knit system (e.g., a frontier-type setting) may justify a wide range of ego-centered behaviors, my safety and security in a very tight-knit system may require that I adopt a somewhat different set of behaviors. In a very interconnected world, even nations are finding out that their national self-interest must take second place at times to world-wide concerns.

Similarly, the correctional system must help communities to see that their long-run safety from crime may require a greater participation and support of the criminal justice system than now exists. The simple reliance on more and more laws, in flights to the suburbs, or the delegation of the crime problems to a few poorly supported professionals will not work.

Another example of a transformational process in corrections is its use of social science research. A very broad body of knowledge already exists in the social science area. Corrections needs to isolate the data which is relevant to the population it works with and transform this into useable form for correctional officers. This will also require a new body of research to test out and validate these correctional principles. Especially needed are very <u>practical</u> pieces of knowledge about such things as: how to identify those persons who should receive probation supervision from the courts; how to identify types of offenders and staff so that they may be appropriately matched; and, training manuals whereby staff can be taught to some degree at least how to work with specific types of offenders and their problems.

The third level of correctional principles and values are those which it <u>creates</u> for itself, those which are unique to it alone. It would probably be fair to say that this is the most poorly developed area of all three. The principles

and values which would exist on this level would have the following characteristics:

(1) they would be the most abstract of all three levels, containing the theoretical bases upon which the correctional science is based;

(2) these principles would distinguish corrections from all other agencies working in the criminal justice field as well as any other social science; therefore, the specific mandate of corrections would flow from these principles; and,

(3) these principles would form an interface between corrections and those of the society in which it exists; for example, in a democratic society of a particular type, certain kinds of organization will be preferred and will have to be reflected in corrections (i.e., in a government setting which values decentralization, corrections will have to create principles whereby local offices are encouraged to set up to some degree their own unique forms of operation, forms which are uniquely suited to their legal and environmental constraints).

There is no way to present such a list of principles here since their creation would only occur within the context of a multidisciplinary effort of a team of scholars and practitioners who work together precisely for this end. However, several types of these principles have occurred (in a very rudimentary form) throughout this module, e.g.: (1) that corrections can and should create its own unique mandate is a necessary principle if such a job is ever to be attempted; (2) that corrections has a mandate to participate in the decision-making policies of local communities, helping these communities to understand the nature and causes of crime, rather than merely being an "enforcement arm" of the judicial process; and(3) that corrections is per se a "value science", one which is uniquely concerned with identifying the values that exist in the individuals within its sphere of operation (the criminal offenders, the staff and relevant others in the local community), the values of the systems which affect the offender's behavior (e.g., families, employers, social agencies), and that it must effect changes in all of these values if it is effectively to decrease crime ("correcting communities" rather than simply "correcting individuals").

The Law Of Decomposition: The Micro Level Is Different From And More Than The Macro Level

The second type of error an observer can make in shifting system levels is to think that because one system is part of another, the subsystem is "less than" the larger system, that all the operations and values of the smaller system are included in the larger ones. A family system may have a "higher" level of organization than that of a lone individual, but this does not mean that the role of husband or wife includes or even enhances all the qualities of the human personality. Similarly, we can say that plant life is less than an individual man if we use an intellectual measuring scale, but the sum total of plant life is certainly more important than an individual man if life itself on this planet is the criteria; without plants there would be no oxygen and thus no life of any kind.

Therefore, one of the most obvious errors a social system can make is to believe that the values of the individuals or groups within it are less important than those of the system itself, and consequently they should all be regulated (in theory at least) by it. The reverse probably is more true, namely that the adaptiveness of large systems depends on the fact that they are composed of many smaller units which are impossible to completely monitor! The flexibility and freedom of these units to experiment with new behaviors, to create a fund of variety within the system, will help the larger system to remain adaptive. In some way, we could even say that the larger a system is (the greater its number of semi-independent components), the potentially more adaptive it is. As well, an individual or group gains a certain advantage in a large system. Its behaviors can more easily escape notice than in a smaller system, a fact that those who have lived in both large cities and small towns are well aware of.

Therefore, the microlevels within a system have certain values and goals which are not directly ordered to those of the macrosystem. We saw this earlier with the process of creative thinking, that it often involves playing with ideas and models not seemingly related to the problem at hand (cf. Gordon, 1969). Similarly, if all values were directly ordered to higher ones they are in essence simply translations of the higher ones - and so only the highest system has any real or individual existence.

To put this in the form of an ethical rule, we could say that "Not everything is <u>for</u> something else." Or, in another way, the laws and values of macrosystems and microsystems are not co-extensive. Each true system has unique qualities which do not repeat themselves on higher or lower levels.

Even though individuals and social systems are not co-extensive or mere translations of each other, problems arise when their values do not reinforce or are not complementary to each other. For example, Parson and Bales (1955) and Peak (1975) have discussed how the industrial revolution in the United States has created certain changes in family roles and responsibilities, changes which have placed a great stress on marital and family systems. Whereas in the 17th and 18th centuries, men and women shared many home-making and economic functions together (e.g., the family trade, or sharing work around a farm), the growth of large corporations led to such results as: (1) women being confined to home-making functions, raising the children, cultural and spiritual interests, whereas the man had to spend more and more of his time in money-making activities; (2) business frequently demanded of men that their family life come second to their job roles (i.e., they were relocated frequently, asked to spend long hours away from home); and (3) the competitive character of business (the expectation of employees that they be upwardly mobile in status and income) led to a situation where most men were condemned to be losers (there are fewer and fewer spaces available as one goes up the economic ladder); consequently, the home became a place where men could vent the frustrations of the work day, a haven from the world rather than a complementary part of it.

The great instability of marriages and families today may then be partly due to a lack of common values between the various social systems in which we live. Where there is not a significant degree of correspondence between social systems, a "community" does not exist but rather an association of independent units.

THE STABILITY OF A SYSTEM AND ITS VALUES

For an observer to even notice that a system exists, it must have a certain stability, a regularity in its behavior patterns. The more stable a system is, the easier it is to identify its laws and predict its behaviors. It is worthwhile remembering, though, that we can only see how stable a system is as it is part of a larger system which changes more quickly; and we only notice how quickly something is changing when it is surrounded by other things which are more stable.

But the word "seeing" again reminds us that one of the critical factors in labelling systems as stable and others as unstable depends on the perspective of the observer. Stability is a relative concept. Even mountains are in a continual process of erosion under the influence of rain and wind. Stability is not a quality that is "in" things but a concept by which man classifies and relates a system both to himself (his own values and goals) and to other systems in its environment. For revolutionaries no society changes fast enough and for traditionalists no change is deliberate enough.

Now, the search for stability characterizes all the activities of the criminal justice system. Law enforcement per se tries to keep the behaviors of citizens within acceptable limits. Corrections also tries to understand what accounts for the stability of criminal behaviors, why certain people consistently act against societal norms. The easiest assumption to make of course would be that all criminal offenders are psychologically disturbed, have a flawed personality structure. However, as Brandon (1975) points out, the concept of deviance is not strictly applicable to behaviors which flow from a subcultural norm that is at variance with

that of the majority. The question in this case is rather one of a "divergence" of values. Re-socialization (rehabilitation) and mental health services generally could then be understood as mechanisms of social control. In fact, as Brandon states, "One could argue that middle-class professionals label as mentally deviant those persons who fail to meet their (the professional's) behavioral norms, when actually the deviant persons are those who violate their own norms to simulate middle-class norms." This is not to say that a social system should not control the amount of deviance within it but merely to point out that rehabilitative processes are never totally altruistic.

If the stability of a system can only be seen over a background of change, it is apparent that an excessive amount of law in a system (extreme stability) will result in a loss of its identity. As we have less and less to measure ourselves against, as everything becomes the same, individuality ceases to exist. The question therefore becomes how a system can create an identity which is not threatened either by excessive variety or sameness.

Adaptiveness and regulation. The adaptive processes within a social system are those by which it modifies its internal structures, makes major changes in its programmed values or physical laws. The regulatory processes of a system include the whole range of habitual responses it uses to deal with internal or external inputs which may upset its equilibrium (such as the homeostatic regulation of our body temperature). Regulatory activities are the end product of past adaptive changes, and differ from adaptive behaviors mainly in being more automatic and frequent. Since adaptation occurs when a system changes its programming, it tends to be less frequent and on a larger scale.

Individuals and social systems need both adaptive and regulatory skills. However, the more closed a system is (the less it is able to adapt to or make use of external or internal variety), the more it must rely on regulatory processes in order to survive. The people within such a social system will inevitably lose their

own adaptive skills. For example, students have been taught "what" to think (memorizing a multitude of facts in order to pass their exams) at the expense of "how" to think, turn into people who are good at following orders (and complaining about how bad things are) but poor at creative, independent thought (solving new problems).

On the other hand, though, adaptive skills are insufficient without regulatory ones. For example, while volunteer programs in corrections hold forth the promise of a major reorganization in the values and methods of operation in corrections, unless there are managers present to translate these theoretical possibilities into practical programs volunteerism will fail. A manager's skill will lie in his ability to make such on-going changes in the program that it will elicit the support of all involved.

One very interesting example of a regulatory social system is that of China. Traditionally an inward looking country, China's main preoccupation today is the creation of a classless State. To help accomplish this societal design, China has both restricted the kind of information that is allowed into the country as well as letting very little information about itself out to foreigners (e.g., no one knows exactly who holds the reigns of power, not even visiting politicians). This isolationism is normal and characteristic of regulatory systems. Since they tie up so much of their energy in creating and maintaining new internal structures, there is little left over for managing discordant inputs and stresses from the environment. Therefore, as most China experts agree, it is also part of Chinese foreign policy to forment conflicts elsewhere in the world in order to keep its potential enemies busy with each other.

This behavior by China is but a translation of a general behavioral trait of all regulatory, closed systems, namely, that their chief methods of self defence are secrecy and fomenting conflict among their perceived enemies (whereas open, adaptive systems seek survival through assimilating the widest variety of information

and persons within them). We might even postulate therefore that a social system with non-functional algorithms will need to make criminals out of those who hold different values in order to focus attention away from itself and its deficiencies.

An interesting example of this type of behavior is given by Harris (1974) and his very penetrating study of how the medieval States used the notion of witchcraft for their own ends. First of all, it is important to understand that at the height of witchcraft persecutions in the 16th and 17th centuries there was great political and social unrest among the people. Dissatisfaction with the Church and the State was becoming dangerous. Attention consequently needed to be diverted elsewhere. One way in which this was done was by the Inquisition's ritual of forcing each accused witch to name others they "had seen" at their Sabbats, a procedure that insured that for each witch caught at least a few more could be found. As Harris notes, we cannot ignore the fact that the Church and State went out of their way to increase the people's belief in witches and to "increase the supply" by the inquisitorial process.

It is Harris's position that the purpose of this witch-hunt was to divert the poor and victimized away from recognizing that it was the Church and State who were responsible for their problems and to place the blame on witches. This is supported by records which show those accused of witchcraft were rarely the clergy or nobility but most often the poor and dispossessed themselves. Witch-hunts therefore served to disperse and fragment the latent energies of protest: "It demobilized the poor, and the dispossessed, increased their social distance, filled them with mutual suspicions, pitted neighbor against neighbor, isolated everyone, made everyone fearful, heightened everyone's insecurity, made everyone feel helpless and dependent on the governing classes, gave everyone's anger and frustration a purely local focus."

It is not necessary though to even assume that those in charge of the Inquisition consciously intended such a result. They too could have been the victims of their own closed system, unable to recognize any other reason for dissent against their values than that the dissenters were possessed of evil spirits. It is this naive "good will" which is perhaps the most dangerous aspect of all nomological systems. Convinced as they are that their values are absolute and universal, they assume a parental concern for all those who believe differently, punishing and even destroying them out of concern for their welfare.

The major theme of this module has therefore been that all social systems are bound together by a set of values, and that a system's ability to act justly and to even survive requires an on-going, rational examination of these values. It takes little acquaintance with our modern society to realize that it is not too different from Harris's description of the times of the Inquisition. The increasing social distance between the rich and the poor, the isolation of people and groups in our cities and nation, and the feelings of impotence and helplessness of individuals and groups in the face of large and impersonal social and corporate structures is there for all to see. There does exist, though, a wide-spread movement in which small groups are forming here and there which are organized around ethical positions. In corrections, one of the most interesting forms this is taking is in the union of volunteers and professionals, the re-uniting of a small group of professionals with some of the other citizens in the local community. The great danger is that this union will merely be a technological one - to devise more efficient ways to enforce whatever laws are set by others, or simply a means to decrease the workload of professional staff in the most cost-efficient way. The promise, though, lies in the fact that the people in a community are working together on problems that immediately concern them, are sharing information, and, with sufficient freedom, defining values which are meaningful to those in the system. Since law is per se value laden, we will not be able to decrease crime until we find values around which the vast majority of the people can unite.