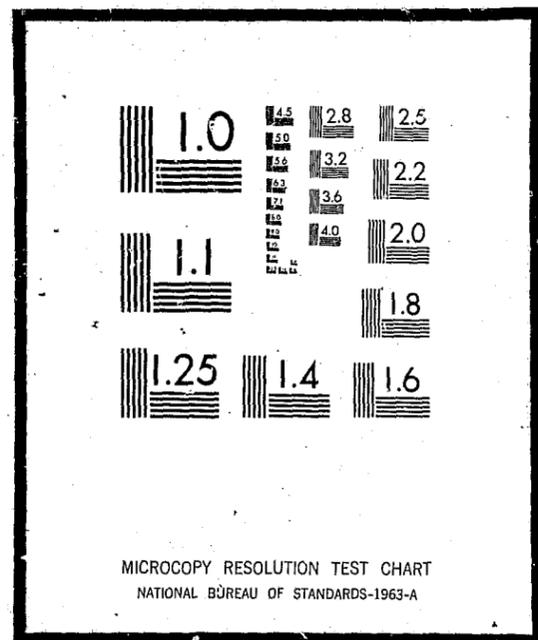


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What Is Crime and Why Do We Fight It

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by

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Paper

to be delivered as a public lecture in the New Medical Science Building, University of Toronto on January 14th, 1970 at 7:30 p.m.

Tonight I shall talk a little bit about crime, but not much. Crime is a part of the human scene and I think it will be useful to spend this evening bringing together our point of view about crime and our points of view on other parts of human life as it appears to us. Then perhaps we will see that crime is not very different from other human phenomena, it is only our thinking or our way of avoiding thinking about it, that makes it look different. Certainly in at least two ways it is rather like sex; everyone you meet seems to be an expert, and you can't trust anyone else's data.

So although I shall talk a little bit about crime, there will be much more about things that aren't crimes, and things that seem to have very little to do with crime. There will be a bit about language, and about a number of very ordinary everyday happenings, and a bit about science. I hope you will bear with all this. I suppose everyone in this room is interested in crime, but I hope no-one here would say that crime is the only thing that interests him. The main difference between our interests in crime will be how much time we are free to spend chasing our own thoughts about it. If something interests you, and if you have enough time free from urgent pressure, after a while you start relating this interesting thing to other things. You start thinking about why this thing interests you, and whether your interest in it is different from that of other people. For example, when I go to a party, sooner or later the person that I am talking to says "What work do you do?" So I say "I'm in Criminology"

and he or she says "What's that?" So I say something like "The study of crime" and he says "That's very interesting;" or she says "That must be absolutely fascinating." Then they start to explain to me all about crime, and after a while I begin to feel two things. First of all, they know an enormous amount and I know almost nothing. Secondly, before I started studying crime I used to be like that. So how does it happen that now I know so little, or that they know so much? What is this thing that everybody knows and that I once knew until I started studying it? So when I was asked to give a lecture on some subject connected with crime, I took the two most basic questions about it to which most people seem to know the answers but not me: what is crime and why do we fight it. Later on I shall offer you some guesses, but since I don't really know the answers we shall have to begin with very simple thoughts about very obvious things, and then see where it all leads us.

There was once a famous mathematician who wrote a very advanced book on the foundations of mathematical logic. On page one hundred and forty-two of this book he proved a very important theorem. He proved that one plus one equalled two. Millions of four-year old children know that one plus one equals two; but I suppose that none of them knows why. It takes a higher mathematician writing for readers like himself to prove it.

Now let us consider a question. Who asked him to prove it? Who first suggested that it might not be obvious, or even

perhaps that it might not be true? This is the sort of problem that a small child might raise, but if he did we would discourage him on the grounds that the answer would be too difficult for him. If an adult raises the question at an awkward moment we tell him that he is being childish. So if the adults find a question that is too hard for them, they tell the child that the answer is too hard for him, and that they will tell him one day when he is ready for it. The child doesn't find all this any use as an answer to his question, but nevertheless. if this sort of thing happens often, he may start to form certain useful impressions about the nature of power. He may realize that the power to push him around, physically, is not the only power-privilege of adult status. The adults also have the power to declare their version of any story to be the official, and therefore the true one, and the official truth can even include the idea that it is always really his interests and not their own that they have at heart in what they do. They sometimes have to get angry with him, but only for his own good, of course. Also they can shrug off any inconvenience they impose on him, if necessary with an official but vague promise of better things to come. But he may realize one cheerful thing also: the enormous irrelevance of this whole system to his own needs, the fact that in spite of his powerlessness to modify this mystification process, life goes on, and if the system plainly doesn't exist for his benefit, neither need he exist for the benefit of the system. This realization may not last long, for we will do our best

to smother it with words like responsibility, and when he is older, democracy, but for a short while he may know the name of the game.

Well, I seem to have thoroughly side-tracked myself, on purpose, of course, or rather, anticipated what I want to say later. Just now, my anecdote about proving that one plus one equalled two is only meant to warn you that to-night I shall not consider any very new or complicated theory of crime, but merely ask a few questions about how we know what we think we know, and whether we really know it. If this sounds likely to undermine our knowledge rather than to increase it, I would quote a delightful observation of Professor Kerridge's. He once said, "The most dangerous pieces of knowledge are those which are wrong, and anybody who can contribute to our ignorance in this respect has done something very valuable." So I shall be satisfied if I can make even a slightly "valuable contribution to our ignorance."

Now perhaps what I've said so far may not sound very relevant to the problem of crime, so I'd better say something urgent and up to date about the efforts of our rulers to grapple with the grave situation confronting us. In the state of Minnesota there is a law, backed up by the power of the state, and rationalized I suppose by legal and political theorists as existing like all law for the good of the people as a whole, and this law says that men's and women's underwear must not hang on the same clothes-line. Well, we all have our hang-ups and perhaps mine is that I think that a fact may be childishly

obvious and still be worth thinking about. So if I mention a few such facts don't just say, "that's childishly obvious;" let's allow ourselves a few minutes away from important adult work like making laws about underwear, and not be ashamed or frightened just sometimes to include simple everyday facts in our thinking. Let's start, not with deep deep puzzles about the causes and remedies of crime, nor with a deep respect for a solemn mystery that is defeating the leaders of the nations, but just with what we ourselves can see around us so plainly that we can really trust it. Let's start with such things that when they say to us, "How d'ya know? Wuz yer there, Charlie?" we can answer, "Yeah, Charlie wuz there."

One of the most obvious things about the word crime is that it is a word: like all words it is a sound or a mark on a piece of paper that anyone of us can make at any time for any reason. But, as with all words, it is convenient if we can have reasonable working agreement about when to use it and what for, and I'll come back to that later. The first thing to notice is that a word like crime is used in ordinary everyday life, and the same word is also used in scientific and specialized contexts. This is very dangerous. It isn't quite the same problem as sometimes arises when the physical sciences use the same words as everyday life. For example; a physicist talks about heat and cold both in his work and his private life at home. When he sets off to work in the morning his wife may say "Put on a thicker coat, dear, it's colder when the wind blows." He knows that in ordinary everyday terms this

sentence is true. Yet as a physicist he knows that it is quite simply false; because the words hot and cold mean rather different things to him as a physicist from what they mean to him as an ordinary citizen, and he couldn't play his part in building up a useful system of physical laws if for his measuring instrument he used the comfort of the human body instead of a thermometer, any more than he could be tolerable as a husband if he looked at a thermometer every time his wife talked about the wind. But the difference between the physicist and the criminologist is this: the physicist talking about heat is much freer than the criminologist talking about crime. The physicist doesn't need to care what the housewife means by a cold wind. He can use the word cold to mean what he defines it as meaning, or he can invent new terms such as temperature or absolute zero, and it will take a little while before these new terms seep out into everyday speech. But the criminologist has to care what ordinary people mean by crime because crime is what ordinary people, or perhaps powerful people, mean by it. A particular action will only be called a crime if some other person, probably a non-scientist thinks it is a crime; if it provokes certain very narrowly defined thoughts and reactions in him. For example, suppose that I go to work one morning wearing a very brightly coloured shirt. Suppose now that one of my colleagues is offended by my shirt. He may say "I think it's a crime to dress like that." If my beautiful shirt annoys him enough, he may start trying to retaliate against me; and at once he will show by his behaviour that he doesn't think that my shirt is a crime. If he really thought

it was a crime, his behaviour would be quite different. Suppose for example that instead of wearing a coloured shirt I wore no clothes at all. He would now behave in some way or other as though an offence had been committed. The difference between his reaction in the two cases shows quite simply that what we mean by words like crime or offense includes the idea that the incident must be officially and not privately handled. There are people in this room at this moment wearing guns. In the eighteenth century lots of people wore swords. This weapon-carrying offends me; but I have to admit that it isn't in any useful sense of the term a crime. If anyone calls it a crime, he is simply changing the meaning of the word crime. I have to treat my displeasure as a purely unofficial thing. If I were wearing a gun, any one of you could invoke all sorts of official responses. My action would have been the same, but its status in terms of what someone might do about it would be different. Our criminological scientist has to accept that definition of certain people as criminals by non-scientists for non-scientific purposes is a basic part of what he is trying to study. In other words, what I do will be a crime, and I will be a criminal, not because of my nature, or the nature of my act in itself, but because of the available range of responses to me or to my act. What I do will be a crime only if you might do certain things in return; if in fact what you do may be to invoke an official and not merely private response. The second thing is that this official response is directed towards identifying

and reacting against one person, the offender, and not towards remedying any event or situation, or dealing with any problem that may have arisen, or any other person than the offender. We take it for granted, for example, that if I suddenly at this moment were to punch the chairman and break his nose, the official reaction would be directed towards punishing me. Helping him would be left to private enterprise. I might be described as a problem to society. A man sitting in the middle of the floor in a state of shock, with a broken nose and blood streaming down his face, is not called a problem to society. The only problem acknowledged by the law, the police, the whole contra-criminal industry is simply how to annoy me.

The word annoy is not exactly the word I want, because it is too feeble, but I can't find a better one. If I say harm, someone will quickly point out that although after fifty years of world-wide research we still have no evidence other than wishful thinking that what we officially do about crime does any good to ourselves, the offender or anyone else, on the other hand, there is no evidence that most of the things we do do much lasting damage. I disagree with this, but I don't want to get into confusions about the difference between harm and damage, so for what we do to suspects I will use the word annoy, even though it is not a well-chosen word. But I certainly want very much indeed to get away from double-think or un-think words like reform, correct, treat, deter, rehabilitate, help. The essence of what we do to a sentenced man is that it is nasty and compulsory. For six thousand

years, every society capable of reading and writing has had a centrally run official system for inflicting compulsory nastiness on some of its citizens. Don't let's imagine that this is done to help them or to cure their problems. Suppose that one of you had a brother or a friend and that you wanted to stop him stealing or drinking. Would you shut him up for two years or more with other people like himself? Would you take away his money? Would you make sure that he could never again get a good job, and that the only friends that he could trust would be people with problems like his? Whatever excuses we may make for doing these things, at least let's not pretend that we are helping him. In fact, if you did any of these things to your brother or your friend, the things we call punishment or the equally nasty things we call therapy, not only would you not help him you would find the police and the courts taking a great interest in your behaviour. Everywhere in the world the things that the central authority does to the people that it call criminals, it forbids anyone else to do. It is interesting that the phrase "taking the law into his own hands" always means doing something that is nasty and probably forbidden by the law.

So we have central institutions to annoy people and we don't know why. People whose job it is to annoy people are usually either very high ranking folk like judges, lawyers, and politicians, who have not until recently felt called to account for why they do their own thing; or the professional annoyers are humble turn-keys, torturers and so on, and their reasons for doing their own thing are never published or listened to. Philsophers, theologians and other people not

directly involved give us some after-the-event guesses why society has these contra-criminal institutions, but there is no way of telling which judge or which torturer was motivated by which philosophy . What does appear is the following. At the present day, perhaps since the invention of criminology, we hear a great deal about reasons for sentencing and annoying people. The whole industry is a little on the defensive. We get the impression that some of the reasons which are still current for annoying people go back almost into prehistory, and others are thought to be very new, though the ones that are seen as newest and most anti-Victorian have a tendency to be watered-down versions of enlightened Victorian thinking. But no matter how contradictory our reasons, we go on doing the same things; it doesn't matter whether we are symbolizing our rejection of a man or his re-integration into society, we do both by shutting him up or hitting him or taking his money. It doesn't matter if we do it to reform him or because we think he is incorrigible, we do the same thing in both cases. It doesn't matter whether we do it to show that he is unlike the rest of society, or to deter the rest of society from behaving just like him, and it doesn't matter if we do it to help him or to harm him. Whatever reason we give, whatever we imagine we are trying to do, we are doing the same thing; compulsorily annoying a man and failing to give sensible reasons for doing it.

I know that there are things at the two extremes of punishment that look like exceptions; one can see coherent

non-contradictory reasons for putting a man out of circulation by capital punishment or very long sentences, and one can see coherent non-contradictory reasons for probation and therapy. I don't think that these are in fact exceptions to what I have just said, but that is a long separate argument that I don't want to start until question-time.

So far tonight we have had very little progress in our effort to understand crime or contra-crime, though we may have undermined a few mis-understandings. What appears is that in certain circumstances we call in force an official system of identifying and annoying people, and that we give all sorts of reasons for doing this; the reasons are highly contradictory and absurd, but the age old custom of calling people criminals and then annoying them goes on, and if you even suggest that we might stop doing it people get worried. Time and time again people have admitted to me for example that what we do to child victims of sexual crimes does far more harm to the child than the crime itself; that since very many of these actions occur within the family they are impossible to prevent; and that we are building up a world where a lost, cold or hungry child is afraid to approach an adult, and an adult is afraid to approach such a child, and for the sake of an illusion. After repeating these well-known but rarely admitted facts, they add "But what else can we do?" So I say "If what we are now doing is useless and harmful, why not stop it?" And they say very very sincerely "But we can't just stop it if there's nothing else to do. Even if it does less harm, we can't just do nothing".

Even more strange than not knowing what good this annoyance

process does, we have no idea when we do it, or who to, or what for. Literally, we have no idea what a crime is. It certainly isn't breaking the law. Everybody breaks the law. If everybody who seriously broke a serious law were reported, detected, charged, tried, and sentenced, society would come to a grinding halt in five minutes. People who agitate about unreported law-breaking are living in a dream-world. Society exists by common sense, not by law and punishment, and any system of laws remotely like ours depends for its continued existence on the fact that most of the time we ignore it. I'm not just talking about ridiculous laws. There are plenty of these. In Kentucky, it is forbidden to shoot clay pigeons during the breeding season. In California, it is a penal offence to set a trap for mice unless you have a hunting licence. In Fort Madison, Iowa, the fire department before going to extinguish a fire, must practise for fifteen minutes. But I'm talking about the laws that do roughly coincide with our own personal decisions. There are fewer of these than we think; but let us take just one example. The majority of people in this room have never killed anyone and they hope that they never will. Now some people will say, "But if we didn't have a law against murder we could kill each other whenever we felt like it." We probably do. Very few people really want to kill someone else. Has anyone here ever been in a state of mind where the only reason for not killing someone was that it was illegal? Most of the good behaviour that makes everyday living possible is carried out because life

is better that way, not because some outsider has written it down on a piece of paper and told us that it's all for our own good really.

The point I am trying to make is this. There is a set of circumstances against which we react by calling the police and setting in motion the whole vast contracriminal apparatus of society. We don't know what these circumstances are; law-breaking doesn't seem to be an important factor since we shrug our shoulders at most law breaking; being harmed doesn't seem to be an important factor. If I sneeze all over the subway I harm a lot of people; if I blaspheme in the subway I do much less harm yet someone may call the police and I may be arrested. If someone really looks like harming me I take steps to avoid the harm or repair it; persuading a central authority to catch and annoy someone or other is an entirely different objective which I may or may not pursue. But we know almost nothing about when people do or don't do this..

So the situation is this. For most situations in life the question of calling the police simply doesn't arise. But for any one citizen there is a set of situations where he would set the whole official contra-criminal process in motion. We can't easily distinguish these situations from those where he wouldn't do this; we might undertake a research project and try to make a list but we can't make much sense either of what's on the list or what's not on it. Nor can we see what good our contra-criminal processes will do to himself or anyone

else. So this looks like a full stop right at the beginning of any attempt to understand crime systematically. Up to four weeks ago I was spending a lot of my time staring at this full-stop.

But at about 8:30 p.m. on Wednesday, December 17th, 1969 a thought occurred to me. I was listening to the superb lecture, which many of you heard, by Leslie Wilkins, who I think has to be recognized as the world's greatest criminologist. Now I had been extremely lucky to have spent a lot of time with him already that week, and at various other times of my life, and I knew that he had a reasonable measure of agreement with my ideas. Yet here he was giving a lecture which sounded very different indeed. For what he was saying when my thought occurred to me was not that our contra-criminal activities were useless either to prevent or to remedy any identifiable class of events, but that our contra-criminal policies were a dangerous reaction against the variability in human life-styles that was necessary to survival, let alone to a decent quality of existence. The world now was different from the past world, and so behaviour had to be different, and to try and make people behave in the old way in the new world was dangerous. Now this attack by Leslie Wilkins on the contra-criminals as more dangerous than the criminals was attractive; my attack on the contra-criminals as serving no visible purpose was attractive; but could one believe both at once? The thought had occurred to me at that instant was one that if true, would enable us to say "yes we can believe both at once." Now I am going to start guessing here. I don't know if this new idea of mine is true,

nor even if it is new; it has been growing and changing in my head for only four weeks, and it certainly isn't complete, or coherent, or in a final form. But at the moment it attracts me and I want your help in a few minutes time in working out its implications.

I must warn you that this idea of mine has only been very roughly sketched. I shall speak for example of what human societies try to do or don't try to do, and this is very loose language. It doesn't make clear when I'm saying that certain individual people are trying or not trying to do something, nor what is the relationship between these people and the rest of society. In fact, I don't think that we should talk about a society wanting things or trying things or even doing things unless we are very clear what this means in individual terms. This sort of tidying up of what I am going to say will have to follow later. For to-night the best I can give you is the rough unfinished form.

Perhaps the best way I can explain this thought is again by an example from everyday life that has nothing to do with crime. Consider a man whose family want to take a holiday in Cape Cod. He detests the idea. Yet he feels forced to go. This feeling is of course misleading. He is choosing to go. He could refuse, but he doesn't want the quarreling, the ill-feeling, the strained atmosphere that would result. Rather than these, he freely chooses the Cape Cod holiday. Now it is extremely unlikely that when his family suggest the holiday he will simply say yes. Everyone else knows, he himself may or

may not know, that ultimately he will say yes. But before that we have a small drama to undergo. He may argue, or even quarrel; or he may make a dramatic display of consulting his bank manager, or he may force everyone to be intolerably nice to him for a few days. Then he says yes. Or he may go to Cape Cod and grumble all the time he is there. What does he achieve by all this? He brings himself by means of his by-play to feel comfortable in a state of affairs which he was not going to change but could not straight away accept.

Now suppose for a moment that crime is exactly this; a state of affairs which we are not aiming to change but cannot straight away accept. It may seem unlikely or even absurd to some of you that crime could be a state of affairs that we don't aim to change; I'll come back to that in a minute, because it isn't absurd at all. But for the minute just suppose it. Then like the man at Cape Cod we would need a by-play to enable us to live with this situation.

What activities make a good by-play? When we think what it has to achieve we can see that it should be very visible, noisy, energetic, confused and above all else unrelated to the topic that it pretends to be related to. Think again of the behaviour of our man at Cape Cod.

Now think of our contra-criminal activity, with its police, its courts, its annoyance-industry, its therapists and counsellors, its Royal Commissions and its law reform campaigners. What a scene. In terms of news space it is certainly visible. In terms of what goes into that news space it is certainly noisy

and energetic. I have tried to show tonight that over the whole world for six thousand years it has been confused and unrelated to any definable rational objective. In fact, if we stop thinking of it as an anti-crime activity, and think of it as the by-play that enables us to accept that we aren't going to do anything about crime, it is absolutely superb.

But you may object that all this depends on the idea that crime is a state of affairs that we are not aiming to change. Some of you may think of crime simply as a lot of very nasty things that we want to stop. We don't want old ladies hit on the heads, we don't want our houses ramsacked, we don't want women or children sexually attacked.

Now let's get one thing clear. This sort of crime problem is a very small one. I don't mean that the statistics are small. I mean that by taking very wide legal definitions, very widely publicized statistics, and a few very startling and very exceptional horror stories, and mixing them all together, we get an impression of a nasty, unsafe, intolerable world against which we need to wage a massive war. It just isn't true. We live in a much more naturally peaceful world than we dare admit. For example, we know that everyone in this room will die; probably no-one here as a result of crime. You are far more likely to die of illness or accident. Most people in this room will sometimes be worse off financially than they had hoped; usually because of bad luck, bad planning, high taxes, very rarely as a result of crime. Most people some time in their lives encounter some problem connected with sex; in very few of these problems do our sex laws have any relevance at all.

When they are relevant it's because they make things worse. Most of us are ill from time to time, but very rarely as a consequence of illegally consuming a food, a drink or a drug. No, the troubles that beset us in our lives have very little to do with crime.

The second point is that we like crime. Almost the largest recreation, both of children and of adults is indulging fantasies of war and crime. The toy-shop, the book-shop, the cinema, the newspaper, the T.V., you here tonight, everyday conversation, all show how large a part crime and violence play in ensuring our daily mental comfort. Children don't play at being hungry, or at air-pollution; adults don't watch endless T.V. adventure programmes about falling down stairs. It's crime we want. This week's Globe Magazine contains nineteen readable pages. Just over four are devoted to crime, one and a half to war, three to advertisements that aren't about crime or war, three to fashion and food, and just under eight for the rest of human existence. When human skill almost abolished poliomyelitis, everyone was glad but for most of us life changed very little. If we abolished the common cold, or even poverty the change would be relatively small. But a world without crime; we can no more imagine what this would lead to than the man in my example can imagine the consequences of refusing to go to Cape Cod. So perhaps it isn't so absurd to say that we don't want to change the crime situation. Certainly, to echo Leslie Wilkins, crime is the only problem in the world that we call solved when we have

decided who to blame, regardless of why it happened, to whom it happened, how to stop it happening, how to repair the damage if any. If nowhere in the world is anyone seriously trying to make any large reduction in crime by any method except by creating more crime, then we can't say that we're aiming at change.

I don't intend tonight to discuss much about what follows if I am right; if killing, stealing, etc. are tiny problems which we exaggerate, which we don't try to reduce, but which we can only accept by means of a by-play called rather absurdly the fight against crime. I will merely say that by-plays cause misery. We can all see that our man at Cape Cod would do much better to give up his quarrelling and his dramatics. Lots of people's lives are wrecked by what we have done to them or to somebody else so as not to worry about crime. What child needs us to call his father a criminal and break up his home? But I see no need to show the harmful results of our contra-criminal by-play. In the end we have to choose what we are. Either we are the man at Cape Cod or we are not.

Now you have listened very patiently to me. In a few minutes the chairman will say that the time has come for you to ask me some questions. Before that, there is one thing I want to say. I leave it to you to work out its symbolism and to choose for yourselves to what this symbolism might apply. In New Hampshire, the law says that when two motor vehicles meet at an intersection, each shall come to a full stop and neither shall proceed until the other has gone.

Thank you

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