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AN ANALYSIS OF THE CRIMINOLOGICAL DETERMINISM
OF DONALD REED TAFT

by
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A Thesis Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
Master of Arts

June

1960

LIFE

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In September 1958 he was an instructor in Latin and Sociology at St. Xavier High School, Cincinnati. He is presently engaged as an instructor in Algebra and Sociology in the same institution.

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CHAPTER I

A BRIEF PRESENTATION OF THE HISTORY OF CRIMINOLOGICAL DETERMINISM

The purpose of this chapter is to sketch the history of criminological determinism. Actually, what will be presented will be a condensed history of the science of criminology. The most important work done in this field has been from the middle of the nineteenth century to our present day. It is not the author's intention of giving an exhaustive treatment of the various schools of criminology. He merely wants to give the background or setting for Dr. Taft's theory of determinism. The author wishes to indicate to the reader how crime causation theories have developed, how determinism in its multiple forms has plagued the science of criminology, and finally how Dr. Taft's theory of cultural determinism fits in with the general scheme. The subject undertaken in this chapter could easily be developed into a book. The author hopes, however, that in his effort to be concise he has not sacrificed content or understanding. With these few preliminary remarks out of the way, the study of criminological determinism can begin.

The latter half of the nineteenth century was the time for great strides in the biological sciences. Physicians and scientists in other fields elaborated some of the new biological discoveries into general explanations of social behavior. The science of sociology took root in this century of progress. Science was in the air. People began to reason this way. If science has made such

marvelous progress in industry, why could it not make similar progress in the life of man and society. Why not adopt scientific methods and apply them to society. In view of the trend of thought of the times, it is natural that someone should have seized upon them and adapted them to explain the existence of criminal activity.

Cesare Lombroso, born of Italian-Jewish parents in 1836, was one of the first to reason thus about criminals. As a young man, he was educated for medicine and later specialized in psychiatry. It was as an army doctor, however, that Lombroso became interested in criminals. He noticed that the vicious soldier differed from the honest soldier. In the year 1866, he began the study of the insane. This study consisted in the measurement of skulls. He then measured the skulls of criminals and recorded the frequency of a number of abnormalities, e.g. teeth, skull, etc. After he made these measurements, he made comparisons with the savage and prehistoric skulls. From these studies he arrived at his theory.

In 1876 Lombroso published his L'Uomo Delinquente in which he concluded that the criminal was a distinct anthropological type, possessing definite physical stigmata. He considered the criminal a throwback to a primitive savage stage of human development. This born criminal was characterized by certain anomalies or stigmata; for example, a low, retreating forehead, strongly arched brow, large outstanding ears, sparse beard, tatooing, insensibility to pain and a few other visible evidences. A few years later Lombroso was forced to revise his theory about the born criminal and recognize other types.

A second type of criminal was the insane. In this class, he would put the idiot, imbecile, victims of epilepsy, alcoholism, or hysteria.

A third class he labeled criminaloids. They were not born with physical stigmata nor did they suffer from mental aberrations, but they were of such a mental make-up that under certain circumstances they would display antisocial conduct.

Lombroso quickly won fame. By reason of his incessant publication of his theories stated in extravagant form and his constant speaking before congresses concerned with the criminal, Lombroso soon attracted wide attention. There were those who criticised his theories and methods. There were others who came to his support and contributed other elements to his theory. Lombroso realized that his attempts would have been sterile had not a large number of Russian, American, German, Hungarian, and Italian jurists corrected his hasty and one-sided conclusions, suggested reforms, and attempted to apply his ideas to the treatment of prisoners.¹

Criticism of the Lombrosian theory of crime causation came from many sides. Quite opposed to a biological determinism was Gabriel Tarde. He believed that there was no evidence of a physical type of offender. Tarde regarded crime as strictly a social phenomenon. According to his theory all social interaction was a process of imitation, whereby some activity or belief originated and was then imitated or copied, according to definite rules. Imitation worked most effectively in cities where people could easily congregate. As a result of this controversy, Lombroso gradually began to change his theory, until he maintained that only 40% of the criminals were born criminals, instead of 100%.²

¹ John Lewis Gillin, Criminology, 3rd ed. (New York, 1945), p. 238.

² Edwin Sutherland, Principles of Criminology, 4th ed. (Philadelphia, 1947), p. 53.

The most telling blow of all was dealt to Lombroso by an English physician, Dr. Charles Goring. This physician along with many others made exhaustive studies of the physical types of convicts. In 1913 he published his findings in his work, The English Convict. After he had secured measurements and observations for three thousand prisoners and for control groups of non-criminals consisting of students, soldiers, and others, he concluded that there was no evidence of a physical criminal type. Goring knew that Lombroso had concentrated his study on criminals, but he had never made a study of the non-criminals.³

One may wonder of what importance and influence to the field of criminology were Lombroso's theories. Reckless states that he did pave the way for later researches on the criminal.⁴ Taft claims that "The importance of Lombroso's work consists in the great influence it has upon criminology and also upon penal practice.... He did inaugurate the use of quantitative measurements in the study of the person of the criminal."⁵ Caldwell states that Lombroso's importance rests on the fact that he called attention to the fact that we must look beyond the crime and study the criminal if we are to learn the causes of criminal behavior.⁶

Although Lombroso is credited with the beginning of scientific criminology

³Sutherland makes the same criticism. "Lombroso and his followers never made a careful comparison of criminals and non-criminals and had little knowledge of the 'savage' whom the criminals were supposed to resemble." p. 54.

⁴Walter C. Reckless, Criminal Behavior (New York, 1940), pp. 165-66.

⁵Donald Reed Taft, Criminology 3rd ed. (New York, 1955), p. 79.

⁶Robert G. Caldwell, Criminology (New York, 1956), p. 164.

nevertheless there are many defects. The present day criminologist is quick to point them out.

Caldwell says that because Lombroso lived when he did, a period of growth in biological and anthropological sciences, it is no wonder that he greatly exaggerated the importance of the biological factors and underestimated the role of the social factors.⁷

Tannenbaum lashes out against Lombroso in no uncertain terms. He points out that Lombroso's theory rests on mere assumptions; for instance, he assumed that anomalies are inherited and that crime is inherited; he assumed that we know what the normal proportions of the physical parts of the body ought to be; he assumed that there was some physical norm which would be morally perfect because it was physically perfect. Thus, Tannenbaum handles Lombroso.⁸

Reckless also severely criticises the Lombrosian theory. He finds fault with the measuring devices employed by Lombroso. He states that these anomalies were merely figments of speculation. Reckless makes it quite clear that the anthropological data used by Lombroso has been rejected by the findings of the twentieth century.⁹

A word or two should be added to sum up briefly Lombroso's position on free will, before treating the other two members of the Positive School of criminology, Raffaele Garofalo and Enrico Ferri. Caldwell, Elliott, Gillin all maintain that Lombroso was attacking the Classical School of criminology which

⁷Ibid., p. 164.

⁸Frank Tannenbaum, Crime and the Community (Boston, 1938), pp. 198-199.

⁹Reckless, p. 165.

maintained that man had a free will. Barnes and Teeters, speaking about Lombroso and his followers and the effect of their work on the free will theory, say that "Prior to the work and writings of these pioneers, free will and moral responsibility were universally accepted in accounting for crime. It remained for the Italian school to shatter this fallacy among most students of crime causation."¹⁰ Today very few pay any serious attention to his findings. The fact that he stimulated many people to investigate the causes and the conditions of crime, perhaps is his greatest achievement.

It is interesting to note that Neo-Lombrosianism pops up from time to time. Dr. Earnest A. Hooton, anthropologist of Harvard University, published Crime and the Man in 1939. Hooton attempts to correlate crime with biological factors.¹¹ At the same University, the following year, Professor William H. Sheldon published Varieties of Human Physique in which he tries to correlate certain types of body-build with certain types of personalities. Sheldon's latest book, Varieties of Delinquent Youth, attempts to predict behavior on the basis of physical measurements. These books have received much criticism and there are very few followers of this school.

The second member of the Italian or Positivistic School of criminology was Neapolitan, Raffaele Garofalo, born in 1852 of noble parents. He studied law

¹⁰ Harry Elmer Barnes and Negley K. Teeters, New Horizons in Criminology, 2nd ed. (New York, 1951), p. 143.

¹¹ Cavan criticizes Hooton for not treating either the psychological or sociological differences. She points out that the study is weak in that the prisoners and non-criminals were not well matched. Hooton also makes many unwarranted assumptions in addition to the one that social conduct rest on physical differences.

Ruth Shonle Cavan, Criminology (New York, 1956), p. 687.

and eventually became a magistrate. For a while, he held the position of professor of criminal law and procedure at the University of Naples. Because of his interest in criminal law reform, he was appointed Minister of Justice in 1903. He has written a number of books on the subject of crime and criminology, but his fame rests upon Criminology, a book written in 1880.

Garofalo agreed with most of the basic tenets of Lombroso: the positivistic approach, that the criminal is not a free moral agent, and the importance of the study of the criminal nature.

Garofalo differed from Lombroso, however, in that he emphasized psychological anomalies instead of the physical. According to his findings, criminals are innately defective in the sentiments of pity and probity. These defectives would fall into four categories: 1. the murderers; 2. the violent criminals; 3. criminals deficient in probity; and 4. lascivious criminals.¹² The psychic or moral anomaly was at the very root of his theory. He considered the physical abnormalities only in so far as they helped to explain the moral psychic anomaly.

As a corollary to his theory that criminals were the result of innate mental anomalies, Garofalo proposed a system of punishment for each class of criminal. For the murders who killed for egoistic motives and showed no sign of having any moral sense, he believed that death was the only suitable penalty. For other offenders whose anomaly is not so pronounced he suggested partial imprisonment or a type of banishment.

Although Garofalo by stressing the mental irregularities, rather than the

¹²Gillin, p. 242.

physical ones, seems to have discarded much of Lombroso's theory, he retained the basic point of view -- that crime came from inborn and heritable anomalies. Social factors were played down and reform or re-education was regarded as doubtful.

Enrico Ferri, the last of the trio of Italian criminologists, was in the words of Taft "More modern and more scholarly than either Lombroso or Garofalo."¹³ Born in 1856, Ferri received his education at the University of Bologna, where he learned to work on crime statistics, and developed his life long interest in the criminal. At the age of twenty-one he published The Theory of Imputability and the Denial of Free Will, a work that shows the direction of his thought. The next few years were spent in France, where he made studies of crime. The year, 1879 found him a student of Lombroso. The following year he was appointed professor of Criminal Law at the University of Bologna. A few years later he wrote his famous, Criminal Sociology. The fact that he was a socialist greatly influenced his thought as we shall see presently.

"Ferri contended, however, that crime is the synthetic product of three major types of factors: physical or geographic; anthropological and psychological; and social."¹⁴ From these factors Ferri developed his law of criminal saturation, "as a given volume of water at a definite temperature will dissolve a fixed quantity of chemical substance and not an atom more or less; so in a given social environment with definite individual and physical conditions, a fixed number of delicts, no more and no less, can be committed."¹⁵

¹³Taft, p. 80.

¹⁴Ibid.

¹⁵Enrico Ferri, Criminal Sociology, p. 209, cited in Taft, p. 80.

Like the other two of his school he also had a division of criminals. In the first group there are the criminal lunatics; the second class, those born incorrigibles; the third class, the habitual criminals; the fourth, occasional criminals; and fifth, emotional criminals.¹⁶

In accordance with these views Ferri drew up an elaborate program of crime prevention. Influenced by his socialist views, he aimed at removing social conditions that brought on crime. For example, he advocated free trade, lowering the tax rate on necessities, cheap working men's dwellings, institutions for invalids, spread of birth control, legalizing divorce. Ferri called these "penal substitutes" or "equivalents of punishments." Thus Taft sums up Ferri's work: "To Ferri the criminal was in no way responsible for his acts, since he was conceived as the inevitable consequence of the conditions that had played upon his life. But for the concept of responsibility Ferri substituted that of accountability, holding that even irresponsible criminals are accountable to a society whose interests transcend those of any individual."¹⁷ We will have an opportunity to see this term again in a later chapter.

To sum up Ferri's ideas one would say that Ferri believed that punishment as retribution should be entirely discarded and in its place we should have penalty and treatment suited to each criminal class. It should be noted that Ferri still thought that criminals were motivated by some definite impulse, inborn or acquired. He placed his emphasis, however, more upon social factors.

This has been a brief outline of Biological determinism. The author has

¹⁶Bernaldo de Quiros, Modern Theories of Criminality, trans. Alfonso De Salvio (Boston, 1911), pp. 22-23.

¹⁷Taft, p. 80

has thought it important to his thesis to delay here longer than might seem necessary, but his reason is that the Italian Positivistic School was the first to do scientific work in criminology and also because of the wide influence this School had on criminological studies everywhere.

One can see now how the original Lombrosian theory was modified both from without and from within. Tarde stressed the idea of imitation. Goring showed that Lombroso's technique and methods were faulty. Garofalo emphasized the psychological factors while Ferri stressed the social conditions.

At this point one can review the second kind of determinism, the theory of feeble-mindedness. Edwin Sutherland says that when the Lombrosian School fell into disrepute, the theory of feeble-mindedness was substituted as the characteristic differentiating criminals from non-criminals.¹⁸

This school originated around 1905, with the introduction of intelligence tests. The same mistakes that marked Lombroso's work can be found in those who devised the I.Q. tests. They began with some unproved assumptions, employed some faulty methods and generalized too quickly. Some of the unproved assumptions were that intelligence, like physical growth, reached a certain point and no longer developed; secondly, it was assumed that intelligence was related to behavior. The faulty methods were numerous. The tests were given with more or less care, not always by persons adequately trained to administer or interpret them. As for the generalizations the following quote from Dr. Henry H. Goddard, the most ardent advocate in the United States of mental defect theory in explaining crime, should be sufficient. "It is no longer to be denied that

¹⁸Sutherland, p. 54.

the greatest single cause of delinquency and crime is low-grade mentality, much of it within the limits of feeble-mindedness."¹⁹

Dr. Goring, who so admirably refuted the work of Lombroso, is responsible for asserting the correlation between intelligence and criminality. In his book, The English Convict, he concluded that criminals were essentially less intelligent than others. Soon after Goring made his study, intelligence tests were available to provide a more exact comparison. Interest in intelligence tests swept the country like an epidemic.

Tannenbaum attacks "the mental-testers" on some very fundamental points. He states that Binet, Terman and others did not know what they were looking for. They all interpreted intelligence differently.²⁰

Tannenbaum also mentions the fact that when the tests were applied to the draft army and then later administered to prisoners, it was shown that the adult delinquents scored about the same as the draft army if race, class, nationality, and locality were taken into consideration.²¹

Feeble-mindedness, as the single cause of crime, was soon discarded when tests became more standardized and the methods for administering them more organized. Early claims of the intelligence testers have been scaled down so that today very little value is attached to the theory of feeble-mindedness. Goddard himself subsequently revised his viewpoint and admitted that everyone is a potential delinquent.²² With this second type of determinism

¹⁹Henry H. Goddard, Human Efficiency and Levels of Intelligence, cited by Tannenbaum, p. 6.

²⁰Tannenbaum, pp. 207-208.

²¹Ibid., p. 206.

²²Mabel Elliott, Crime in Modern Society (New York, 1952), p. 327.

out of the way, there arose the psychiatric school of determinism.

It remained for a psychiatrist, Dr. William Healy, to turn the trend of studies away from the search for some physical or mental trait which led to the making of a criminal toward a new approach--the study of all the factors in the life of some criminal. In 1915 he published The Individual Delinquent, which presented an analysis of a thousand cases of delinquent boys and girls. His conclusion was that personality conflict is the central element in the causation of conduct problems. In other words, the boy who is not able to find satisfaction for his desires in socially approved forms is most likely to experiment with delinquent ways.

The psychoanalytic approach or the psychiatric school of criminology also views crime as significant in terms of a person's inner emotional urges and as a part of the process by which he seeks inner peace and self-approval, but the theoretical structure of needs and processes differs from that of Healy's and the theoretical framework of each psychoanalyst differs. Sutherland sums up briefly its major tenets.

It continued to emphasize, as had Lombroso, psychoses, epilepsy, and 'moral insanity,' but it attributed increasing importance to emotional disturbances and other minor psychopathies... Many variations are found within this school, but the major influence has been the Fruedian theory, ...which placed great emphasis on the 'unconscious,' 'frustration,' and the Oedipus complex.... The central thesis of the psychiatric school is that a certain organization of the personality, developed entirely apart from criminal culture will certainly or probably result in criminal behavior regardless of social situations; criminal behavior is a necessary or almost necessary expression of the personality.²³

In 1924, The National Committee for Mental Hygiene made a survey of a thousand inmates in thirty-four county jails. Here is their conclusion: "In

²³Sutherland, pp. 54-55, passim.

so far as the prisoners in this study are concerned--and it is believed they are representative of county-jail populations generally--the problem of delinquency is a problem of recidivism, and recidivism is a problem of psychopathology."²⁴

Tannenbaum, who has been quick to puncture holes in the other theories, is no less slow in his criticism of the psychiatric approach. He asserts that the statement that a large proportion of the prisoners are psychopathic individuals has value only if we know that the non-criminal population is markedly different. He also attacks their basis of description and classification as being amorphous and the base of their information as poorly standardized.²⁵

As is evident from the foregoing, the basis of their determinism would lie within the person, his unconscious motives, drives and forces. The strict Freudian psychiatrist would definitely leave out culture or other environmental conditions. This is one of the chief criticisms of Freud, he never considered the effect of culture on personality. In this form of determinism as in the other two, one finds the basic assumptions unproved and evidence that cannot withstand critical analysis. "The psychiatric approach," says Caldwell in summary, "has helped to turn our attention to the individual criminal, has contributed to our understanding of the importance of childhood in the formation of personality, has increased our knowledge of the nonrational in human behavior, and has provided us with new and deeper insights into the functioning of

²⁴National Committee for Mental Hygiene, Report of a Mental Hygiene Survey of New York County Jails and Penitentiaries, with Recommendations, New York, 1924, pp. 142-143. Cited in Tannenbaum, p. 211.

²⁵Tannenbaum, pp. 211-212.

the personality. However, considerable research, discussion, and interpretation are needed to correct and clarify the findings of the psychiatric approach, stabilize its concepts, and standardize its terminology."²⁶

Cavan wisely remarks that men in their attempt to establish tenable theories of criminality have developed two approaches. The first is to find basic causes within a person; the second, is to find those causes in the impact of society upon an individual.²⁷ The reader's attention is now turned to the sociological approach, society's impact on the individual. This is definitely the trend today for most criminologists. This brief sketch of the sociological school will indicate to the reader the strong element of determinism in the writings of most of the men. What forms does determinism take in this final theory?

The criminologists with a sociological approach have confined their research to one or more environmental factors and tried to show how these factors bear a causal relationship with crime. Today the emphasis has shifted from environmental conditions to social values and culture. To get an adequate picture of this school, one must go back a few years.

One finds himself back again in Europe. In the early nineteenth century men like Adolphe Quetelet, the founder of modern statistics, and A. M. Guerry had used shaded maps to indicate crime areas and other social conditions.

As already mentioned, Tarde, emphasized the social causes of crime, and built his theory on the idea of imitation, that is, criminal activities

²⁶Caldwell, p. 171.

²⁷Cavan, p. 699.

spread because of the influence one person has upon another. Imitation works most effectively in crowds, hence in cities where people congregate. Tarde's theory is no longer accepted, but his importance rests upon the fact that he stressed the social origin of crime at a period when the trend of criminological thought was very receptive to biological determinism.

Socialism grew out of the nineteenth and it is not surprising that the socialists offered their own theory of crime causation. Ferri embodied many of the socialist's ideas on crime causation. The leading exponent of this school was the Dutch criminologist, William A. Bonger. In his Criminality and Economic Conditions, Bonger attributes crime to the weaknesses of capitalism. According to Reckless, Bonger stressed the environmental determinism of crime and found very little place for individual factors to account for crime. He reduced the principal causes of crime to one underlying factor-the economic pressures of a capitalistic system.²⁸ With studies and statistics, he attempted to show that child labor, a by-product of capitalism, was the cause of juvenile delinquency. He indicated that unemployment and economic insecurity, effects of industrialism, were factors for producing crime. Sexual crimes were the result of poverty that prevented or postponed marriage. Theft was directly related to the division of people under capitalism into the rich and the poor.

Bonger did not allow the facts to speak for themselves, but he imposed his theory on them. Cavan says that "Bonger used statistics to support his thesis, but in general his reasoning is a priori and deductive. His presentation is therefore no convincing..."²⁹

²⁸Reckless, p. 168.

²⁹Cavan, p. 681.

The search for social concomitants of delinquency and crime received great impetus because of the studies of Clifford Shaw and his associates. Shaw came up with the theory of delinquency areas, that is, there are areas in a city in which the crime rates are higher than other areas in the city and that these delinquency areas always coincided with socially disintegrated communities.

The concept of delinquency area does not give an adequate explanation of crime. It tends to ignore that psychological and biological factors in criminal behavior. It does not explain how these factors operate in the personality of the individual so that he commits a crime. It has not accounted for the fact that some individuals have escaped from becoming criminals.

Within recent years the trend has been to explain criminal behavior from the same processes as normal behavior. E. H. Sutherland has come out strongly in support of social interaction of the individual with criminal groups as the source of criminal behavior. This is called the theory of differential association.

Within the last twenty years, criminologists have become interested in our culture and its values. They have stressed the fact that criminal activity cannot be understood apart from the American way of life. Tannenbaum's book which came out in 1938 speaks of the criminal as the "sum of our institutions and the product of a selective series of influences within them..."³⁰ The author singles this quotation out because it has the ring of Taft to it as the reader will see shortly. What is implied in this theory is that man is at the whim of these forces operating on him. Man is conditioned like an

³⁰Tannenbaum, p. 25.

animal.

Actually this brief history of criminological determinism has been a history of man's effort to explain the phenomenon of crime. The theories cover a period of almost a hundred years. The interest in the criminal began in Europe, but it has flourished here in the United States. The first scientific work came from the Positive School of criminology in Italy. Lombroso, Garofalo, and Ferri gave scientific criminology its start. Although, there were others who had preceded these men in biological and anthropological studies, these men in effect established one distinct school of crime causation.

In reviewing the four schools of determinism one finds certain patterns. One watches the decline of one theory fuse with the rise of another form of determinism out of the ashes of the previous theory. After biological determinism had been sufficiently refuted in its pure form, it reappeared modified as the feeble-minded theory, which in turn produced the psychiatric school and the more recent sociological school.

One finds that one theory seemed to arise because of the conflict with the prevailing theory. The Italian School rose in opposition to the Classical School with its emphasis on free will. The early sociological theories helped to counteract the sweeping generalizations of the biological theories. To a certain extent the later sociological theories counteracted the prevalent psychiatric approach. Even with these various schools one theory seemed to stand in opposition to another. One recalls the difference between Lombroso, Garofalo, and Ferri. Today Sutherland holds out for the unitary theory of differential association and Reckless explains crime by the multiple factor

theory.

Besides the pattern of conflict one might also notice the pattern of the influence of the prevailing science on criminological theory. With biology and anthropology engaging the attention of the learned men of the nineteenth century, it was little wonder that one should have an evolutionistic theory of crime causation in the work of Lombroso. Shortly after the turn of the century, with psychology and psychiatry on the rise, criminology dominated by the findings of these two sciences. Sociology has pushed psychology and psychiatry in to the background and has dictated its theories of crime causation.

The final pattern concerns itself with the rash generalizations turned out by these theorists. They seemed to generalize too quickly on too little. Lombroso's theory was watered down greatly by the time he died. Goddard with his feeble-minded theory backtracked rapidly after the intelligence tests were standardized and administered to the non-criminal population. The psychiatric approach has received its share of criticism. Many of Freud's theories have been questioned and refuted.

What can be concluded from the past twenty pages or more? One must acknowledge that the problem of crime is a mystery and that single causes can rarely be accepted. The men that have been cited in these pages have contributed in some way to the understanding of the crime problem, yet no theory can be accepted which excludes man's free will. Certainly many of these theories have neglected this factor. There perhaps is no better way of ending this chapter than by this quotation from Lois Higgins and Edward Fitzpatrick's book,

Criminology and Crime Prevention:

If there were more time we could show how, in these explanations, the authors were influenced by their own personalities, training, and experience, the Zeitgeist of the age, and the climate of opinion of the groups of which they were members. We note the variety of explanations, the different emphasis, the source of the ideas--in religion, in science, and even in what may be called the popular mythologies. All this should put you on your guard against the oversimplification of the problem, the acceptance of single causes and ready solutions. In crime we are dealing with a great mystery--the mystery of human personality--and learning from the historians, we should seek light wherever it can be found--in religion and science; in psychology, psychiatry and psychoanalysis; and in the common sense of men and in social tradition.³¹

³¹Lois Lundell Higgins and Edward A. Fitzpatrick, Criminology and Crime Prevention (Milwaukee, 1958), pp. 57-58.

CHAPTER II

TAFT'S THEORY OF CULTURAL DETERMINISM:

THE CRIMINAL IS A PRODUCT

The first chapter of this thesis attempted to give a brief survey of the deterministic schools of criminology. Well-known criminologists and theories were singled out, not only to give historical perspective, but also to indicate the sources from which Dr. Taft borrowed many of his ideas. This will be seen more specifically later in this chapter.

Toward the end of the last chapter it was mentioned that today the sociological approach to the study of crime dominates. The trend has been away from the environmental factors, like poverty, broken homes, and other factors and moving towards a cultural approach. Tannenbaum was quoted as saying that the criminal is a product of our institutions. He went on to say that there is no understanding of crime without a knowledge of the forces that make for so much crime in the States.¹ The point is that if crime is to be seen in its correct light, then it must be viewed from a cultural standpoint. It is at this precise point that one can begin his study of Dr. Taft.

Taft takes the cultural and sociological approach. In speaking of the different ways to study crime he says, "Nevertheless, the emphasis of this book will be upon crime as a product of the general culture."²

¹Tannenbaum, p. 25.

²Taft, p. 85.

In another place, he discusses the merits of psychoanalysis, "The reader may well go over the above analysis and ask which parts of it are consistent and which inconsistent with the cultural and sociological emphasis that characterizes the present book."³ Taft defines the approach this way. "The sociological approach is concerned with the effects of group life, social attitudes, and group patterns of behavior, as well as the influence of social status, of the role the individual plays and his conception of it, and of various other types of social situations and relationships. By culture we mean the sum total of the achievements of the group--material and non-material. The cultural approach considers, then, the influence of various institutions and social values that characterize groups, conflicts between the culture of different groups, and resulting social disorganization."⁴ With these points acting as a prelude one can now analyze Taft's theory.

Taft believes that the criminal is a product of the criminogenic culture in which we live. "The crime problem is then rather seen as part of the multi-lateral, dynamic, social relationships--of general social processes which constitute the whole of human experience in any society."⁵ In another place Taft says that, "the study of organized crime, particularly in the form of racketeering and white-collar crime, reveals more clearly than does the study of individual crime that the problem is rooted in the general culture."⁶ What are

³Ibid., p. 199.

⁴Ibid., p. 84.

⁵Ibid., pp. 27-28.

⁶Ibid., pp. 233-234.

the ingredients to this formula? How has Dr. Taft arrived at his conclusion? How is a criminal made? These are the questions one will attempt to answer in the subsequent pages.

In Chapter Two of his book, Dr. Taft lays the foundations for his theory. This Chapter entitled, "Law-Making and Law-Breaking in the American Setting," analyzes the characteristics and values of the American culture. He describes our culture as dynamic, complex, materialistic, impersonal, fostering group loyalties, not having a social science viewpoint and fostering frontier values like lynchings and some police action. He cites the changes that our country has undergone because of urbanization and industrialism; changes in the family, from the family as the recognized center of child upbringing to a considerable degree of substitution of other agencies; from small, self-sufficient farms to tremendous factories; from individualism and self reliance in business to a paternalistic attitude on the part of the government. These changes, and Taft mentions many more, have made America rich and powerful, but they have also left evils in their wake.

After Taft had indicated the characteristics of American society, he turned his attention to the prestige groups, lawyers, business men, labor unions, sportsmen, who by their example influence the prevalence of crime by setting behavior patterns which are emulated by others. He singles out instances of greed and exploitation, the strife between labor and capital and the commercialization of sports.

In the next chapters, Taft considers the crime problem from various aspects. He discusses minority groups like the Negro and the immigrant; economic influences; the family; the community; juvenile and adult gang; white collar crime;

the influence of the media of communication and finally drug addiction and sex crime. The phenomena of crime, white collar, juvenile, sex or anything else, is pigeonholed through his culture concept. In speaking of the juvenile gang, Taft says,

The conditions which ultimately account for the prevalence of the gang and some of its criminogenic characteristics are embedded in our culture.... The slum which produces the gang is a by-product of our economic and social system. It is true that gangs are conflict phenomenon, and that some of their superficial values are directly opposed to those of the community. Yet the most basic values in our culture are accepted by both gang and the larger society.... Materialism, individualism, and competition are common to the gang and the society upon which it preys.⁷

In a similar way Taft explains racketeering and white-collar crime. "Our basic culture thus implies exploitation. The form it will take is determined by subgroups, and association in these groups may be called by Sutherland's term, differential association. Thus the significant source of crime, both white-collar and 'no-collar,' is the general culture. It is the same as the source of all exploitation. Such at least is our hypothesis."⁸

His explanation of drug addiction is certainly noteworthy. "Our culture produces relative failures. One escape from the reality is by way of drugs. Hence, our culture produces drug addiction. But some of our laws--also expressions of our culture--seem to make the situation worse."⁹

Prostitution is also a by-product of American culture. "Prostitution expresses in part the profit-making interest in our culture."¹⁰ Taft explains

⁷Ibid., p. 231.

⁸Ibid., p. 256.

⁹Ibid., p. 307.

¹⁰Ibid., p. 327.

this by saying that all the individuals concerned follow the larger pattern of struggle for material gain. Although prostitution may reflect our culture, he believes that certain changes in our culture, the new sex morality, will prove fatal to its existence.

Finally after this long build up of his theory, Taft spells it out very clearly in the short (twelve pages, the shortest chapter in the book) Eighteenth Chapter, "A Tentative Theory of Crime." This is the way he summarizes his theory.

Given a culture dynamic, complex, materialistic, admiring the successful in a competitive struggle but permitting many to fall short of success, relative failures will collect in its slums and there develop patterns of behavior hostile to the interests of the general community, but in harmony with the community's basic values. Assume such a society nominally approving democracy, but in practice rating its members not because of their individual virtues but because of their accidental membership in not-all-inclusive social groups such as races, classes, nationalities, or cliques. Destroy in such a culture primary group controls which prevent serious departure from approved traditional patterns. Develop in such a culture, through processes of social change, a confusion of tongues in definitions of morality, hypocritical rationalizations as to contrasts between the criminal and the noncriminal, the dangerous and the nondangerous. Permit white-collar criminals to receive but mild punishment and no loss of status. Permit also gigantic social swindles and injuries to the body politic to go unpunished while no more serious injuries, classed and treated as crime, result in severe punishment. Provide that often the power of the fix or the fear of political loss to those in power shall permit escape from punishment. Assume in this culture a holdover of frontier traditions involving approval of the use of force and mob action by "respectable" groups against those who oppose their interests or arouse their hostile prejudices. Grant the prevalence in that society puritanical traditions preventing the legal or "moral" expression of basic sex and other drives --traditions to which lip service continues to be given long after large minorities, at least, cease to follow them in their behavior. Create thus a great gulf between precept and practice. Give prestige and important pattern-setting roles in that society to groups with rather unsocially oriented values which not infrequently are exploitative.

Assume, in spite of all this, great faith in law as being effective to regulate behavior so that the scope of law is extended to forbid

satisfactions that are in wide demand. Observe in such a culture, not only a competitive spirit and exploitation tending to restrict what one's fellows shall "earn," but tendencies to strive through gambling and other nonsocial practices to obtain something for nothing. Involve in this situation important social institutions of family and church so that the sincerity and moral significance of their influence is brought into question. Make education their subservient to preparation for participation in competitive nonsocial activities, rather than furthering the socialization of children....

Such a culture will undoubtedly have a different behavior significance for the slum dwellers than for those who live on the boulevard, for the child from the broken home than for the child in the whole home. ... By and large, it is our contention, such a culture must expect considerable crime which can be attributed basically to its own inherent qualities.¹¹

The conclusion to the above follows a few pages later when Taft says:

Our own position is that of a tentative determinism. Because such facts as we have today favor the theory that man's behavior is determined by pre-existing conditions beyond his control, we proceed tentatively upon that assumption. This does not, of course, imply that the criminal or anyone else is wholly passive. He is a part of an interacting whole, and influences others as he is himself influenced. But the nature of this influence can be explained. Those who prefer to conceive of man as an active element in a common growth process must agree that he is a very minor and dependent part of the interacting whole. For all practical purposes he appears as a product. Nor is it true that this type of determinism precludes preventive programs. They become part of the process. Not only do we change the process; we cannot help but change it as our increased knowledge impels us to act differently than we acted in our ignorance.¹²

Once arrived at this position, Taft proceeds to see whether the proofs for free will will hold up under his analysis. Actually, the five proofs that he gives are scantily presented. Of course, he sets the arguments up and then easily knocks them down. The argument for free will from consciousness, according to Taft, is proved by the fact that a man can make simple decisions,

¹¹ Ibid., pp. 341-342.

¹² Ibid., p. 345.

like choosing between cherry pie and mince pie. Taft claims "that such experiences are merely the registering in consciousness of tension produced by the conflicting emotions resulting from opposing desires, the stronger of which ultimately wins the victory."¹³

Another argument for free will runs this way. Since punitive justice sometimes deters, therefore, the criminal could have refrained from the crime. Taft replies that this is an argument for the determinists, "since it shows that altering the situation by associating crime with potential punishment correspondingly alters behavior."¹⁴

The argument from the consciousness of guilt cannot prove free will, Taft says, because, "This argument shows ignorance of the fact that shame is relative to the group.... The sense of guilt is a group product."¹⁵

A fourth argument for free will is based on the fact that crime is never predictable, therefore, man must be free. Taft asserts that criminology is still an incomplete science, but daily social scientists are finding that the criminal is the result of antecedent conditions. Yet, anyone holding free will as an explanation for crime "lives rather in a chaotic or inherently mysterious world. The reasonableness of the hypothesis that crime results from the interaction of innumerable factors is better established with each new bit of criminological research."¹⁶

¹³Ibid., p. 343.

¹⁴Ibid.

¹⁵Ibid., pp. 343-344.

¹⁶Ibid., p. 344.

The fifth argument for free will, according to Taft, comes from the new physics and mathematics. Scientists are discovering the principle of uncertainty in the organization of the atom and the movements of the electron. One might conclude that human actions are not predetermined. However, Taft does not think that this finding in the field of physics will hurt his theory.

Taft keeps hitting away through the rest of the book that the criminal is a product and that the free will doctrine explains nothing. He says in one place, "Perhaps the most basic change needed in the interest of crime prevention would be the incorporation in our culture of genuinely scientific point of view which sees criminals and noncriminals as products."¹⁷ In another place he complains that the social sciences have not been accepted and "that scientific viewpoint, which sees the criminal as a product. ... But the view that these criminals are self-generated and individually responsible for their behavior dies hard."¹⁸ More of the same could be quoted, but the idea is still the same, the criminal is a product, a product of our culture.

Such a theory as Taft's has been proposed, first of all, because of the insufficiency of the free will doctrine. Free will, according to Taft, has been proven to be a myth by many of the social scientists. There is another reason why Taft proposes this theory. It seems to fit with the findings of criminologists:

Such a theory of crime owes much to the research and analyses of other criminologists. In considerable degree it is intended to synthesize them. Sutherland's theory is couched in general terms of disorganization

¹⁷Ibid., p. 756.

¹⁸Ibid., pp. 41-42.

of society and differential association of the individual criminal. Certainly these concepts are helpful in explaining much crime. It seems to us, however, that crime and social disorganization itself grow out of values about which our society is organized. Also it appears that a considerable amount of crime exists independently of criminal association. William Healy's theory is in terms of the thwarted desires of children which produce mental conflicts from which they attempt to escape. Escape need not be into crime, but if escape will be into criminogenic association as in a gang, crime will result. Thus Healy, stressing the emotional source of crime, yet recognizes the influence of association as well. Certainly many children behave as Healy indicates, but many other children behave by rushing gladly into the gang and criminalistic association without any evidence of emotional tension. Sheldon and Eleanor Glueck stress innate or acquired tendencies toward delayed maturity, but these they have studied as factors in recidivism rather than in the initiation of delinquent careers, although it is understood that study of the latter type is in process. Bonger's emphasis on the basic influence of the capitalistic system is similar to our own in its reference to the normal social system. It differs radically in its almost exclusively economic orientation. Healy's and Glueck's theories can hardly explain the white-collar criminal. Bonger's and Sutherland's may at least contribute to that explanation. It is felt that the cultural theory of crime we have outlined will explain all types of crime and noncriminal exploitation as well. The subject is controversial, however, our theory of crime is tentative.¹⁹

In brief Taft holds to a theory of cultural and social determinism which explains the criminal as a product. He does away with an individualistic explanation of crime and believes that the origin of crime must be sought in the value systems of the culture. All, criminal and noncriminal, are products of past experiences. If the criminal is not considered as a product, if one still adheres to a philosophy that man is a free moral agent, then, for Taft, there is no scientific criminology, no place for criminology in the treatment of criminals.²⁰ This point will be taken up in a later chapter, like the others that have arisen in this chapter.

¹⁹Ibid., pp. 340-341.

²⁰Ibid., p. 278.

CHAPTER III

IMPLICATIONS IN THE THEORY

Without attempting as yet to evaluate or criticize¹ the implications in Dr. Taft's theory, the author wishes first to point them out from Taft's own correspondence and works.

In a reply to Father John Coogan, S.J., former Chairman of the Department of Sociology at the University of Detroit, which appeared in Federal Probation, Taft has this to say.

Fr. Coogan and I must have had somewhat different life experiences. These seemingly account for any differences in our respective philosophies of life. Such differences seem to explain why he plumps for free will, I for determinism; he for a view of morals as absolute and permanent, (1) I for one which sees values as changing with time and varying from place to place; he for ethics as part and product of religion, (2) I for some distinction between religion and morality; he for unqualified praise of the influence of the church on crime, (3) I for the discovery of its influence both toward and away from crime; he for the retention of supernaturalism, (4) I for the recognition of the universal operation of principles of cause and effect as governing human behavior. A few of these differences in belief seem to Father Coogan and to me to be basic. So far as my very limited space permits, I shall not minimize them.²

Each one of these points: relative morality, morality separated from religion, religion as a cause of crime and the universal operation of cause and effect governing human behavior, shall be discussed. One other point shall be added, the substitution of treatment instead of punishment and the removal of personal

¹A criticism of Dr. Taft will be treated in the next chapter.

²Donald R. Taft, "Reply to Father Coogan," Federal Probation, June, 1952, p. 27. The brackets have been inserted by the author.

responsibility.

Dr. Taft is not at all shy in proclaiming this relative morality which he believes will greatly help man become adjusted to social living. There is no mistaking his ideas on the subject. "In a changing culture the school can hardly teach an absolute morality."³ In another place he points out the error of the utilitarians by saying, "Moreover, the utilitarians overstressed the rationality of human behavior and neglected the social basis of morality and motivation."⁴ To highlight this idea that the group sets the norm of conduct, he explains, "but morality is a group product and the church is but one of the groups from which morals are derived. Moral values are implicit in group life."⁵ It is in speaking about sex delinquency that Taft especially advocates relative morality.

The study of comparative ethnology has shown that sex morals have varied with the nature of the culture-that morals vary from place to place. The history of sexual ethics has shown that within the same culture what has been deemed right at one period has been labeled wrong at another and vice versa-that morals vary from time to time. These two discoveries (improved communications and study of ethnology-mine) have challenged the concept of absolute morality, and substituted for it the notion that morality, thought vitally important, is relative to the situation and the group. Changes in religious beliefs have weakened the religious sanction for morality.⁶

The topic of masturbation receives interesting treatment from Taft. "Masturbation is a habit indulged in almost universally at least for a time, excessively feared by adults, without deleterious effects in itself unless excessive,

³Taft, Criminology, 3rd ed., p. 700.

⁴Ibid., p. 362.

⁵Ibid., p. 274.

⁶Ibid., p. 318.

yet often important as a source of behavior difficulties because of the strong social disapproval attached to the practice. Like many other habits, it is an attitudinal problem in the sense that it would largely cease to be a problem if attitudes toward it were changed."⁷

There should be no doubt in the reader's mind that Taft is a moral relativist, that the concepts of right and wrong are products of group experience and that they vary from time to time and from group to group. Because Taft holds to a cultural theory of crime causation, that the criminal is just a product of group experiences, it is natural that Taft hold a moral relativism.

A second implication of Dr. Taft is a natural consequence of the first, namely the separation of morality from religion. Dr. Taft would want to hold that morality is, and has to be separate, from religion. Morality is a group product. The question might be asked, what does Dr. Taft think about religion? Another question that could be raised would be, what religion does Dr. Taft hold? He answers the first question this way.

Among the myriad of definitions of religion, two types seem to stand out. Religion is thought of, on the one hand, as a matter of belief or creed; on the other, as a matter of ethics or ideals. But it seems that to make religion a matter of ideals confuses it with ethics or morality. Religion becomes a term for a distinct human experience when it is defined as an emotional reaction to the unknown (James T. Shotwell, The Religious Revolution of Today, p. 102) some would say to the unknowable. So defined, religion is always in some measure supernaturalistic. Religion so defined has significance for morality, for it may sanctify morality for the believer, but it is not in its origin identical with morality or idealism. Man's morals, however, are the patterns of behavior which his groups approve. One of these groups is his church. In so far as a man believes that a code such as the Ten Commandments has a supernatural sanction, his morality may have a religious source. But morality is a group product, and the church is but one of the groups from which morals

⁷Ibid., p. 685.

are derived. Moral values are implicit in group life.⁸

Dr. Taft answers the second question regarding his religion this way; "I was brought up as a Congregationalist in a fundamentalist type of church in Worcester, Massachusetts. Recently, I have been affiliated with the Unitarian church. I like to call myself a 'Christian agnostic,' but the term may not be in accordance with the orthodox definition."⁹

In the light of these two answers, the pattern of Dr. Taft's thinking should be quite clear. Society or the groups to which an individual belongs is the chief reality. Hence, everything is evaluated in terms of the group. That is equivalently saying that society confers human nature on the individual and, since it performs this important function, has also the right to determine right from wrong for the individual. Society then becomes the norm of morality.

A third implication in Dr. Taft's theory, admittedly a possible help to crime prevention, is a cause of crime. Dr. Taft singles out first the insincerity of some of a given religion's membership as being an influence for crime. "Loss of confidence in the membership or leadership of the church may turn the church's moral influence into a demoralizing one. This loss comes about especially when it is discovered that some of those who continue to teach church doctrines have ceased to believe in them themselves."¹⁰

Next he points out the church's stand on morality, and the effect this stand has on crime:

⁸Ibid., p. 274.

⁹Letter to the author, no date. Received in 1957 from Dillard University.

¹⁰Taft, p. 281.

The church has traditionally insisted upon full repression of sex impulses as evil in themselves. It has urged that those who depart from conventional sex codes be prosecuted as criminals. Injurious results have been mental conflicts, feelings of inferiority, sense of guilt, and loss of social status due to violations of the code....

The impossibility of dealing adequately with so-called perversions, both in society generally and in institutions, grows partly out of this same church-sanctioned sex morality.

Similarly, delinquency due to shame over illegitimate birth, as well as the loss of status of the unmarried mother and her inability to care for her child, are rooted in this church morality.¹¹

Dr. Taft sums up his case against religion by showing that religion and the church have always been staunch defenders of the free will philosophy. This, for Taft at least, is another way in which the church leads to crime.

Throughout this book we have stressed the need for recognition that criminals are products if we are to prevent their production. Against the quasi-deterministic philosophy implied in such a recognition, almost every church in the United States has stood opposed. Without free will, all doctrines of redemption, salvation by grace, and so on would be meaningless. As a candidate for religious grace, the criminal must have had the capacity to act differently than he did. Some hold that the resistance of the church to deterministic philosophy is the most important and basic way in which religion or the church are factors in the causation of crime.¹²

A fourth implication that Taft keeps hitting away at is the 'universal operation of principles of cause and effect as governing human behavior.' Criminology will never get anywhere if it does not adapt this scientific view, this positivistic view. Towards the end of his book he gives us his plan:

The view that the criminal is a product is merely a special case of the more general view that all understandable phenomena are products. Acceptance of that viewpoint has resulted in marvelous human achievement. It has meant the application of science to physical, chemical, and other problems. Similarly the partial conquest of physical disease and still more

¹¹ Ibid., pp. 282-283.

¹² Ibid., p. 283.



partial conquest of mental diseases have been dependent upon the progress of science. Criminology as an application of psychological and social science directs the same viewpoint and methods toward the solution of moral or behavior problems. Society has been rather slow to accept the view that behavior problems are fully subject to the law of cause and effect. Man cherishes his sense of freedom from cause. But such progress as we are making toward the solution of the crime problem seems to result from gradual and partial acceptance of the sway of cause and effect in the human realm.¹³

In other sections of the book he laments the fact that this scientific attitude has not made more progress, but he believes that this only a temporary situation. Just as soon as the shackles of the free will doctrine have been thrown off, then can criminology take on the truly scientific view. "There can be no criminology except to the extent that the criminal is a product."¹⁴

A fifth implication, one which was not listed in the opening quotation, but which naturally follows, involves the concept of punishment and personal responsibility. What does an admittedly quasi-deterministic theory of causation mean for punishment and modern penology? The reader perhaps has the answer. If the criminal could not have performed any other act except the one he performed, why should he be punished? The criminal is a product. "When behavior is seen as a product of experience," Dr. Taft correctly reasons, "the rational basis for blame disappears. One is then able to go about constructively to reduce the conditions which account for crime, punishing regretfully when necessary for immediate social protection, but with malice toward none."¹⁵

Taft believes that with the acceptance of determinism there will develop

¹³Ibid., p. 758.

¹⁴Ibid., p. 278.

¹⁵Ibid., p. 283.

an atmosphere of understanding and harmony towards those who commit crime. No longer do we need to hate people.

If such a conclusion is debatable, it is demonstrable that acceptance of determinism relieves us of the basis for hate feeling toward those who injure us. Formerly we hated the mentally diseased. Now, knowing them to be products, we rather try to cure them. Discovery that criminals are products does not wholly eliminate emotional reactions against them. For man is an emotional animal, though capable of rational behavior. Moreover, when the criminal is in action, we must perforce protect ourselves against him. Nevertheless the most significant product of deterministic criminology-and in the last analysis that is the only kind there is-is the discovery that, to the extent we can act rationally, we don't need to hate people any more.¹⁶

Basic to this idea that we no longer need to hate the criminal is that the criminal is no longer responsible for his act. In fact, Taft does away with the idea completely. "That search for degrees of responsibility which characterizes the work of courts with the supposedly criminally insane also becomes futile. To the determinist the mentally sound are no more responsible than the mentally unsound. In the treatment of criminals, determinism substitutes Ferri's concept of accountability for the traditional concept of responsibility."¹⁷

Excoriating the neoclassical principles still operating in the treatment of criminals, Taft proceeds to give us his conception of the "new penology." "Most men do not yet usually deal with human behavior and moral problems as the consequence of all that has gone before in the lives of those who 'misbehave.' We still punish primarily for vengeance, or to deter, or in the interest of a 'just balance of accounts between 'deliberate' evildoers on the one hand and an injured and enraged society on the other. We do not yet generally punish or treat as

¹⁶Taft, "Reply to Father Coogen," p. 30.

¹⁷Taft, p. 347.

scientific criminology would imply, namely, in order to change antisocial attitudes into social attitudes."¹⁸ Dr. Taft outlines briefly the "new penology" as he sees it:

1. A penal or treatment policy which shall always look upon the criminal as a product.
2. One which shall distinguish between the need for repression when dangerous criminals are in action and deeper levels of the crime problem where more constructive methods are requisite to social protection.
3. Treatment adapted to the individual case.
4. Treatment utilizing as fully as possible the group approach, because the criminal is seen as largely a product of his group relationships.
5. Treatment recognizing that crime is also rooted in the very nature of the general culture of which both criminal and noncriminal are a part.
6. Treatment which nevertheless calls upon every pertinent science to cooperate because crime is seen as a synthetic product varied in origin.
7. Treatment which shall incorporate much that is appropriate and effective in specific existing practices and policies of the indeterminate sentence, probation, parole, reformatory treatment, and the like, but which will suggest changes in such policies where they appear ineffective or inconsistent with a scientific approach.
8. Organization of correctional institutions as communities with as much contact as feasible with cooperating communities on the outside.
9. In general, treatment which aims both at adjustment to society as it is and socialization of inmates which provides values even more social than those which characterize American Society.¹⁹

From the foregoing it can be easily shown that Dr. Taft would not want to retain the death penalty. He says that "only absolutely incontrovertable evidence that the abolition of capital punishment will mean a significant increase in murder would suffice to justify its retention. The evidence, to say the least, is not incontrovertable."²⁰

¹⁸ Ibid., p. 359.

¹⁹ Ibid., p. 360.

²⁰ Ibid., p. 374.

In these few pages outlining the implications of a deterministic theory of causation, the reader shall have seen that Dr. Taft has been quite consistent, quite unequivocal in his position. After one grants the validity of determinism, the relativity of morality, its separation from religion, religion's causal influence on crime, the universal application of the laws of cause and effect and finally the treatment of criminals rather than punishment necessarily follow. In the determinist's position and theory one can easily detect an over-emphasis on the importance of society. Society, not God, becomes the absolute in that system. Since society confers human nature, logically it also can dictate the values and norms of human nature. Man then lives for society, and strives to achieve amicable relations with those around him for reasons commensurate with society. Courtesy becomes then man's predominant virtue.

CHAPTER IV

AN EVALUATION OF TAFT'S POSITION

This final chapter purports to evaluate first Dr. Taft's work to the field of criminology, and secondly the element of determinism and its implications to criminology.

Dr. Taft has attempted to give a synthesis to field of criminology. Eclectic that he is, he has integrated in his work the ideas and theories of many criminologists. He has borrowed from men like Sutherland, Bonger, Healy, Shaw, and the Gluecks, to mention only a few. Instead of merely writing up the latest theory or the most recent criminological research, Dr. Taft has tried to give to criminology something that few of his contemporaries in social science have attempted to do. Although one may not agree with some of his statements, the fact that he has attempted to integrate and bring together all the best literature in the field of criminology makes his work a significant contribution.

One feature of his work that deserves a special citation is his fair, yet penetrating and quite incisive, presentation of the criminogenic elements in our society. He cites the materialism, complexity, and dynamism of our society, the growing impersonality in our culture, the survival of frontier values, and the prejudice of many groups. To these many must plead guilty; these all can recognize. The conflict in values, a factor which every sociologist notes, can easily lead one to crime. Whether we like it or not, admittedly there are present certain value systems which can make crime easier. At the same time, it

is clear, knowing these things does not mean that all must become criminals. It is always helpful to know what values people have assimilated from their culture since this will certainly help explain their behavior. Yet, this is not the whole explanation.

One chapter in Dr. Taft's book deserving of special mention here is the one on "The Negro and Crime." Crime statistics show that the negro, about ten per cent of our population,¹ has a crime rate out of proportion to their numbers. What is the reason? Dr. Taft answers, that they are the victims of prejudice, educational handicaps, economic and other forms of discrimination. Few criminologists have treated the subject as thoroughly as Taft. This is another instance where Dr. Taft has shown himself to be of first rate writer seeking truth, rather than an axe-grinder trying to find some prejudice to hide behind.

A fourth factor that makes Dr. Taft's contribution worthwhile is his insistence throughout his work on courtesy and the development of an attitude of social consciousness or interdependence. He stresses the competitive and exploitive values in our culture. Yet, he is not content to make a merely negative criticism of our culture. To replace these competitive tendencies inculcated in youth, he wants developed a sense of interdependence, a recognition of the rights of others. "Interdependence," he says, "makes courtesy in the broad sense of the word-recognition of the rights of others-more rational than self-centered material striving. Actually, however, men in our society seek personal material gain with little concern for others."² A few pages later, courtesy and

¹The percentage of Negroes is higher now. I am following Taft, p. 133.

²Taft, p. 170.

interdependence are spelled out in more detail:

True courtesy, on the other hand, means recognition of the needs, desires, and rights of others. When fully integrated in the personality, partly through experiences and training in the home, courtesy implies the social man. The social man cannot exploit others, because it hurts him to hurt them. Through a process of internalization of this courtesy value, it becomes an integral part of a man's character. Such a man will cooperate and recognize interdependence-local or world-wide-even when no group requires him to do so. There is perhaps no single personality trait which guarantees immunity from crime, but courtesy, so defined, surely is the best protection against crime.³

He introduces the same notion in another context, where he is speaking about the reform of prisoners. "Reformation implies socialization," he says, "a positive desire to cooperate with, rather than exploit, others. Moreover-and this would seem important-reformation requires support of a group, like Alcoholics Anonymous, made up of men who will give status to members who want to overcome a pattern of behavior that the group agrees is undesirable."⁴ This idea of interdependence, if not only rationally recognized but actually practiced, would be a big step forward in the prevention of crime. Dr. Taft has scored a point with this argument, and one can see how it fits into his over-all theory. Society should be the chief value in life, giving its members status, norms, values. It is only logical, therefore, that, in lining up a preventive program, Dr. Taft stresses group loyalty or group interdependence. More will be said about this point later in the thesis.

One final point that makes Dr. Taft's work significant is his concern for penological changes. Although the author may not agree with Taft's reasons for advocating certain changes, still the author can agree on the methods for effecting certain desirable changes. These changes are not necessarily new or

³Ibid., p. 185.

⁴Ibid., p. 589.

revolutionary, but they are indicative of his thinking on the subject.

Like most penologists today he would like to see most of our maximum security prisons depart. He would want each state to have a prison setup similar to the Federal system. In other words he would like to see within each state, reformatories, prison camps, medical centers for addicts, and maybe one maximum security for the more obstinate.

One feature of his penology which deserves mention is his insistence on group therapy. Besides the individualized treatment which is so necessary, group therapy would also be used:

Group therapy in correctional institutions is in an experimental stage and of a variety of types, and seems to be achieving some success. Yet the sociologists feel that the full potentiality of the group approach has by no means been realized. As it exists in our penal institutions, group therapy has rarely taken account of the group origin of crime. It has not been preceded, apparently, by a systematic survey of the past group relations of inmates. Nor has there been careful study of their attitudes, beliefs, codes, and leadership preferences in prison... Little attempt has been made to use natural groups, or groups as nearly natural as possible.⁵

Taft also supports other reforms such as the indeterminate sentence and wiser use of parole and probation. He would also like to see changes in prison labor and education.

Summarily, then, the commendable features of Dr. Taft's work includes his synthetic approach, his successful integration of various theories of crime, his trenchant criticism of our culture, his unprejudiced treatment given Negro crime, his emphasis on courtesy and interdependence, and finally his practical method of group therapy. More could be listed, but these are fundamental.

At this point our attention is focused on the unsatisfactory features of

⁵Ibid., pp. 594,95.

his position. The author thoroughly disagrees with Dr. Taft's position of quasi-determinism. A complete explanation of the author's position on free will is available in an appendix to this treatise. There may be some cases where man is found in some conditions of life that make it almost impossible for him to keep from committing crime. But to say that mankind in general is determined, incapable of performing any other acts besides the ones they do, is difficult to believe. One of the finest critiques leveled against the determinist's position has come from the book of Kvaraceus, The Community and the Delinquent.

Many studies of the cause of delinquency concentrate in atomistic fashion on factors in the environmental background of the child or on factors in his personality. Delinquent conduct can never be explained solely by itemizing causes in either one or the other category. For example, every researcher in the field meets the large family living under the conditions of stress and strain that are generally calculated to produce delinquent behavior-yet only one or two members of the family actually fall by the wayside. Somehow the other three or four children are able to hold their own and come out of the unpromising environment apparently unscathed. In fact, some socially handicapped children, in the struggle for approved social survival, may emerge as better personalities through having overcome, by unusual personal effort, the problems in their home and family life. One potentially destructive home may produce one or two delinquents, while other members turn out to be wholesome and effective citizens.

It is on this point that many studies of the environmental determinists are found lacking. In this interaction process there can be found a "personal or volitional" element which has either been ignored or shrugged off by some investigators. Too much of the writing on delinquency causation seems to imply that the delinquent's personality (his modes of adjustment) is wholly the mechanistic or conditioned reflex product of the forces of heredity and environment. If this is so, then we should be able to predict future delinquent behavior with a high degree of accuracy. Unfortunately, present-day attempts to identify the future delinquent, while brought above the level of pure guessing, are still far from perfect. One of the major factors limiting the efficiency of predictions of future delinquents can be traced to the human element, the personal-volitional factor. The environmentalist must admit that present-day study and treatment techniques, even though carefully planned and carried out with delinquents, are not automatically followed by readjustment and rehabilitation (the result that would be expected if the behaving individual were no more than an inevitable product-reaction). The current trend toward client-

centered therapy in individual counseling as well as in group therapy seems to be dominated by a strong awareness of this personal-volitional factor in the interacting process of human behavior. There is a trend away from direction of the individual and manipulation of his environment toward a self-guidance whereby the subject is aided, through his own knowledge of his problem, to accept and resolve it. Most workers agree, today, that we cannot solve the delinquent's problems for him, no matter how skillfully we may maneuver him and his environment. First we must enlist his cooperation and willingness to meet and cope with his own difficulties. We say: "As much as we may help him (and we must guide and we must try to reduce environmental pressures) only he can solve his own problems."

It is a futile process to look for causes solely in the environment or solely in the personality structure of the delinquent. Delinquent behavior must be viewed as a dynamic and continuous interaction of child personality with the complex array of external forces in home and community. An awareness of this dynamic aspect of the genesis of behavior, delinquent and otherwise, will protect the worker from a sterile preoccupation with the usual listing of causes under the categories of environment or personality make-up.⁶

Every statement Dr. Kvarceus levels against the determinist position in general can be applied specifically to Dr. Taft's theory. It is recommended that the reader glance back over the above passage keeping Dr. Taft in mind. Dr. Kvarceus does not deny the importance of environmental and cultural conditions, but the point he makes is that the individual person is not a mere lump of matter shaped by these forces. There is in man an active volitional element which most of the articulate criminologists either ignore or deny. In their sincere attempt to be scientific, they have unwittingly become unscientific by not accepting all of the data.

Police Commissioner Kennedy of New York City has been pardonably vehement when theoretical criminologists reproach him for his treatment of juveniles. A report of one such occasion: "They say some young punk 'is the product of

⁶William C. Kvarceus, The Community and the Delinquent (Yonkers-on-Hudson, New York) 1954, pp. 45-46.

his environment.' Well, who isn't? They say 'he suffered a traumatic experience in his youth.' Well, most of us have. They say 'he's the victim of a broken home.' Well, there are lots of kids from broken homes who didn't become vengeful and take it out on someone else. We've got away from the sense of individual responsibility and free will."⁷ Similarly Lois Higgins, in her latest book, Criminology and Crime Prevention, levels an attack against those criminologists who speak of the "delinquent society."

The theory that there can be such a thing as a "delinquent society" largely grows out of the determinist position of many criminologists and sociologists.... The statement that the social pressures or norms are sometimes overwhelming may be freely admitted. It may also be admitted that they are very much stronger in their effect on some individuals than on others and that in all cases the social climate of social objectives and processes is influential. There are cases it must also be admitted when the free determination of the individual delinquent or of the normal aggressive person is greater than the social forces, and they use them for their own ends. This may prove to be the case even in situations where the individual is seemingly the victim of circumstances... It is quite obvious that the only entities which can be delinquent or criminal are human beings.... There is a climate of opinion in communities or societies that is created by individual leadership or as a result of general indifference. There are certain values set up in communities. These are pervading influences contributing to human behavior. There are what are called "delinquency-provoking patterns." In a competitive society where success, wealth, status, power, and prestige are emphasized, failure and frustration may and do in individual cases lead to delinquency or crime....

There is in no strict or realistic sense a "delinquent society." There are societies which because of the individuals and the leadership have conditions which will be likely to stimulate individuals to commit unlawful acts. As in so many cases these are conditions, not causes. While some succumb, many will lead moral, useful lives, be law-abiding citizens, and even try to change the conditions. This of course is no reason for social groups, their members and their leaders to "rest on their oars." A society may not be called delinquent, but its members may properly be called neglectful, indifferent, without public spirit, complacent, ignorant, and a whole list of adjectives referring to social conditions which stimulate delinquency. But these conditions do not of necessity

⁷"Strong Arm of the Law," Time, LXXII (July 7, 1958), p. 17.

cause delinquency.⁸

Thus, do such professional theorists and practitioners as Dr. Kvarceus, police commissioner Kennedy and Higgins insist on the same thing. They realize the importance of the environment and the cultural values. They realize much more than just this, however, they see the importance of the volitional element in the individual. These last three quotations emphasize the point that from delinquency areas there do come people living fine moral lives, who are the better for having had to fight against poor environmental conditions. How is it that the determinist criminologist misses this point? It is interesting to see what Dr. Taft thinks of such criticism.

One of the crudest and least justified criticism of studies like Shaw and McKay's is the point often made that neighborhoods and neighborhood disorganization cannot be the cause of delinquency because not all children who live in such disorganized neighborhoods are delinquents. The same type of criticism might be brought against practically any other "cause" parent-child relations, broken home, which are found to help explain crime. Not all of those who have been exposed to them commit crime. It clearly is the combination of many influences, and not one alone, which explains delinquent behavior.⁹

This looks too much like hedging. If Dr. Taft admits a combination of influences in the causation of crime, why can he not admit free will is one of these "causes." He would answer that he can see no scientific criminology if one appeals to such a thing called free will, for that would make the cause of crime unintelligible. Yet Dr. Taft and other determinists realize that there is a quality in human behavior still unknown, which they cannot explain or predict. The mere fact that over the past hundred years criminologists have advanced so

⁸Lois Lundell Higgins and Edward A. Fitzpatrick, Criminology and Crime Prevention (Milwaukee, 1958), pp. 367-369, passim.

⁹Taft, p. 214.

many theories to explain crime seems to indicate that each of these theories may embody some parcel of truth, but not the whole, and that any theory which excludes the element of free will is destined to fall by the way. Elliott in speaking about crime causation says that "What causes crime admits of no easy answer. Many of the theories of criminality have been built upon prejudiced thinking which has militated against any truly scientific approach. No present theory of criminality can be considered final."¹⁰ A few pages later she has a few words which are apropos to this positivistic study of behavior. "Why a criminal commits an offense is a matter involving many imponderables. Mathematical precision has exploded the atom... but human personality is much more complicated than the atom... It is not surprising, therefore, that there are so many interpretations of antisocial behavior."¹¹

At this point let us consider some of the implications of Dr. Taft's theory listed in the previous chapter: relative morality, religion and its effects on crime, and the operation of cause and effect as governing behavior.

It is strange that Dr. Taft can spend three or four pages on the influence of religion on crime, yet be so parsimonious in his treatment of religion as a preventative of crime. Leo Kalmer and Eligius Weir state unequivocally that "the convicts who fill our prisons are quite exclusively people who have neglected religion or have not had the chance to practice it."¹² J. Edgar Hoover, Director of the Federal Bureau of Investigation, never tires in stressing the

¹⁰ Mabel A. Elliott, Crime in Modern Society (New York, 1952), p. 383.

¹¹ Ibid., pp. 386-387.

¹² Leo Kalmer, O.F.M. and Eligius Weir, O.F.M., Crime and Religion (Chicago, 1936), p. 34.

importance of religious values in the lives of youth in the publications issuing from his office. He recognizes the fact that the present juvenile jungle has resulted from insufficient spiritual and moral training. The youth today can not be expected to obey the civil laws or the laws of society until it respects the teachings of God.

Prison administrators realize the value and importance of religion. Gladys Erickson in her book on Warden Ragen says that "A penal institution is like a home in that its atmosphere is controlled by the attitude of the man at its head. In a home in which the parents are religious, there is a religious atmosphere.... Warden Ragen sets the atmosphere in his prison by his own life. In such an atmosphere, religious guidance, which most of the inmates sorely need, can flourish. It is one of the important points in the Warden's program of rehabilitation."¹³

This problem of religion is definitely linked up with an absolute morality. Mr. Hoover shows an explicit awareness of this relationship: "A youth's intelligence must be anchored in morality-to give him the ability to determine right from wrong, good from bad, the true from the false. The key to good citizenship is the training of youth in the concepts of personal integrity, moral uprightness and respect for law and order. Any education, devoid of such values, is inadequate to meet the needs of the day."¹⁴ In another article, "Crime Challenges the Churches," he says:

Church attendance is a vital factor in the Nation's crime prevention

¹³Gladys A. Erickson, Warden Ragen of Joliet (New York, 1957), p. 203.

¹⁴John Edgar Hoover, "Juvenile Delinquency: An Unconquered Frontier." (Reprint from The Educational Forum (November, 1955), p. 3.

program. While serving as Director of the Federal Bureau of Investigation for more than thirty years, I have been profoundly impressed with the fact that the "church-going people" are the most substantial group of citizens in the nation. Church attendance and crime appear to be like the ingredients of oil and water--they do not mix....

In both the church and the home, children must be made to understand their individual responsibility for personal conduct. They must gain a personal appreciation of the law of compensation and retribution which is unequivocally administered in the Heavens. Children must be encouraged to acquire sufficient religious conviction to fortify their moral conceptions for later years when selfish aggrandizement, strong personal ambitions, dishonest associates or some other negative influences may seek to entice them into bartering their birthright as honest, forthright citizens for sordid careers of corruption and crime.¹⁵

This seems to be sufficient indication that some experts in criminology think that religion is important not only in rehabilitating the criminal, but also in keeping people out of crime. From a reading of Dr. Taft, one would not get that same impression. He speaks about changing the attitudes of the prisoners, but he does not tell us how. The reader's attention should be focused on a very important issue at this point. Dr. Taft is a theorist. The bulk of his work in the field of criminology has been academic. Except for his summer employment in the Federal Bureau of Prisons in 1943 and a little field research, Dr. Taft has remained close to the classroom.¹⁶ The issue is this; the man who deals day in and day out with the prisoners sees things differently from the criminologist. Calmer and Wei were prison chaplains for more than twenty years. Mr. Hoover has been with the Federal Bureau of Investigation for

¹⁵John Edgar Hoover, "Crime Challenges the Churches," Federal Bureau of Investigation. (April 30, 1956), pp. 1-2 passim.

¹⁶This information is contained in a letter received from Dr. Taft in 1957. We call the reader's attention to the fact that Dr. Taft's first edition of Criminology came out in 1942, a year before his work with the Federal Prisons.

thirty years. Warden Ragen has handled men in prison for more than twenty years. These are the men that see the importance of an absolute norm of morality; these are the men who cling to the idea that religion is a powerful means in the rehabilitation of men. These very same men, also, for some strange reason, press for man's liberty. They recognize the fact that man can know the difference between right and wrong and that in most instances he is capable of choosing which path he wants. Wardens, police commissioners, and others who are in close contact with prisoners are irked when theorists with practically no experience with criminals and inmates become articulate about their ideas. This seems to be a justifiable criticism of Dr. Taft.¹⁷

Another point which is pertinent to this discussion of the idealist versus the practitioner is this issue of group therapy mentioned a few pages earlier. Taft lays great insistence on this as being an excellent means to help the prisoner.¹⁸ Some books in criminology hardly treat the topic. Those who have used it do not praise it as highly as Dr. Taft.¹⁹ Kvarceus pointed out that client-centered therapy and group therapy seemed to be dominated by a "strong awareness of this personal-volitional factor in the interacting process of human behavior."²⁰ Now Dr. Taft, too, the reader will recall, stresses group therapy as being the chief means for socializing the criminal. Does he deny

¹⁷This point was brought up in a discussion with Warden Ragen. Ragen believed that those who wrote text books should have much more practical experience.

¹⁸The reader should turn back to pages 41 and 42.

¹⁹Dr. Roy G. Barriok, criminologist at Joliet-Stateville Penitentiary is one who is doubtful about the efficacy of group therapy.

²⁰The reader should turn to pages 42 and 43.

this volitional element inherent in such therapy? The author's conclusion, after consulting Dr. Taft's works, is that Dr. Taft has ignored it.

One of Dr. Taft's implications was that the concept of free will is destructive of science. He holds that the laws of cause are always operative in explaining human behavior. It has already been indicated how difficult it is to get mathematical precision and accuracy when one studies human behavior. "Why cannot there be a criminology," Fr. Coogan, S.J., inquires, "that observes, weighs, measures, and generalizes about the conditions and factors ordinarily only predisposing to crime, and under unusual circumstances even causing it? Why cannot criminology be treated as a science of specifically human conduct rather than a cousin-german to physics and chemistry?"²¹ There seems no need to dwell on this point much longer. Man is more than just a stimulus-response machine, something which Dr. Taft seems to make man. Because man does possess free will, no true science of man can be had.

Another point on which the author differs with Dr. Taft is his position on punishment. Shades of Enrico Ferri can be seen when Dr. Taft states that since the criminal is a product, he is not responsible but only held accountable. Certainly no rejects the idea that part of a penal system should consist of rehabilitation. But that course of action does not hinge on the denial of personal responsibility.²²

What have others thought of the work of Dr. Taft? Few writers have said

²¹ John Edgar Coogan, S.J., "Secularism Alien to Our Covenant Nation," Federal Probation, XVI (September 1952), p. 44.

²² For a good coverage on the point of punishment and rehabilitation the reader may consult Pope Pius' XII article "Crime, Punishment, and Rehabilitation," The Pope Speaks, II (First Quarter), 17-39.

little except for an occasional reference. No mention was made of Dr. Taft by Reekless, Sutherland, Cavan, Gillin, Elliott, and Barnes. They may quote from earliest articles of Taft's but that is about all. It seems that his approach has been ignored by the leading criminologists of the day. Robert Cardwell criticizes Taft for mixing his ethics with his sociology. "Taft, for example, while acknowledging that explanation is based chiefly on conditions in the United States and admitting that biological and psychological factors must be taken into account, believes that 'crime grows out of a materialistically mined society with its constant striving for prestige and wealth.' This, however, is a hazardous position to assume since it exposes the sociologist to the charge that he is confusing ethics with science and falsely implying that certain values, because of their very nature, can be shown by science to be superior to other values."²³

Taft runs into criticism from Higgins' and Fitzpatrick's book. Because their book is an attack on the deterministic position of criminology, it is only natural that Taft would be cited as an example of the determinist's position.²⁴ He also is criticized for neglecting the important religious aspects of Alcoholics Anonymous while he concentrates on the fact that the group gives status and hope.²⁵

From its outset, criminology has been afflicted with some kind of determinism. From the days of Lombroso down to our own time, Determinism has made

²³Caldwell, p. 178.

²⁴Higgins and Fitzpatrick, pp. 15-16.

²⁵Ibid., pp. 180-181.

deep inroads into the study of criminology. This thesis has been a consideration of cultural determinism. Determinism in the social sciences is far from being a dead issue. In fact, for many social scientists it is a foregone conclusion. This paper singles out Dr. Taft as indicative of the trend in criminology. As is evident from both philosophy and experience, man can and does rise above his environment and culture. Yet the one-sidedness is due in large measure to the failure of Christian philosophers to expose the errors in determinism. One might well wonder if Christian philosophers have kept pace with the advances of the social sciences. Another reason for this one-sidedness is that Christian practitioners in criminology have failed to publish their views and experiences. The author has found very few books in the field of criminology which are based on a Christian philosophy.²⁶ It appears to the author that much more writing can be and should be done to integrate the findings of criminology with the Christian philosophy of man. As John Kane has said, "Today we desperately need a twentieth century Aquinas to do for social science and social philosophy what the Angelic Doctor did for Greek philosophy and Christian theology. But such an integration is impossible while suspicion and distrust of social science prevails."²⁷ One might also add that such an integration is impossible without a thorough knowledge of philosophy and sociology. That this is a difficult task is recognized, but it has to be done. Free will is a philosophical concept but it will be the sociologist who will mark out the extent and limits of the

²⁶The author found Fr. Weir's book, Criminology (1941), and Higgins' and Fitzpatrick's book, Criminology and Crime Prevention, to be the only books with a Christian philosophical orientation.

concept. It appears that Taft has allowed certain philosophical prejudices to hamper his scientific approach.

APPENDIX I

THE SCHOLASTIC DOCTRINE ON FREE WILL

Since Dr. Taft attacks the idea of free will, it is necessary that the scholastic position on free will be presented. No elaborate exposition will be set down. Those interested in a more detailed analysis may consult the adjoining bibliography.

The plan to be followed in this chapter will be first the explanation of freedom of the will, then necessary prerequisites, and finally the usual arguments to substantiate the fact. The more modern and current objections against the will's freedom will then be offered.

One point should be made clear at the outset, since it will not be mentioned in this exposition: it is really not the will which wills, but the man, the person, who wills by means of his rational appetite. To say that the intellect "thinks," and the will "chooses," is more a matter of convenience. The whole person, the "I," does the thinking and willing.

A basic question at this point is whether or not man has a will. If not, there is no need to take up the question of liberty of the will. That man has a will is based on the fact that man has an intellect. For each degree of knowledge there is a corresponding degree of appetite or desire. Consequent upon sense cognition is sense appetite. Likewise, following intellectual knowledge is an intellectual appetite. Perhaps this point can be exemplified. If a hungry man sees a juicy steak, there arises in him a strong impulse and

desire to go out and eat it. If stories of heroism and bravery are related to young men, the desire for fame, glory, and patriotism may arise in these men. Thus we see evidence of two kinds of human apptetion or the tendency towards an intellectually known object.

The usual argument that is proposed runs something like this. Man seems to be endowed with an intellect. From man's activities such as thinking abstractly, the use of symbols, and the power of abstraction, one concludes that man must have a spiritual faculty called the intellect. If man has this spiritual, immaterial faculty which knows the immaterial, it seems reasonable that man possess a faculty which is capable of desiring the immaterial. This faculty which is the will. Everyday experience proves to us that man does go out for objects like glory or fame, or seeks God. Sense appetite alone cannot explain this phenomenon.

Many of those who deny that man has free will deny also that man has an intellect, at least as it is understood by most scholastics. In the field of social science today one cannot overlook the influence of the behaviorists. If one grants to these people that man has no introspective awareness and that he is endowed only with instincts, then it would be reasonable to concede that man has no will.

As regards the object of the will, scholastics are accustomed to speak of a material object and a formal object. The material object is that which attracts the will and the formal object is the particular aspect under which it attracts. To be more concrete, this material object can be any being, since every being has some ontological good. It may be a good dinner, wealth, a particular ideal, such as equality for all, or God Himself.

The formal object of the will is always some intellectually known aspect of goodness. The formal object of the will is goodness in general, regardless of how it is realized in the particular good of any of its material object. In the case of murder the person's motive for murder may be because it seemed good to him at the time, although murder itself is wrong.

Freedom of the will is one of the pivotal points of scholastic philosophy. The will's freedom has ramifications in metaphysics, ethics, natural theology, and cosmology. Man's individual and social life is based on this firm foundation of freedom. For if man's will were not free, our entire educational, social, moral and legal systems must be discarded or revised. The average person is willing to concede the absurdity of the latter alternative.

The doctrine of freedom of the will means "the ability of the will, all conditions for action being present, to decide whether to act or not to act, and whether to act in this manner or in that manner."¹ Another way of saying the same thing is that free will is the power of self-determination. Does this mean that the will is always free? Maher answers this when he says:

We allow most readily, first, that a very large part of man's daily action is indeliberate, and therefore merely the resultant of the forces playing upon him: secondly, that even where he acts deliberately, and exerts his power of free choice, he is influenced by the weight of the motives attracting him to either side; and finally, as a consequence of this, we grant that a being possessed of a perfect knowledge of all the forces operating on a man would be able to prophesy with the greatest probability what course that man will take. But on the other hand, we hold that there are many acts of man which are not simply the resultant of the influences working upon him: that he can, and sometimes does set himself against the aggregate balance of motives, natural disposition, and acquired habit; and that consequently, prediction with

¹Celestine N. Bittle, O.F.M. The Whole Man. Milwaukee, 1945, p. 380.

absolute certainty concerning his future free conduct would be impossible from even perfect knowledge of his character and motives.²

The factors that diminish man's freedom will be treated later in the paper.

What is the nature of this freedom that the will has? Some authors call it freedom of choice or moral freedom. They mean that the will, when it is prepared to act, can act or not act, can act this way or some other way. In order that the will may enjoy this freedom of choice, four conditions are usually set down.

The four conditions or pre-requisites needed for a free act are objective indifference, subjective indifference, conscious attention and finally intellectual deliberation. Should any one of these be absent, freedom would be greatly diminished. The first of these conditions is termed objective indifference. The meaning of this term is that the object of the will's choice must be such that in it there can be found reasons for accepting or rejecting the object. The reason for desiring an object is its goodness or suitability, whereas the reason for rejecting it would be its real or apparent lack of goodness. No object or act is viewed as so completely good that it would determine the will to act in one way and only one way. The intellect must judge, therefore, that an act or a situation is good at least under one aspect although possibly bad under another. As a result of this judgment of the intellect, a conflict of motives arises. The will is torn between two poles of action. If it so desires, it need not act at all. No other faculty of man enjoys such freedom. The sense perceptive faculties, sense appetite and the intellect are so constituted that they must act when they are proximately

²Michael Maher, S.J. Psychology. London, 1919, p. 397.

disposed to act.

A second condition of freedom is subjective indifference. This means that the "will is not determined by its own intrinsic nature--in its deliberate acts--to choose this alternative rather than that."³ This means that something in the internal nature of a thing does not make it act in only one way. Acorns for instance can produce only oak trees not pine trees. By its very nature it can produce only one thing. Subjective indifference comes down to the fact that a decision is based upon indifferent motives, goods apprehended as adequate, but nonnecessary final causes for action. There is not a lack of motives, only a lack of necessity.

Conscious attention is another pre-requisite for the will's liberty. The will desires only what the intellect proposes as good. Obviously, then, anything that interferes with the normal state of attentions interferes also with the proper judgment of the intellect and hence also with the proper act of the will. A man's consciousness is greatly hindered when he is under the influence of alcohol or narcotics.

The final condition for a free act, perhaps the most important, is intellectual deliberation. This deliberation makes one aware of the objective indifference of the particular good before him, or at least of some of the reasons for and against choosing this object. Man has to become aware of the good and the non-good of an object or act. As we mentioned above, no object embodies all goodness in itself except God and even He is not seen as a complete good. Should one so concentrate on an object so that he saw really only one side,

³Raymond J. Anable, S.J. Philosophical Psychology. New York, 1947, p. 196.

there would follow an indeliberate conscious inclination toward this object. Donceel points out that "in psychosis, in severe neurosis, when the mind does not function normally, a person may be unable to see the dark sides of the object: He is 'fascinated' by it; there is no room in his mind for anything but allurements."⁴ He goes on to mention that freedom may be strongly curtailed, and with it responsibility, when the sense appetite or the emotions are so strongly aroused that the object occupies the whole mind and excludes any other object. This can also happen in times of intoxication, drug addiction, great sexual excitement, and extreme fear or anger.⁵

A note should be added to this point of deliberation. The various considerations for and against an act do not arise without one's influencing them. One is more than a mere spectator watching a struggle between motives. A man can strengthen the force of some motives by concentrating his attention on them. He can weaken others by turning his attention away from them. Certainly, environment, circumstances, the laws of association, or one's present state of body or mind will all have their influence. Yet, one can intervene so that he influences one side over another.

The Scholastics use three traditional approaches in proving the freedom of the will. They are the psychological, the ethical, and the metaphysical. The first is based on the direct testimony of consciousness. The second is indirect in character, being based on the analysis of certain mental states and ethical concepts. The third is a more complex deduction from the nature

⁴Joseph Donceel, S.J., Philosophical Psychology. New York, 1955, p. 250.

⁵Ibid.

of a higher mental activity. All the facts needed to demonstrate the will's freedom have been covered. What follows will merely be an attempt to tie up the loose ends and present in a more compact way the arguments for the will's liberty.

Anable sums up the psychological argument this way. "The fact that we can control our attention, that we can and do make decisions between conflicting motives, that despite strong contrary impulses of our sense appetite, we do at times unwaveringly choose to, and actually carry out our resolutions -- all these facts make it unquestionably clear that in some of our actions we freely choose."⁶ In a little different way, but expressing the same idea, Bittle says this. "No matter what the motives and their strength may be at the moment, we can withhold our decision and look for counter motives. All the while we are conscious that this process is perceived to be totally different from the familiar impulsive character of many actions which occur in our life more or less against our will."⁷ Man with his power of reflection realizes that both before, during, and after an act, he could have acted otherwise. Man is aware of this struggle going on within him. Finally he must terminate the struggle.

One point should be brought to the reader's attention. One is not conscious of his free acts as free acts at the moment of their execution. There are some who hold this position. While a man is performing the act and after it has been performed, it could be asserted that it had to be performed, that

⁶Anable, p. 204.

⁷Bittle, p. 385.

no other choice was possible. It is only indirectly that one is aware of the freedom of his actions. One deliberates before taking a decision; he weighs the reasons for and against it; he regrets some of his past decisions and this implies that he should, and by inference, could have acted differently.

If one accepts the existence of a moral order, then the ethical argument can be quite persuasive. There would be no responsibility, no virtue, no merit, no moral obligation, no duty, no morality, no living together with one another, if the will of man is not free. All these things would be devoid of meaning. Bittle cites the following facts from daily life to prove this point.

We experience joy and satisfaction in many of our actions, because we are conscious that we have done something 'morally good' and have 'performed a duty.' On the other hand we experience remorse and repentance, because we have done something 'morally wrong' and have 'neglected a duty.' We feel in ourselves the presence of a sense of obligation and of responsibility. We know that we ought to do something and that it is within the power of our will to do it or not to do it. If we do it, we have the experience of joy and satisfaction; if we do not do it, we have the experience of remorse and repentance. ...Conduct of such a sort, however, involves free will. Without the existence of the freedom of choice in such matters, such an attitude toward our conduct would be both ridiculous and irrational.... Before action, men deliberate, seek and give counsel, exhort and induce others to follow a certain course of action by promises of reward or threats of retribution.⁸

The final way by which Scholastics attempt to prove the will's freedom is of a metaphysical nature. Although this is an a priori argument, it is valid. Anable phrases the argument this way. A person becomes aware of the state of objective indifference or the aspects of both good and non-good in a particular object, course of action, etc. In other words, man perceives in any particular object both its good qualities and its bad qualities. Its goodness is both desirable, but simultaneously its goodness is limited, and hence, not

⁸Ibid., 386-87-88, passim.

compelling.⁹ Because of intellectual deliberation man is pulled in different directions. Neither direction is compulsive because of a lack of goodness. It is, therefore, of the very nature of the will not to be moved in only one direction.

This concludes the brief presentation of the free will doctrine. The approach has been threefold. First, there has been an appeal to consciousness and reflection. Next, the ideas of obligation, personal responsibility, sanctioned and others provided the basis for the ethical argument. The final approach considered the very nature of the will itself. Each object can be desirable and at the same time non-compelling. At this point some of the more popular objections brought against freedom of the will will be treated.

The objections against man's free will are merely different species of determinism. In the first chapter of this thesis some of these were already mentioned. Some of the more popular forms of determinism will be evaluated here.

The most pervasive kind of determinism is biological determinism. Like most errors, this doctrine has a basis in fact, but the conclusion drawn from the factual basis is unwarranted. Biological determinism says that the endocrine glands and the genes play a governing or determining role in our conduct. No one can doubt the influence of endocrine glands on one's personality. One also knows that where there is an endocrine imbalance due to an overactive gland, free will can be greatly impaired and in some cases rendered impossible. One must realize, however, that influence is not the same thing as determinism.

⁹Anable, pp. 198-199.

In the normal individual such imbalance is not the usual thing.

Psycho-social determinism is very popular today. To a degree it has already been treated in the thesis. On the psychological level human drives determine the person. On the social level the person is continually pressured by customs, propaganda and education. It is true that circumstances and the environment can influence the presentation of motives. Man, however, can tend more to one side than another and the side to which he lends his support will prove the stronger. Joseph Nuttin, who has recently written a book in the subject of personality, mentions that there can be no form of reductionism in attempting to explain human behavior and motivation. Nuttin's book is an attempt to play up the cognitive elements in man's behavior, a fact that has been brushed aside by many social scientists. He levels criticism at these over-simplified theories by saying;

Furthermore, the reduction of psychic forces to one single dynamic element has appeared as theoretically an impoverishment, a result of faulty methods and hasty theories. It is essential to see that the whole complexity of human life is involved in the study of human motivation. Nothing is explained by appealing to processes or influences--the influence of culture or the process of socialization--which are themselves only explained by recourse to higher potentialities in the psychic life of the individual man.¹⁰

In another section he says that "To reach a full view of the forces or motives behind human behavior it is essential to include the new and irreducible elements involved in human culture and the process of human socialization. Social influence can never be given as the ultimate explanation because it is the human mind itself that the origin or basis of cultural and social

¹⁰ Joseph Nuttin, Psychoanalysis and Personality: A Dynamic Theory of Normal Personality trans. George Lamb (New York, 1953), p. 255.

construction must be looked for."¹¹

Another objection that is usually brought forward is that one is determined by his dominant inclination. In other words, past decisions determine us. Although the dominant inclination is a powerful influence, it does not have to determine one's acts. This inclination was freely willed and constructed and can be resisted and destroyed. Examples are given of people who have gone contrary to their dominant characteristic. One points to religious conversions like St. Paul or St. Augustine or even to reformed alcoholics. New ideals and values are internalized and these act as motives for affecting the change.

These have been the more common varieties of determinism in our day. They embody some truth, but not the totality of truth. It is the opinion of the author that many of the determinists do not really understand the term "free will." Some would have us believe that man makes decisions quite independent of ancestry and training. One point that has recurred often in this chapter and others is that the environment and one's heredity do have an influence on one's decisions. It is true that a part of man's personality comes from his environment. It is also true that man depends upon society for the furniture of his mind and the satisfaction of his basic psychological needs. This can be said.

Yet the individual is more than a mirror of his environment as he is more than the tail of his heredity. This is just another way of saying that the human being is more than a passive piece of putty. His mind helps to shape his own personality and his environment just as his environment helps to shape his mind and personality. He alone can interpret his own experiences and pull together his personality into an integrated whole. There is in us all an element of free

¹¹ Ibid., p. 248.

will. As he grows older the individual's responsibility for his judgments and actions necessarily increases.¹²

This concludes the brief presentation of the Scholastic position on free will. Emphasis has been placed not only on the external factors of environment and social conditioning, but also on the internal factors, man's mental reaction to the external conditions and the values he has internalized. As long as free will is denied, there can be no adequate explanation of crime.

¹² John Ellington, Protecting Our Children from Criminal Careers (New York, 1948), p. 39.

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APPROVAL SHEET

The thesis submitted by Philip Quinn, S.J., has been read and approved by three members of the Department of Sociology.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

May 10-62
Date

Joseph A. Falloghe
Signature of Adviser